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S.I. No. 247 of 1988 2024.

CANALS ACT, 1986 and 2018 (BYE-LAWS), 1988 2024.

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~~S.I. No. 247 of 1988.~~

S.I. No. xxx of 2024

CANALS ACT, 1986 (BYE-LAWS), ~~1988~~.2024

~~The Commissioners of Public Works in Ireland, in exercise of the powers conferred on them by section 7 of the Canals Act, 1986 (No. 3 of 1986), hereby make the following Bye-laws:~~

Waterways Ireland in exercise of the powers conferred on it by Section 7 of the Canals Acts 1986 and 2018 (No. 3 of 1986 and No. 15 of 2018)) hereby makes the following bye-laws:

1. Citation, Commencement and Revocation

1. (1) These Bye-laws may be cited as the Canals Acts, 1986 and 2018 (Bye-Laws) ~~1988~~ 2024.

(2) These Bye-laws shall come into operation on the ~~11th~~ day of

~~October, 1988.~~ day of 2024

(2) These Bye-Laws revoke the Canals Act, 1986 (Bye-Laws), 1988 (S.I. No. 247 of 1988).

2. Definitions.

2. In these Bye-laws, except where the context otherwise requires—

“**accommodation space**” means the space surrounded by permanent boat structure in which there is provision for any of the following activities: sleeping, cooking, eating, washing, toilet, navigation and steering excluding spaces intended exclusively for storage of fuel, water and supplies, open cockpits with or without canvas enclosures and engine rooms;

“**annual canals permit**” means the permit referred to in Bye-law 38;

“**annual houseboat permit**” means a permit referred to in Bye-law 39;

“**annual registration**” means the registration of relevant boats with Waterways Ireland in accordance with Section 3(1)(m) of the Shannon Navigation Act 1990.

“**Barrow Navigation**” means the river and lateral canal section from Athy downstream to St Mullins.

"boat" includes barge, vessel or any other water craft;

IWAI Comment 1: this is a much simplified and improved definition which we welcome

canal property", without prejudice to the meaning in the Canals Acts, 1986 and 2018 , includes any building, plant, equipment, property or land owned or used by ~~the Commissioners~~ Waterways Ireland in the execution of their duty under the Canals Acts, 1986 and 2018;

"CE marking" means a mandatory conformity marking required in the European Union for regulating the sale of goods that meets European health, safety and environmental standards;

IWAI Comment 2: this is a much simplified and improved definition which we welcome

~~"Commissioners" means the Commissioners of Public Works in Ireland;~~

~~"event" means any event organised on the canal property;~~

"event" means an occasion that may require the use of the navigation and / or navigation property by the public;

IWAI Comment 3: this definition is so broad as to be meaningless and requires further clarification e.g. according to this definition if a member of the public moves a single boat on the navigation it can be seen as an event

"fixed payment notice" means the notice under section 7 of the Canals Acts 1986 and 2018 8 regarding an alleged offence in contravention of bye-laws made under section 7 of the said Acts;

“Grand Canal Barrow Line” means the canal section from Lowtown downstream to Athy.

“heritage boat” is a boat over 25 years old which is of significance because of its intrinsic construction or because of its association with the commercial, cultural, economic, industrial, military, political, **social or other history**;

IWAI Comment 4: removal of the word country has allowed for inclusion of boats from other jurisdictions which we welcome. However we would like clarity as to who will confirm if a boat is a heritage boat.

“houseboat” means a boat on the canals which is being used as a private dwelling;

“master” in relation to a boat, means the person being, for the time being, in command or in charge of the boat;

“natural heritage area” means an area that has been designated as such by way of a Natural Heritage Order under Section 18 of the Wildlife (Amendment) Act 2000, or that, pending a decision by the Minister under section 17 or 18 of that Act, is subject of a notice under section 16 of that Act;

“permit” means a permit or licence issued by Waterways Ireland under Bye-law 3 and section 7(3) of the Canals Acts 1986;

“personal watercraft” (PWC) means a craft of less than 4 metres in length which uses an internal combustion engine having a water jet pump as its primary source of propulsion, and which is designed to be operated by a person or persons sitting, standing or kneeling on, rather than within the confines of, a hull;

IWAI Comment 5: It is our opinion that PWC and fast craft have no place on the canals. The wake from these cause bank erosion and can swamp both greenways and towpaths on both sides

"**polluting matter**" has the meaning given to it by the Local Government (Water Pollution) Act, 1977 (No. 1 of 1977);

“Powered personal transporter” means a vehicle-

- a. Designed and constructed for the carriage of a single person, but not designed or constructed for a person with restricted mobility or for the carriage of goods,
- b. With a maximum unladen weight of 25 kilograms,
- c. With a maximum design speed of no less than 6 kilometers per hour and no greater than 25 kilometers per hour, and
- d. Equipped with an electric motor having a maximum continuous rated power less than or equal to 0.5 kilowatts;

“serviced houseboat mooring” means a mooring designated by Waterways Ireland to the houseboat owner. The mooring will have a hard edged floating or fixed structure and be provided with access to electricity and water on site, and with pump-out facilities nearby;

IWAI Comment 6: what is meant by ‘nearby’? WI appear to consider a half day travel each way as an acceptable distance to a pumpout. A serviced mooring should have this service local to the mooring.

“Shannon Navigation” means the Shannon navigation as defined in Section 1 of the Shannon Navigation Act, 1990 (No. 20 of 1990);

‘suitable personal flotation device’ as defined in S.I. No. 400 of 2018 - Pleasure Craft (Personal Flotation Devices and Operation) (Safety) (Amendment) Regulations 2018 means a personal flotation device which—

(a) is sufficient to give a person using it a positive buoyancy in waters which are likely to be encountered where the boat on which it is required to be used or to be available for use is reasonably likely to be,

(b) is appropriate to the body weight of the person who is to wear it, and

(c) has on it either—

(i) the CE conformity marking consisting of the initials ‘CE’ taking the form shown in the specimen in Annex II of Regulation (EC) 765/2008 of 9 July 2008, or

(ii) the mark of conformity in the form of the symbol set out in Annex I to Council Directive 2014/90/EU of 23 July 2014”;

"**underway**" in relation to a boat means a boat which is not at anchor nor made fast to the shore nor aground.

"visitor's permit" means a permit referred to in Bye Law 38 which may be issued to a boat to visit the canals for up to 60 days.

3. Issue and revoking of permits.

3. (1). ~~The Commissioners~~ **Waterways Ireland** may issue permits to authorise and regulate the use of boats on the canal property.

(2) Permits may contain such reasonable written conditions as **Waterways Ireland** ~~the Commissioners~~ think fit.

(3) Permits shall be for stated periods, **locations** or journeys.

IWAI Comment 7: what is meant by journeys here? New permits surely are for locations or duration i.e. annual or 60 day visitors

(3) Permits may be revoked or withdrawn by ~~the Commissioners~~ Waterways Ireland.

IWAI Comment 8: This should include a list of valid reasons for revocation of the permit

(5) ~~The Commissioners~~ Waterways Ireland may, at ~~their~~ its discretion, decline to issue any permit.

(6) Where ~~the Commissioners~~ Waterways Ireland propose to revoke or withdraw a permit ~~they~~ it shall, subject to paragraph (7) of this Bye-law, serve notice on the owner of the boat.

(7) Where it has not been found possible on reasonable enquiry to ascertain the name and address, or to locate the owner, or where the boat, in the opinion of ~~the Commissioners~~ Waterways Ireland or any of ~~their~~ its authorised officers, is or is likely to become or create an obstruction or danger to the canal property or other users or is likely to deposit or discharge any offensive or polluting matter on to any part of the canal property, ~~the Commissioners~~, Waterways Ireland or any of ~~their~~ its authorised officers, may withdraw or revoke the permit without prior notification to the owner.

(8) Any boat on canal property which is without a valid permit but is being used for a purpose for which a permit is required under these Bye-laws may be removed and stored by, or on the authority of, ~~the Commissioners~~ Waterways Ireland.

(9) The owner or master of the boat shall ensure that the permit, licence number, boat number, identification disc issued by Waterways Ireland shall be displayed in such a manner on the boat as to be always legible from the canal bank during daylight hours.

IWAI Comment 9: Will WI issue 2 copies, of whichever method is decided upon, to be displayed on both port and starboard, as this is the only way to ensure visibility from the canal bank

4. Construction and safety measures on boats.

(1) No person shall navigate or moor any on the canals unless such boat and the equipment thereof shall be maintained in good and efficient working order, and shall be such and so maintained that no danger is liable to be caused thereby to any person or property.

(2) Without prejudice to the generality of paragraph (1) of this Bye-law, the owner of each boat used on the canals shall ensure that—

(a) all steering gear is maintained in good and efficient working order and is properly adjusted;

(b) each boat is constructed and maintained in such a condition as to prevent to such extent as is reasonably possible the emission of any exhaust gasses the emission of which might cause damage to persons or property or to the environment, or endanger the safety or health of any user of the canals;

(c) all fuel tanks and all apparatus supplying fuel to the engine of a boat are—

(i) of sound construction and adequately vented and have suitable provision for the prevention of spillage of fuel into the boat or canal property; and

(ii) placed as far as practicable away from the engine, the exhaust pipe and any cooking or heating appliances;

(d) all fuel supply pipes are fitted with a valve designed to shut off the supply of fuel between the tank and the engine;

(e) all joints and cocks are easily accessible and maintained in such a manner as to eliminate the risk of fire from leaking fuel;

(f) all electric leads shall be adequately insulated and protected and so placed that they cannot cause any danger;

(g) each boat with a fixed engine is equipped with a master switch capable of switching off all power to the engine and that each such switch shall be fitted as close as practicable to the terminals of the battery of the boat.

(h) A toilet fitted to a boat shall be so constructed and fitted as to prevent polluting matter from being discharged or passing into the navigation.

(i) At least one CE approved Carbon Monoxide alarm shall be installed and maintained in working order on all boats that have an accommodation space.

(j) At least one CE approved smoke alarm shall be installed and maintained in working order on all boats that have an accommodation space.

IWAI Comment 10: This should be reworded to 'fire detection alarm' to include both smoke and heat detection alarms

(k) All open boats fitted with an engine and Personal Watercraft must have an emergency stopping device (kill cord) fitted and attached to the operator while underway.

IWAI Comment 11: A very sensible inclusion, which we welcome

(l) The Master of a boat shall ensure that said boat does not carry onboard more passengers and crew than is permitted by the boat manufacturer and as stamped on the Watercraft Builder's Plate.

(3) Every boat on the canals shall comply with the requirements of Statutory Instrument No 65 of 2017 - European Union (Recreational Craft and Personal Watercraft) Regulations 2017 and Statutory Instrument No 217 of 2017 - European Union (Recreational Craft and Personal Watercraft) (Procedures for Watercraft Identification) Regulations 2017 and Statutory Instrument No 288 of 2023 - European Union (Recreational Craft and Personal Watercraft) (Amendment) Regulations 2023.

IWAI Comment 12: It is our understanding that legislation cannot be applied retrospectively, and that this clause only applies to boats constructed after 2017. This needs to be clearly stated.

(4) All boats carrying high voltage electrical installation (i.e 220v or 110v) shall have an on-board marine isolation transformer fitted and in operation.

IWAI Comment 13: This additional requirement is unacceptable. These units are heavy, expensive and must be fitted close to the shore power inlet which will not be possible on some smaller craft. They will do nothing to improve the standard of wiring on board boats and as we cannot recall one incident on the inland waterways where a swimmer received an electric shock from a boat connected to shore power, this seems overkill

5. Equipment of boats.

5. (1) The master, owner or person in charge of a boat used on the canals shall ensure that the boat is equipped with—

(a) bow and stern mooring lines suitable for the tonnage and length thereof and of sufficient length and tensile strength to moor the boat securely;

(b) a suitable anchor, where it is appropriate to the type of boat, and a cable, chain or hawser for use with the anchor;

(c) sufficient fenders to prevent damage to other boats using the canals, or to canal property;

(d) a sufficient number of life buoys and ~~life-jackets~~ Personal Flotation Devices for all those on board.

(2) The owner of every mechanically propelled boat used on the canals shall, in addition, ensure that the boat is equipped with

(a) an efficient exhaust silencer, and

(b) a good and efficient means of reversing.

(3) (a) The master of a boat (other than a personal watercraft) shall ensure that all persons wear a suitable personal flotation device while on board an open boat or while on the deck of a decked boat, other than when the craft is made fast to the shore or at anchor.

(b) The master of any boat (other than a personal watercraft) shall ensure that a person who has not attained the age of 16 years wears a suitable personal flotation device while on board an open boat or while on the deck of a decked boat other than when it is made fast to the shore or at anchor.

(c) Every person on a personal watercraft shall always wear a suitable personal flotation device while on board or being towed in any manner by a personal watercraft or any type of boat.

(4) The requirement to wear suitable personal flotation devices does not apply to rowers in boats which are:

(a) designed and specifically used for rowing in boat races and which are capable of being entered into regattas or other events recognised by the Irish Amateur Rowing Union, and

(b) of a design and type in respect of which events are held in the Olympic Games or other international rowing regattas.

(5) The master of any boat using the waterway will ensure that a suitable Personal Flotation Device is readily available for each person aboard while under way.

6. Liquid petroleum gas on boats.

6. (1) No person shall have on board a boat used on the canals any cylinder containing liquid petroleum gas or other combustible gas unless such cylinder is—

(a) secured on deck away from hatches or other openings of the boat or placed in a housing which is ventilated and specially adapted to secure such cylinder and to allow access to the cylinder only from the top of the cylinder;

(b) installed in an upright position with the valve of the cylinder uppermost;

(c) installed at a safe distance from any cooking or heating appliance;

(d) not installed in an engine area or in or near the fuel supply of the boat:

~~(2) Butane and propane gas burning installations shall comply with British Standard 5482: Part 3: 1979 "Code of Practice for Domestic butane and propane gas burning installations. Part 3: Installations in boats, yachts and other vessels".~~

(2) Butane and propane gas burning installations shall comply with International Standards Organisation (ISO) 10239:2014 Small Craft Liquefied Petroleum Gas (LPG) systems and as amended by the ISO.

~~(3) Production of a copy of British Standard 5482 purporting to be published by the British Standards Institution shall be prima facie evidence in any Court for the purpose of paragraph 2 of this Bye-law.~~

7. Storage of inflammable spirit on boats.

7. The owner, master, or person in charge of any boat navigating or moored on the canals shall take proper steps to ensure that inflammable spirit taken on to a boat shall be loaded, stored and used in such a manner as not to be or become a danger or nuisance to any persons or property.

8. Fire extinguishers on boats.

8. (1) No person shall navigate or moor on the canals a boat which has an enclosed cabin unless there is on board—

(a) in the case that the boat does not exceed 5 metres in length, a dry powder fire extinguisher of 1.0 kilogrammes capacity,

(b) in the case that the boat exceeds 5 metres but does not exceed 9 metres,

(i) where the boat does not have cooking facilities, a dry powder fire extinguisher of 1.0 kilogrammes capacity, or

(ii) where the boat has on board cooking facilities, 2 dry powder fire extinguishers each of which is of 1.0 kilogrammes capacity

(c) in the case that the boat exceeds 9 metres

(i) where the boat does not have cooking facilities, 2 dry powder fire extinguishers each of which is of 1.0 kilogrammes capacity, or

(ii) where the boat has cooking facilities, 3 dry powder fire extinguishers each of which is of 1.0 kilogrammes capacity.

(2) A boat shall be deemed to comply with the requirements laid down in paragraph (1) of this Bye-law if, in place of a dry powder fire extinguisher, it carries a carbon dioxide fire extinguisher of 2.0 kilogrammes capacity, **an automatic engine-room fire-extinguishing system, a fire blanket for a cooking area** or a foam extinguisher of 9 litres capacity.

(3) Fire extinguishers carried on boats in compliance with this Bye-law shall—

(a) be in good working order, and

(b) be located in accessible positions on the boat as near as practicable to points on the boat where the potential for fire is greatest.

9. Domestic appliances on boats.

9. The owner, master or person in charge of a boat used on the canals which is equipped with any appliances for heating, cooking, heating water or keeping food refrigerated, shall ensure that such appliances shall be firmly secured to a solid surface of the boat.

10. Batteries on boats.

10. No person shall navigate or moor or boat on the canals unless any battery used on the boat is—

(a) securely installed in a ventilated compartment so as to prevent accidental movement and damage to such battery, and

(b) fitted so as to be as far away as practicable from any petrol cock, fuel tank or fuel filter.

11. Maximum dimensions of boats.

11. (1) No person shall navigate or moor any boat on the **Grand canal, Grand Canal Barrow Line and Barrow Navigation**, if such **boat** exceeds 18.7 metres in length, 4.0 metres in beam and 1.2 metres in draft, other than with consent of ~~the Commissioners~~ **Waterways Ireland**.

(2) No person shall navigate or moor any boat in ~~Ringsend Dock~~ Grand Canal Dock Dublin if such boat exceeds 45.1 metres in length, 9.1 metres in beam and 4.4 metres in draft, other than with the consent of ~~the Commissioners~~ **Waterways Ireland**.

(3) No person shall navigate or moor any boat on the Grand Canal between locks 35 and 36 if such boat exceeds 24.4 metres in length, 4.4 metres in beam and 1.2 metres in draft, other than with the consent of ~~the Commissioners~~ **Waterways Ireland**.

IWAI Comment 14: should this not read 'Between Bridge and L36. Access to the dry dock is east of L35

(2) No person shall navigate or moor any boat on the Royal Canal if such boat exceeds 21 metres in length, 3.9 metres in beam and 1.2 metres in draft, other than with consent of Waterways Ireland.

IWAI Comment 15: This clause appears to restrict the navigation to skinnier boats and is unacceptable. M boats are >3.9m and can navigate the system. We suggest an update to ensure Royal and Grand Canal have the same beam restriction of 4.4m

12. Appointment of master of boat.

12. The owner of a mechanically propelled boat, which is powered by an engine exceeding 10 BHP, shall not navigate or permit the navigation of the boat on any part of the canals unless—

(1) the owner, or some other person whom the owner deems competent, has been designated by the owner to be master of the boat, and

(2) the boat has a competent crew of such number and of such skills as to enable the boat to be navigated safely on any part of the canals, and

(3) the master shall be in command of the boat at all times when the boat is under way.

(4) A person under the age of 16 years shall not operate a personal watercraft (PWC) or a boat capable of a speed through the water equal to or greater than 17 knots.

(5) The owner of a personal watercraft (PWC) or a boat capable of a speed through the water equal to or greater than 17 knots shall not allow a person who has not attained the age of 16 years to operate or control the craft.

(6) A person who has not attained the age of 12 years shall not operate or control a boat powered by an engine with a rating of more than 5 horsepower or 3.7 kilowatts.

(7) The owner of a boat powered by an engine with a rating of more than 5 horsepower or 3.7 kilowatts shall not allow a person who has not attained the age of 12 years to operate or control the craft.

13 Care for other canal users and property.

13. Persons on canal property shall behave with due care and attention and with reasonable consideration for the property and for other persons using the canals.

14. Alcohol or drugs.

14. Persons who are under the influence of alcohol or drugs to such an extent as to have their capability to navigate or have proper control of any boat impaired shall not—

(1) navigate such boat on the canals or

(2) use any equipment or installation owned by ~~the Commissioners~~ Waterways Ireland.

15. Prohibitions on navigation

15. (1) ~~The Commissioners~~ **Waterways Ireland** may prohibit navigation on the canals or any part thereof from time to time for the purposes of—

(a) work on the canal property, or

(b) any event authorised by ~~the Commissioners~~ **Waterways Ireland**.

(2) ~~The Commissioners~~ **Waterways Ireland**, or any authorised officer, may prohibit navigation on the canals or any part thereof from time to time for the purposes of—

(a) an emergency, or

(b) preventing the passage of a boat in respect of which a permit has not been issued under these Bye-Laws, or has been withdrawn, or is not displayed in the manner prescribed in these Bye-laws.

16. Restriction on navigation by night etc.

16. (1) No person shall navigate, or cause to be navigated, on the canals any boat by night or in poor visibility, except with the permission of ~~the Commissioners~~, **Waterways Ireland**.

(2) In this Bye-law "night" means the hours between sunset and sunrise.

17. Navigation.

17. (1) No two mechanically propelled boats shall run abreast of each other on the canals.

(2) Boats navigating with the stream on the canals shall have precedence of passage through a bridge over those navigating against the stream.

(3) Boats navigating in opposite directions shall pass port side to port side. Where necessary, boats navigating against the stream shall reduce speed, or stop, to allow clear passage to boat navigating with the stream.

(4) The master, or person in charge of any boat who is navigating such boat in order to overtake another boat shall overtake on the port side of the boat to be overtaken.

18. Avoidance of danger to self and other canal users and speed on canals.

18. (1) The master, or person in charge, shall not navigate a boat on the canals at such speed or in such a manner as to cause or be likely to cause danger, injury, damage, obstruction or nuisance to other users of the canals, or to any property.

(2) Subject to paragraph (3) of this Bye-law a master, or person in charge, shall not navigate a boat on the canals at a speed in excess of 6 Km per hour.

(3) The master, or person in charge, shall not navigate a boat on the Barrow Navigation at a speed in excess of 11 Km per hour except as necessary for safe navigation in conditions of fast flow.

(4) The master, or person in charge, of any boat on the canals approaching or passing any place where work is being carried on shall reduce speed.

(5) The master, or person in charge, of any boat used on the canals shall reduce the speed of such boat when approaching any lock on the canals and be prepared to stop and keep out of the way of any boats leaving such lock.

19. Boats under sail.

IWAI Comment 16: Is this section included to cover the Barrow? Sailing on linear canals is well nigh impossible, with no space to tack.

19. (1) A person shall not navigate a sailing boat on the canals unless the mast can be lowered on and secured to the deck of the boat.

(2) A boat under sail on the canals shall have a right of way over any other boat, except for a mechanically propelled boat which is restricted in its ability to manoeuvre.

(3) When two boats under sail on the canals are approaching one another, so as to avoid the risk of collision, one of them shall keep out of the way of the other as follows:

(a) when each has the wind on a different side, the boat which has the wind on the port side shall keep out of way of the other, or

(b) when both have the wind on the same side, the boat which is to windward shall keep out of the way of the boat which is to leeward.

(4) No person shall hoist a sail when navigating into or out of a lock.

(5) For the purpose of this Bye-law, the windward side shall be deemed to be the side opposite to that on which the main sail is carried or, in the case of a square rigged boat, the side opposite to that on which the largest fore-and-aft sail is carried.

20. Operation of locks.

20. The master, or person in charge, of a boat shall—

(a) as soon as possible after entry to a lock chamber, ~~secure the boat with a bow line and a stern line~~ control the movement of the boat within the lock by using a line or lines connected to the posts, bollards or rings provided for that purpose;

IWAI Comment 17: There are locks on the system with inadequate infrastructure to allow masters to comply with this byelaw. The necessary infrastructure must be provided and maintained to ensure both compliance and safety

(b) not refuel the boat while it is in the chamber;

(c) not permit the ignition while in a lock chamber, of any match, artificial lighter or other means of producing a naked flame by any person on board a boat carrying inflammable spirit;

(d) not attempt to open or close the gates of any lock other than by means provided for that purpose;

(e) not attempt to open or close the gates of any lock before the water level on either side of such gates is level;

(f) not operate any sluice until the lock gates are closed;

(g) not cause or permit any boat under his or her control to delay unnecessarily in any lock;

(h) ensure that, whenever there is more than one boat in a lock at the same time, the engine of each boat is switched off before the lock gates are closed and remains switched off until the lock gates are opened to allow the egress of the boat;

(i) not fill or empty or cause the filling or emptying of a lock when there is another boat approaching within sight and reasonable distance of the lock from the opposite direction to the boat under his or her control and where the level of the water in the lock is suitable for the approaching boat to enter the lock; and

(j) not navigate the boat singly through any lock when there is another boat approaching within sight and reasonable distance from the same direction which are capable of being accommodated in the lock at the same time.

(k) ensure that the person(s) operating the lock gates and racks is wearing a suitable flotation device.

IWAI Comment 18: It is not uncommon for the lock key to become entangled in the straps of the PFD and actually cause a person to fall in. A warning on this should be included in this byelaw

(l) ensure that all persons on board wear a suitable Personal Flotation Device when approaching and transiting through any movable bridge or lock.

(m) ensure that no person remains onboard a kayak, canoe, paddle board or other such craft while it is passing through a lock.

21. Precedence of boats for berths.

21. At every harbour or landing place on the canal property boats shall have precedence for berths in order of their arrival.

22. Mooring of boats and fixing of ropes.

22. (1) No person shall moor a boat—

(a) at any lock, sluice, barrage, weir or bridge in such a way as to cause damage to or cause an obstruction to safe use of the said lock, sluice, barrage, weir or bridge;

(b) alongside another boat except where there remains sufficient space for two boats to pass and repass at the same time; or

(c) so as to cause danger or obstruct the passage of any boat in any part of the canals; or

~~(d) at the same place on the canals, or within 500 metres of the same place, for more than 5 days without the appropriate permit from the Commissioners.~~

(d) on a hard-edged mooring in Shannon Harbour (Southern quay wall), Tullamore Harbour, Edenderry Harbour, Richmond Harbour (Western quay wall), Ballybrannigan Harbour, Mullingar Harbour, Longwood Harbour, Kilcock Harbour for more than a maximum of 5 days per calendar month without the permission of Waterways Ireland.

IWAI Comment 19: With regard to Shannon and Richmond Harbour, we feel it is not necessary to designate a complete side of each harbour for visiting boats. A section capable of accommodating 4 boats should be sufficient. Berths are at a premium on the canals as there are no private marinas, and this byelaw is depleting the availability for boaters and will force boats off the canals.

IWAI Comment 20: The 5 day restriction in this byelaws applies only to boats, canoe and polo clubs have unlimited use of these harbours; as such it unfairly discriminates against boat owners. Again, with no private marinas available on the canals system, adhering to this rule is incredibly difficult. If you cannot return to your boat for a week, there is nowhere else to leave it. Ballybrannigan and Edenderry harbours are not home to canoe or polo clubs and are generally empty. This byelaw will ensure they remain empty and will drive boats from the canals.

The canal is a shared space but this shared use must be equal. Long stay boaters should be entitled to stay in a specific area of a harbour while canoe clubs etc. can have greater access to another area.

(e) in Grand Canal Dock and Spencer Dock without a valid houseboat permit for those locations for more than 20 consecutive days without the permission of Waterways Ireland.

IWAI Comment 21: WI should be encouraging boat tourism in the city. With the introduction of the Fixed Penalty notice WI have the power to regulate illegal liveaboards in the area. IWAI members have been and are being prevented from cruising through Dublin and wintering in Dublin (including two ex-presidents), which is unacceptable.

(f) along the Dublin Metropolitan canals from the 12th Lock Grand Canal to Grand Canal Dock and from 12th Lock Royal Canal to Spencer Dock without the permission of Waterways Ireland.

(g) in possession of an annual canals permit between the 16th Lock and the 12th Lock on the Grand Canal and between the 16th Lock and the 12th Lock on the Royal Canal, within 1km of Bell Harbour Monasterevin on the Grand Canal Barrow Line for more than 10 days per calendar month without the permission of Waterways Ireland.

IWAI Comment 22: This is a redline issue for IWAI as it will result in the collapse of leisure boating within these zones and will empty these stretches of the canals. This will decimate slow tourism in the area and could negatively impact canal-side businesses. Targeting leisure boaters in this way is unacceptable.

In the same way that legislation generally cannot be enforced retrospectively, this Bye law should follow the same premise. Leisure boaters who have kept their vessels in good order for many years in these locations must not be penalised. Boaters who use these areas as a winter base (in the absence of private marinas) and cruise the system for the rest of the year must not be penalised. If leisure boaters are forced out of these areas and they become liveaboard only, there will be very little living traffic on the canals, leisure boats will move to the Shannon (increasing the carbon footprint of the user) or be sold. If boating becomes a chore, especially for senior citizens of which there are many on the canals, they won't bother. This flies in the face of the wellbeing and holistic benefits of leisure boating for the individual and the communities in which they do their boating. Ghettoising the canals will not work. There needs to be a balance of houseboats, long term leisure boats and short term visiting leisure boats. This has always worked and the introduction of new regulations should support and not destroy this status. As stated elsewhere, WI will have the FPN to deal with those who abuse the system. Limits on numbers may need to be considered but we believe with careful negotiation and discussion an acceptable compromise position can be reached

IWAI welcome any plan to establish viable liveaboard communities at locations along the canals to bring life and security to different areas, but leisure boaters cannot be excluded. IWAI's liveaboard policy gave WI a detailed map of suggested locations throughout the canals and the Barrow.

(2) No person shall affix any mooring rope to any sluice, lockgate, bridge or other property of ~~the Commissioners~~ **Waterways Ireland** not provided for the purpose of mooring.

(3) Where a mooring rope is affixed to any sluice, lockgate, bridge or other property of ~~the Commissioners~~ Waterways Ireland not provided for the purpose of mooring, the rope may be removed and stored by, or on the authority of, ~~the Commissioners~~ Waterways Ireland.

(4) Where a boat is moored on any part of the canals in contravention of this Bye-law the boat may be removed and stored by, or on the authority of, ~~the Commissioners~~ Waterways Ireland.

23. Placing of buoys etc.

23. (1) Except as is permitted under Bye-law 27 of these Bye-laws, no person shall place ~~at the same location~~ on the canal property any buoy, perch, marker, mooring or mooring post for a period longer than 5 days, other than with the consent of ~~the Commissioners~~ Waterways Ireland.

(2) Any buoy, perch, marker, mooring or mooring post placed or left in the canal property in contravention of this Bye-law may be removed and stored by, or on the authority of, ~~the Commissioners~~ Waterways Ireland.

24. Going aground etc. of boats.

24. (1) The owner, master, or person in charge of any boat which has—

(a) gone aground on any part of the canal property, or

(b) sunk in any part of the canals

shall, as soon as possible after the going aground or the sinking, inform ~~the Commissioners~~ Waterways Ireland thereof, and take all such steps as may be necessary to re-float the boat or remove it from the canal property.

IWAI Comment 23: Should include 'If the grounding is as a result of low water levels, the owner or master should inform WI immediately

(2) The owner, master or person in charge of any boat which has sunk in any part of the canals shall mark the place with a marker or buoy where such boat sank and shall maintain the marker or buoy in that place until such boat has been raised.

(3) Where a boat has gone aground or has sunk in any part of the canal property, the boat may be removed and stored by, or on the authority of, ~~the Commissioners~~ Waterways Ireland.

25. Placing of objects on canal property.

25. (1) No person shall place on any part of the canal property any object whatsoever, except as a temporary mooring post, ~~unless such object is placed more than two metres away from the edge of the water in the canals,~~ other than with the permission of ~~the Commissioners~~ Waterways Ireland.

(2) Any object may be removed and stored by, or on the authority of, ~~the Commissioners~~ Waterways Ireland where such object is placed in contravention of this Bye-law.

26. Parking of caravans etc. on canal property.

26. (1) No person shall park a caravan or any vehicle on canal property in such a place or in such a manner as to cause or be likely to cause danger, injury, damage, obstruction or interfere with the use of the canal property.

(2) No person shall park a caravan or any vehicle at the same place on canal property, or within 500 metres of the same place, for a period of more than one week **in any calendar month**, except with the written permission of ~~the Commissioners~~ Waterways Ireland.

IWAI Comment 24: This amendment is an improvement and is welcomed by IWAI

(3) Any caravan or vehicle may be removed and stored by, or on the authority of, ~~the Commissioners~~ Waterways Ireland where such caravan or vehicle is parked in contravention of this Bye-law.

27. Use of a structure, tent, caravan or vehicle as a dwelling.

27. (1) No person shall place or use any structure, tent, caravan or vehicle as a dwelling on canal property, except with the written permission of ~~the Commissioners~~ Waterways Ireland.

(2) Any such structure, tent, caravan or vehicle placed or used on canal property in contravention of this Bye-law may be removed and stored by, or on the authority of, ~~the Commissioners~~ Waterways Ireland.

(3) This Bye-law shall not apply to persons using canal property for a period of not more than one week **in any calendar month** at the same place **or within 5 kilometres of that place**.

IWAI Comment 25: This amendment is an improvement and is welcomed by IWAI

28. Removal of boats etc. from canal property.

28. Any boat, vehicle or object may be removed by, or on the authority of, ~~the Commissioners~~ Waterways Ireland where such boat, vehicle or object interferes with the use of the canals or canal property.

29. Commercial operations on canal property.

29.(1) No person shall engage in any commercial operations on the canal property, except with the written permission of ~~the Commissioners~~ Waterways Ireland. **This provision does not apply to sales of merchandise by Inland Waterways Association of Ireland, Heritage Boat**

Association, Royal National Lifeboat Institution or other charities at rallies and events on the canals.

IWAI Comment 26: This amendment is an improvement and is welcomed by IWAI

(2) Anything whatsoever which is used on canal property for the purposes of a commercial operation in contravention of this Bye-law may be removed and stored by, or on the authority of, ~~the Commissioners~~ Waterways Ireland.

(3) Licences issued to commercial operations may contain such reasonable written conditions as Waterways Ireland deems fit.

(4) Failure to comply with the conditions of the licence may result in withdrawal of the licence and removal of the commercial operations from canal property.

(5) All passenger boats, passenger ships and vessels used for commercial operations and carriage for reward shall be certified by the Marine Survey Office in accordance with the Merchant Shipping Act (1894-2022). This requirement does not apply to vessels and boats listed in (S.I.274/2002) Licensing of Passenger Boats (Exemption) Regulations, 2002.

(6) The master of all passenger boats, passenger ships and vessels used for commercial operations and carriage for reward shall possess a commercial endorsement awarded by a competent authority which has been approved by the Department of Transport. This requirement does not apply to vessels and boats listed in (S.I.274/2002) Licensing of Passenger Boats (Exemption) Regulations, 2002.

30. Notice of Commissioners' intention to remove articles from canal property.

30.(1) Where ~~the Commissioners~~ Waterways Ireland, or any person acting on the authority of ~~the Commissioners~~ Waterways Ireland, propose to remove any boat, buoy, perch, marker, mooring, mooring post, tent, caravan, vehicle or object (in Bye-laws 30 and 31 referred to as an article) in accordance with the provisions of Bye-laws 3, 22, 23, 24, 25, 26, 27, 28 or 29

of these Bye-laws ~~the Commissioners~~ Waterways Ireland shall, subject to paragraphs (2) and (3) of this Bye-law, serve notice of ~~their~~ its intention on the owner of the article.

(2) Where it has not been found possible on reasonable enquiry to ascertain the name and address of the owner of the article or where the owner fails on request to remove an article within a reasonable period ~~the Commissioners~~, Waterways Ireland or any person acting on the authority of ~~the Commissioners~~ Waterways Ireland, may remove it forthwith.

(3) Where an article in the opinion of ~~the Commissioners~~ Waterways Ireland, or any authorised officer, is or is likely to become or create an obstruction or danger to the canal property or other users or is likely to deposit or discharge any offensive or polluting matter on to any part of the canal property, ~~the Commissioners~~ Waterways Ireland or any authorised officer, or any person acting on the authority of ~~the Commissioners~~ Waterways Ireland, may remove such article without prior notification to the owner.

31. Removal and disposal of articles from canal property.

31. (1) Where any article has been removed and stored in accordance with Bye-Laws 3, 22, 23, 24, 25, 26, 27, 28, 29 and 30(3) of these Bye-laws there shall be payable to ~~the Commissioners~~ Waterways Ireland by the owner of such article compensation equal to the costs incurred by ~~the Commissioners~~ Waterways Ireland in the removal and storage of, and including the cost of making good any expense, loss or damage caused by, such article. The amount of the compensation shall be computed by ~~the Commissioners~~ Waterways Ireland and their certificate as to the amount thereof shall be final.

(2) ~~The Commissioners~~ Waterways Ireland may dispose of any article which has been removed and stored in accordance with Bye-laws 3, 22, 23, 24, 25, 26, 27, 28, 29 and 30(3) of these Bye-laws in any manner ~~they~~ it thinks fit where the owner of the article has not claimed it and paid the compensation due within one month.

(3) Where ~~the Commissioners~~ Waterways Ireland proposes to dispose of an article in accordance with the provisions of this Bye-law, ~~they~~ it shall, subject to paragraph (4) of this Bye-law, and provided the article is valued by ~~the Commissioners~~ Waterways Ireland at more than ~~€200~~, One thousand Euro (€1,000), serve on the owner of the article a notice of their intention to dispose of the article.

(4) Where it has not been found possible on reasonable enquiry to ascertain the name and address of the owner of the article ~~the Commissioners~~ Waterways Ireland shall publish in at least one daily newspaper notice of their intention to dispose of the article.

(5) Compensation under this Bye-law may, in default of being paid, be recovered as a simple contract debt in a court of competent jurisdiction.

(6) ~~The Commissioners~~ Waterways Ireland shall not be liable for any loss or damage arising from the removal, storage or disposal in accordance with these Bye-laws of any article.

IWAI Comment 27: This existing byelaw should be amended to include the phrase 'while every effort shall be made to remove them safely and retain them in their current condition...' or words to that effect

32. Encroachments on canal property.

32. (1) No person shall erect or place any encroachment whatsoever on any part of the canal property, other than with the consent of ~~the Commissioners~~ Waterways Ireland.

(2) Any encroachment erected or placed on the canal property in contravention of this Bye-law may be removed by, or on the authority of, ~~the Commissioners~~ Waterways Ireland.

(3) Where ~~the Commissioners~~ Waterways Ireland, or any person acting on the authority of ~~the Commissioners~~ Waterways Ireland, proposes to remove any encroachment from the canal property ~~the Commissioners~~ Waterways Ireland shall, subject to paragraphs (4) and (5) of this Bye-law, serve notice of ~~their~~ its intention on the person or persons encroaching.

(4) Where it has not been found possible on reasonable enquiry to ascertain the name and address of the person or persons encroaching, or where the person or persons encroaching fails on request to remove the encroachment within a reasonable period, it may be removed forthwith by, or on the authority of, ~~the Commissioners~~ Waterways Ireland.

(5) Where an encroachment in the opinion of ~~the Commissioners~~ Waterways Ireland, or any authorised officer, is or is likely to become or create a serious danger to the canal property or users or is likely to deposit or discharge any offensive or polluting matter on to any part of the canal property, ~~the Commissioners~~ Waterways Ireland or any authorised officer, or any person acting on the authority of ~~the Commissioners~~ Waterways Ireland, may remove such encroachment from the canal property without prior notification to the person or persons encroaching.

(6) Where an encroachment has been removed by, or on the authority of, ~~the Commissioners~~ Waterways Ireland compensation equal to the costs incurred by ~~the Commissioners~~ Waterways Ireland, including the cost of making good any expense, loss or damage caused by the encroachment, shall be payable to ~~the Commissioners~~ Waterways Ireland by the person or persons encroaching. The amount of the compensation shall be computed by ~~the Commissioners~~ Waterways Ireland and their certificate as to the amount thereof shall be final.

(7) Compensation under this Bye-law may, in default of being paid, be recovered as a simple contract debt in a court of competent jurisdiction.

33. Wandering or straying animals on canal property.

33. (1) No person shall allow any animal to be turned loose or permitted to stray on any part of the canal property, except with the written permission of ~~the Commissioners~~ Waterways Ireland.

(2) Any animal turned loose or permitted to stray in contravention of this Bye-law may be removed and impounded by, or on the authority of, ~~the Commissioners~~ Waterways Ireland.

(3) Where an animal is impounded in pursuance of the powers conferred by this Bye-law there shall be payable to ~~the Commissioners~~ Waterways Ireland by the owner of such animal compensation equal to the costs incurred by ~~the Commissioners~~ Waterways Ireland in the removal, transportation and impounding of the animal and including the cost of making good any expense, loss or damage caused by the animal while on canal property in contravention of this Bye-law. The amount of the compensation shall be computed by ~~the Commissioners~~ Waterways Ireland and ~~their~~ its certificate as to the amount thereof shall be final.

(4) Compensation under this Bye-law may, in default of being paid, be recovered as a simple contract debt in a court of competent jurisdiction.

34. Prohibitions or restrictions on the access of mechanically or electrically propelled vehicles to canal property.

34. (1) ~~The Commissioners~~ Waterways Ireland may prohibit or restrict the access of mechanically or electrically propelled vehicles to any part or parts of the canal property.

IWAI Comment 28: The removal of paragraph (2) below means no notification of extended periods of restricted access and there is no explanation for this in the guidance document.

~~(2) Where it is proposed to prohibit or restrict the access of mechanically propelled vehicles under paragraph (1) of this Bye-law for a period in excess of eight weeks the Commissioners Waterways Ireland shall place a notice to that effect in at least one newspaper circulating in the area or areas concerned.~~

35. Miscellaneous prohibitions.

No person shall:-

~~(a) bathe or swim in any lock, harbour or dock on the canals, except with the permission of the Commissioners;~~

~~(b) wash any animal in the canals or any motor car or other vehicle or any article or thing upon any part of the canal property;~~

~~(c) deposit or leave any litter on any part of the canal property;~~

~~(d) light any fire which might endanger any part of the canal property or cause nuisance to other canal users;~~

~~(e) destroy, damage or cut any tree, shrub or plant on any canal property, except with the permission of the Commissioners;~~

- ~~(f) kill, injure or otherwise interfere with any species of wild life on the canal property which is protected under the Wildlife Act, 1976 or by Bye laws made thereunder;~~
- ~~(g) destroy, damage or deface any notice placed by the Commissioners, or with their permission, on any part of the canal property;~~
- ~~(h) destroy, damage or unlawfully remove any life saving equipment from any part of the canal property;~~
- ~~(i) cause damage to any part of the canal property;~~
- ~~(j) permit any animals to cause damage to the canal property, or nuisance to canal users;~~
- ~~(k) erect any advertising sign or hoarding on any part of the canal property, except with the written permission of the Commissioners;~~
- ~~(l) cause or permit any polluting matter to enter the canals, or deposit or cause to be deposited waste oil or any offensive matter on any part of the canal property;~~
- ~~(m) extract any water from the canals, other than for the purpose of cooling the engines of boats, except under licence from the Commissioners;~~
- ~~(n) discharge any water into the canals, other than water used for the purpose of cooling the engines of boats, or from sinks, wash hand basins and showers on boats, except under licence from the Commissioners;~~
- ~~(o) cut adrift any boat moored on the canals;~~
- ~~(p) go aboard any boat on the canal property without the permission of the owner of that boat except as is necessary to moor or move another boat or to gain access to another boat, or in case of an emergency;~~
- ~~(q) hold any aquatic event without the permission of the Commissioners;~~
- ~~(r) throw, shoot or otherwise propel any stone, shot, bullet or other missile from, into or over any boat, or the canal property;~~

~~(s) remove any sand, gravel or other material from the canal property without the permission of the Commissioners;~~

35. Protection of wildlife, water quality, fisheries, invasive species, waste, heritage, events, diving and underwater activities, prohibited activities

(1) Protection of Wildlife

The Royal and Grand Canals are proposed Natural Heritage Areas under the Wildlife Amendment Act (2000) and are of high conservation significance for wildlife and habitats.

Unless authorised by Waterways Ireland and with the appropriate license from the competent authority, no person shall;

- (a) kill, injure or otherwise interfere with or damage any species of wild life or habitat on canal property which is protected under the Wildlife Act 1976 as amended or the Birds and Natural Habitats Regulations (2011);
- (b) facilitate the killing, injuring or otherwise interference with any species of wildlife on canal property by domestic animals as a result of inadequate control;
- (c) destroy, damage or cut any tree, shrub or plant on any canal property;
- (d) remove any sand, gravel or other material from the canal property;
- (e) light any fire which might endanger any part of the canal property or cause nuisance to other canal users;

(2) Protection of Water Quality

No person shall;

- (a) cause or permit any polluting or deleterious matter to enter canal property which adversely impacts compliance with the biological, chemical or hydro-morphological requirements of the EU Water framework Directive (2000/60/EC) and European Communities (Water Policy) Regulations 2003 (S.I. No 722/2003);
- (b) **discharge,** cause or permit any deleterious matter to enter the canals, or deposit or cause to be deposited waste oil or any offensive matter on any part of the canal property;
- (c) cause or permit any deleterious matter to enter the navigation, contrary to the

Local Government (Water Pollution) Act 1977.

(d) discharge any sewage, bilge oil or other soiled water (black water) into the canals or navigation;

(e) wash any animal in the canals or any motor car or other vehicle or any article or thing upon any part of the canal property, this bye laws does not prohibit the washing of boats for aesthetical and maintenance reasons;

(f) wash or discharge from any agricultural machinery or discharge slurry or effluent associated with agricultural activity.

(g) empty the contents of any composting toilet system into the canal or onto canal property.

(h) extract any water from the canals without agreement from Waterways Ireland and subject to the Water Environment (Abstractions and Associated Impoundments) Act 2022.

IWAI Comment 29: The facilities must be in place to enable boaters to comply with these byelaws. It is essential that there is significant investment into sewage and waste disposal on the canals, with as rapid a roll out of these services as possible

(3) Protection of fisheries

(a) Anglers on the Royal Canal, Grand Canal and Grand Canal Barrow Line and Barrow Navigation shall comply with the Inland Fisheries Act 2010 (No 10 of 2010) and relevant Inland Fisheries Ireland regulations.

(4) Protection against spread of Invasive Species

No person shall;

(a) Transport, release or allow to disperse or escape any animal or plant into the Canals or Barrow Navigation, listed in Part 1 or Part 2 of the Third Schedule of Invasive Alien Species Regulation (EU) 1143/2014, or anything from which they could reproduce, or a vector material that is listed in Part 3 of the Third Schedule of Invasive Alien Species Regulation (EU) 1143/2014.

(b) transport, release or allow to disperse or escape any species of crayfish into the Canals or Barrow Navigation, listed in SI 354/2018, the European Union (Invasive Alien Species) (Freshwater Crayfish) Regulations 2018.

(c) throw, shoot or otherwise propel any stone, shot, bullet or other missile from, into or over any boat, or the canal property; except to allow for control of invasive species such as mink with the permission of Waterways Ireland;

IWAI Comment 30: This needs to be amended to ensure the use of a drone for photography, observation or research is not prohibited.

(5) Prevention of Waste

No person shall—

(a) deposit or leave any litter on any part of the canal property in contravention of the Waste Management Act 1996 and Litter Pollution Act 1997 as amended.

IWAI Comment 31: see comment No 29 above re provision of facilities. Having to store refuse on board your boat for long periods because there is nowhere to dispose of it, can result in a health hazard. WI must work with the Local Authorities to ensure waste disposal facilities are available

(6) Protection of Heritage

No person shall;

(a) destroy, damage or deface any canal property and have due regard for the protection of all heritage structures as legislated for under the Planning and Development Act 2000 and the Planning and Development Regulations 2001, and the National Monuments Act 1930 as amended.

(7) Holding of events on canal property

No person shall;

- (a) hold any event on canal property without the permission of Waterways Ireland.

IWAI Comment 32: See IWAI comment No 3 above

- (b) Waterways Ireland may set whatever requirements regarding insurance, risk assessment, biosecurity measures, waste management, indemnity of Waterways Ireland, appropriate assessment of the impact on birds and wildlife, Health and Safety procedures as it deems necessary.

(8) Diving and underwater activities on the canal property

- (a) Diving operations will not impede the safe passage of boats in the navigation.
- (b) Boats operating in support to a diving operation shall display the “A” flag of the

IWAI Comment 33: A description of the ‘A’ flag would be helpful here

International Code of Signals, in a suitable position and high enough to be visible from all directions.

- (c) All boats shall keep at a sufficient distance from a boat displaying the “A” flag of the International Code of Signals.

(9) Prohibited activities on canal property

No person shall;

- (a) bathe or swim in any lock on canal property,
- (b) bathe or swim in any harbour or dock on canal property , except with the permission of Waterways Ireland,
- (c) transit through a lock or movable bridge on canal property without the wearing of a PFD,
- (d) destroy, damage or deface any notice placed by Waterways Ireland, or with their permission, on any part of the canal property,
- (e) destroy, damage or unlawfully remove any lifesaving equipment from any part of the canal property,
- (f) permit any animals to cause damage to the canal property, or nuisance to canal

Users,

- (g) permit a dog to be unleashed on any canal property or permit any dog to cause a nuisance to canal users,
- (h) leave any dog faeces or fouling on canal property,
- (i) erect any advertising sign or hoarding on any part of the canal property, except with the written permission of Waterways Ireland,
- (j) cause an obstruction to navigation by leaving in place any nets, wires or other objects across the navigation,

IWAI Comment 34: IWAI welcome this amendment. Enforcement of this amendment needs to be for all users (Leisure and commercial)

- (k) cut adrift any boat moored on the canals,

IWAI Comment 35: The use of the word 'cut' here excludes anyone being held to account for just untying a boat and leaving it adrift

- (l) go aboard any boat on the canal property without the permission of the owner of that boat except as is necessary to moor or move another boat or to gain access to another boat, or in case of an emergency,
- (m) leave open any gate or rail used as a fence, or part of a fence, on any part of the canal property,
- (n) Lift any boat in or out of any canal without the prior permission of Waterways Ireland. Waterways Ireland will designate locations for boat lift out and lift in. Open boats, kayaks and canoes may be launched and recovered at slipways without permission,

IWAI Comment 36: This discriminates against small day boats and other small boats from using slipways, which is unacceptable. Use of a slipway is not a lift in or lift out: it is launch and recovery and is what they were designed to be used for.

(o) Use any bicycle, tricycle or powered personal transporter in a manner that endangers or causes a nuisance to themselves and other users of any greenway, blueway, towpath or cycle path,

IWAI Comment 37: The removal of the proposed speed limit is disappointing. In its place perhaps it would be possible to include a clause re such forms of transport being fitted with an audible means of warning pedestrians and others of their approach

(p) Ride or walk any horse, pony or equine animal on a greenway, blueway, towpath or cycle path without the permission of Waterways Ireland,

(q) Place a line or lines or other structures over the navigation without the written permission of Waterways Ireland,

(r) Cause emissions from boat stoves in contravention of the **Air Pollution Act 1987 as amended.**

~~40 Tolls and charges~~

~~(a) pay tolls and charges prescribed by the Commissioners and as set out in the Schedule to these Bye-laws;~~

~~(b) ensure that permits issued by the Commissioners in return for payment of tolls and charges shall be displayed in such a manner on the boat as to be legible from the canal bank at all times during daylight hours.~~

36. Tolls and charges

1. The owner, master or person in charge of boat shall -
 - (1) pay tolls and charges prescribed by Waterways Ireland for the use of the canals as set out in Schedule 1.

IWAI Comment 38 – another red line issue. The proposed annual houseboat charges, the number of permits that will be issued and the services which permit holders will receive in return for their payment, are the most contentious issues in these draft byelaws for most. The minor amendments from the original draft to this draft are simply not enough. This is one area where WI seems to have dismissed the genuine concerns raised by IWAI and many others in the first consultation phase. These increases are simply excessive.

In addition, the lack of clarity over numbers and locations means that residential boat owners are fearful of losing their homes and / or of being forced to move from communities where they have built connections and put down roots.

The incremental increases must be reduced, the length of time for the introduction of new fees increased and all of this absolutely must be linked to the provision of services and the improvement of existing services.

An alternative compromise would be to maintain the status quo for the most part, set limits on the numbers of serviced berths in any given location and only issue new permits at the new fee when berths become available. Anything that falls short of these solutions is unacceptable.

37. ~~Commissioners'~~ Waterways Ireland's non-liability for delays and stoppages.

- (1) These Bye-laws make no representation or give any warranty as to the condition of the canals.

IWAI Comment 39: This is another redline issue. Waterways Ireland's remit to ensure a working navigation and we reject this outright. This goes against the statutory remit of Waterways Ireland

- (2) ~~The Commissioners~~ Waterways Ireland shall not be liable for the consequences of any stoppage of navigation or delay arising from the execution of ~~their~~ its duties or responsibilities under the Canals Act, 1986 (No. 3 of 1986).

The powers conferred on ~~the Commissioners~~ Waterways Ireland by these Bye-laws are in addition to and not a substitution for any statutory or other powers which ~~they~~ it may have.

38. Annual canals permit

- (1) An annual canals permit shall be required by all boats, other than annual houseboat permit holders, to navigate the canals and pass through the locks.
- (2) An annual canals permit shall allow the boat to which it relates:
- (a) To navigate the canals and pass through locks and moor at a soft bank location on the canals and to moor at a hard-edge mooring on the Barrow Navigation, while complying with the mooring limits stated in Bye Law 22.

IWAI Comment 39: This needs to be amended to include mooring at the hard edge in harbours. As worded, this byelaw means that a leisure boater can only moor on a soft bank unless they have a houseboat permit. This is unacceptable. Also, the reference to a hard edged mooring on the Barrow makes no sense. A simple fix would just be to remove all references to the type of mooring and just leave it as 'to navigate the canals and pass through locks and more at locations on the canals and Barrow navigation....

- (3) Exemptions to the annual canals permit requirement apply to the following type of boat:

- (a) an open or undecked punt, canoe, skiff, scull, rowing boat or other such fully open boat designed to be propelled primarily by oars or sail and not propelled by an engine of more than 30 horse-power (22.37KW).
- (b) Boats owned by the following:
- Waterways Ireland,
- An Garda Síochána,

The Defence Forces and Civil Defence,

The Revenue Commissioners,

Inland Fisheries Ireland,

The Irish Coast Guard,

The Commissioners of Irish Lights,

The Royal National Lifeboat Institution,

or any craft involved in bona fide law enforcement, emergency, rescue, recovery, and safety mission.

(c) Boats holding a current annual registration (having discharged the annual registration fee) with Waterways Ireland in respect of the Shannon Navigation under Bye-Law 6 of the Shannon Navigation Bye-Laws, 2024.

(4) Boats visiting the canals may obtain one 60-day visitor's permit per calendar year and pay the fee as listed in Schedule 1. If the boat remains on the canals for a period of more than 60 days, the owner shall obtain an annual canals permit and pay the fee listed in Schedule 1.

Application and renewal of annual canals permit

(5) Any person applying for or renewing an annual canals permit in accordance with these Bye-laws shall:

- (a) Make his or her application in writing or online to Waterways Ireland and shall be in such form as Waterways Ireland may specify.
- (b) Ensure that the boat is in good condition, self-propelled, capable of being navigated along the entire length of each canal.
- (c) Not cruise the canals with a boat or moor a boat in contravention of this Bye-law.
- (d) Provide proof of at least third-party insurance to Waterways Ireland for the boat to which the permit application relates.
- (e) Pay the tolls and charges as set forth in the Schedule 1 to these bye laws.

39. Annual houseboat permit

(1) An annual houseboat permit shall be required to moor a houseboat on the canals.

(2) An annual houseboat permit shall allow the boat to which it relates:

- (a) To the use of a houseboat mooring on the canals designated by Waterways Ireland where the boat may be moored on a continuous basis.

(b) To navigate the canals and pass through locks.

(3) No houseboat owner shall rent part or whole of the boat without written permission from Waterways Ireland.

IWAI Comment 40: This should simply state that the rental of part or whole of the boat requires a commercial license

(4) The sale of a boat will result in the termination of the annual houseboat permit and the new owner must apply for a berth in the manner prescribed by Waterways Ireland.

(5) The owner of a houseboat shall ensure that the houseboat is in good condition, self-propelled, capable of being navigated along the entire length of each canal.

(6) The owner of a houseboat shall ensure that the houseboat is soundly constructed, adequately ventilated, insulated, heated and suitably equipped for living onboard on a permanent basis.

Types of annual houseboat permit

IWAI Comment 41: to reinforce comment number 38 above, these clauses define locations but do not define what services might be expected at serviced locations. Increases should be introduced with improvements in services. Location alone should not be the determining factor in deciding fees.

(7). Urban - serviced houseboat mooring permit

This permit allows a houseboat to moor in Grand Canal Dock Dublin on a continuous basis. The mooring location will be designated by Waterways Ireland.

(8). Suburban – serviced houseboat mooring permit

This permit allows a houseboat to moor on a serviced houseboat mooring between the 16th Lock and the 12th Lock on the Grand Canal and between the 16th Lock and the 12th Lock on the Royal Canal and within 1km of Bell Harbour Monasterevin on the Grand Canal Barrow Line on a continuous basis. The mooring location will be designated by Waterways Ireland.

(9). Suburban - unserviced houseboat mooring permit

This permit allows a houseboat to moor at an unserviced houseboat mooring between the 16th Lock and the 12th Lock on the Grand Canal and between the 16th Lock and the 12th Lock on the Royal Canal on a continuous basis. The mooring location will be designated by Waterways Ireland.

(10). Rural - serviced houseboat mooring permit

This permit allows a houseboat to moor at a serviced houseboat mooring in a designated mooring location in rural areas on Royal Canal, Grand Canal and Grand Canal Barrow Line between the 16th Lock on the Grand Canal westwards to Shannon Harbour, from the 16th Lock on the Royal Canal westwards to Richmond Harbour and outside 1km of Bell Harbour Monasterevin on the Grand Canal Barrow Line on a continuous basis. The mooring location will be designated by Waterways Ireland.

(11). Rural - unserviced houseboat mooring permit

This permit entitles a houseboat to moor at an unserviced mooring location in rural areas of Royal Canal, Grand Canal, Grand Canal Barrow Line and Barrow Navigation between the 16th Lock on the Grand Canal westwards to Shannon Harbour, from the 16th Lock on the Royal Canal westwards to Richmond Harbour and outside 1km of Bell Harbour Monasterevin on the Grand Canal Barrow Line on a continuous basis.

Application and renewal of houseboat Permit

(12) Any person applying for or renewing a houseboat permit in accordance with these Bye-laws shall:

- (a) make his or her application in writing or online to Waterways Ireland and shall be in such form as Waterways Ireland may specify.
- (b) Provide evidence of the boat having passed an in-water inspection conducted by a certified marine surveyor confirming compliance with Canal Bye Laws safety requirements within the previous five years.
- (c) Provide proof of at least third-party insurance to Waterways Ireland for the boat to which the permit application relates.

- (d) Ensure that the boat is in good condition, self-propelled, capable of being navigated along the entire length of each canal.
- (e) Not cruise the canals with a boat or moor a boat in contravention of this Bye-law.
- (f) Pay the tolls and charges are set forth in the Schedule 1 to these bye laws.

40. Use of Waterways Ireland drydocks

- (1) The owner or master of a boat shall pay a charge for the use of Waterways Ireland drydocks on the canals network as set out in Schedule 1 (the amount of which shall be determined by reference to the estimated length of the occupancy of the dry dock by the boat). The master of a boat shall not place the boat, or cause it to be placed, in a dry dock belonging to Waterways Ireland unless the charge has been paid to Waterways Ireland or arrangements for its payment, acceptable to Waterways Ireland, have been made.
- (2) Waterways Ireland shall set conditions as it deems appropriate regarding insurance, health and safety, and management of the drydock.
- (3) Heritage boats may be granted use of dry docks facilities for major works once every 20 years and may be charged at 50% of the dry dock fees. This may be granted subject to availability for a maximum period of 8 weeks and with prior agreement from Waterways Ireland.

IWAI Comment 42: 20yr period is too long. Boats should be encouraged into dry docks every 5yrs and heritage boats should always receive preferential rates, given their heritage value and the cost of keeping them afloat and in good condition

41. Appeals

40. (1) A person may appeal to the District Court against—
- (a) a decision by Waterways Ireland pursuant to these Bye Laws and on the hearing of the appeal, the District Court may make such order as it considers just.

(2) An appeal under this Bye-Law shall be initiated by a person by their giving, within 6 weeks of the date on which the decision to which it relates was communicated to them —

(a) a notice in writing to the Clerk of the District Court for the district court district in which the place to which the permission relates is situated in which the extraction or discharge concerned occurs or would occur or in which the appellant ordinarily resides or carries on any profession, business or occupation stating the intention of the person to appeal against the decision, and

(b) a copy of the notice to an authorised officer at Waterways Ireland, The Docks, Athlone, Co Westmeath, N37 RW26.

(3) The jurisdiction conferred on the District Court by this Bye-Law shall be exercised by the judge for the time being assigned to the district court district in which the place to which the permission relates is situated or in which the extraction or discharge concerned occurs or would occur or in which the appellant concerned ordinarily resides or carries on any profession, business or occupation.

Schedules

(1) Schedule 1 setting forth tolls and charges.

(2) Schedule 2 specifying the form and amount of the Fixed Payment Notice.

SCHEDULE
Tolls and Charges

SCHEDULE	
<i>Tolls and Charges</i>	
<p>(1) (a) pay a fee of £10.00 per month or part of month for each boat mooring on the canals;</p> <p>(b) pay a fee of £0.50 per boat for passage through each lock, except for boats passing through Camden Lock in Ringsend for which the toll is £10 per boat;</p> <p>(c) pay a fee of £100 per annum for each boat for mooring and passage through locks.</p> <p>(2) Pay a fee of £11 per day or part of day for use of dry dock facilities.</p>	
<p>(3) For boats exceeding 18.7 metres in length pay harbour rates at Grand Canal Dock, Ringsend, calculated on registered tonnage of ships on every ton of the net registered tonnage or on half the gross tonnage (whichever is the greater), as follows:</p>	
(a) Category	Rate per Ton
(i) Boats entering or leaving the dock for periods of up to 14 days for the purpose of shipping, unshipping or transshipping cargo	£1.10
(ii) Periods in excess of 14 days — for each month or part thereof	£1.30;
(b) Boats entering the dock for the purpose of lying or mooring therein — for each month or part thereof	£1.30;
(c) Boats entering the dock to effect repairs afloat	
(i) for periods of up to one month	£1.72

(ii) for periods in excess of one month for each period of a month or part thereof	£1.30;
(d) Boats under 30 tons net registered tonnage, and which exceed 18.7 metres in length, entering into the dock for the purpose of lying or mooring therein. Minimum charge £79.00	£39.50 (per month or part of month);
(e) Dues on cargo of every description, shipped or unshipped at the wharves	£0.40 (per ton).
(f) Pay a fee of £50 for each occasion when it is necessary to raise General McMahon bridge Ringsend to allow passage of a boat.	

Schedule 1

Tolls and Charges

No	Description	Amount of charge	
(1)	Annual canals permit	€200 per annum	Bye Law 38.
(2)	60-day visitor's permit	€40	Bye Law 38.
(3)	Boats entering dry dock for repairs	Pay a fee of €25 per day.	Bye Law 40
(4)	Annual houseboat mooring permit	Annual Cost per mooring	Description
a	Urban - serviced houseboat mooring	€4,000 - €7,500 Charge per year after introduction of Bye Laws. Year 1 = €4,000 Year 2 = €4,750 Year 3 = €5,500 Year 4 = €6,250 Year 5 = €7,000 Year 6 = €7,500	Bye Law 39(7)
b.	Suburban - serviced houseboat mooring	€2,000	Bye Law 39(8)
c.	Suburban - unserviced houseboat mooring	€1,000	Bye Law 39(9)
D	Rural - serviced houseboat mooring	€1,500	Bye Law 39(10)
e.	Rural - unserviced houseboat mooring	€500	Bye Law 39(11)
(5)	Ancillary Services		
a.	Use of toilet pump-out facilities the property of Waterways Ireland.	€2.00	
b.	Use of chemical toilets the property of Waterways Ireland.	€2.00	

c.	Use of showers the property of Waterways Ireland.	€2.00	
d.	Use of laundry washing machines the property of Waterways Ireland.	€5.00	
e.	Use of laundry drying machines the property of Waterways Ireland.	€5.00	
f.	Per 2kw hours of electricity supply from power bollards the property of Waterways Ireland	€1.00	
g	Per large bag of general waste	€5.00	
h.	Per small bag of general waste	€3.00	

Schedule 2

Canals Acts, 1986 (Amendment) Bye-laws 2024 FIXED PAYMENT NOTICE

Waterways Ireland

To.....

Address.....

.....

It is alleged that you have committed an offence under section 7 of the Canals Acts.

at *[insert description of the location or address where the offence is alleged to have been committed]*

on *[insert date and description of alleged offence]*

in contravention of the Canals Act 1986 (Bye-Laws) 2024 in the particulars of the offence set forth below.

A prosecution in respect of the alleged offence will not be instituted during the period of 21 days beginning on the date of this notice, if during that period you pay to Waterways Ireland, The Docks, Athlone, Co Westmeath, N37 RW26 the sum of €150 accompanied by this notice.

Nature of the alleged offence	Relevant section of the Acts
Acting in breach of the Canals Act 1986 (Bye-Laws) 2024, <i>[specify the bye-law(s)]. [Insert particulars of the offence alleged contrary to the bye-laws]</i>	Section 7A of the Canals Act 1986.
.....	
.....	
.....	
.....	
.....].	

Dated this day of 20...

Signed:

Authorised officer,
Waterways Ireland

IWAI Comment 43: a published list of offences would be helpful

Consent to the making of these Bye Laws

The Minister for Public Expenditure and Reform, in so far as they relate to the charging of fees, consents to the making of the foregoing Bye-laws.

GIVEN under my Official Seal,

_____ 2024

Minister for Public Expenditure and Reform.

The Minister for Housing, Local Government and Heritage, consents to the making of the foregoing Bye-laws.

GIVEN under my Official Seal,

_____ 2024

Minister for Housing, Local Government and Heritage.

GIVEN under the Official Seal of Waterways Ireland,

_____ 2024

EXPLANATORY NOTE

Section 7 of the Canals Act, 1986 as amended by Section 56 of the Maritime Safety Act, 2005 and Section 5 of the Heritage Act, 2018 empowers ~~the Commissioners of Public Works~~ **Waterways Ireland** to make Bye-laws for the care, management, maintenance, control and regulation of the use of the canal property. The Canals Act, 1986 (Bye-laws), 2024 contain the detailed provisions prescribed by ~~the Commissioners~~ **Waterways Ireland**.

The tolls and charges for the use of certain facilities provided by ~~the Commissioners~~ **Waterways Ireland** on the canals are set out in schedule 1.