



## **CANALS ACTS 1986 AND 2005**

### ***DRAFT CANALS ACT, 1986 (AMENDMENT) BYE-LAWS, 2014***

#### **NOTICE**

Waterways Ireland, in accordance with section 7(1) of the Canals Act, 1986 (No.3 of 1986) as amended by section 56 of the Maritime Safety Act, 2005 (No. 11 of 2005), proposes to make the Canals Act, 1986 (Amendment) Bye-Laws, 2014 with the consent of the Minister for Arts, Heritage and the Gaeltacht and the consent of the Minister for Finance.

In general terms, the purpose of the amendment Bye-Laws is as follows:

- To make further provision for the care, management, maintenance and control and the regulation of the use of the canals and moorings on the canals and their use by the public for recreation and navigation purposes.
- To amend the Schedule in the 1988 Bye-Laws relating to Tolls and Charges, described in the First Schedule to the Draft Amendment Bye-Laws.
- To make provision for the care, management, maintenance, control and regulation of the use of the canals and moorings on the canals by houseboats.
- To introduce a fixed payment notice procedure for alleged offences for breach of the Bye-Laws.
- To set out the form of the fixed payment notice in the Second Schedule to the Draft Amendment Bye-Laws.
- The Explanatory Note at the end of the Draft Amendment Bye-Laws explains further the changes proposed to the 1988 Bye-Laws.

A copy of the Canals Act 1986 (Bye-Laws) 1988 (SI No. 247 of 1988) and a copy of the Draft Canals Act, 1986 (Amendment) Bye-Laws 2014 may be inspected and downloaded from the website of Waterways Ireland [www.waterwaysireland.org/public-consultation](http://www.waterwaysireland.org/public-consultation)

A copy of the 1988 Bye-Laws and a copy of the Draft Amendment Bye-Laws may also be inspected by arrangement, during the hours of 09.15 - 17.30 Monday to Friday for a period of 21 working days commencing on the 6<sup>th</sup> January 2014 at the following Waterways Ireland Offices:

- Headquarters, 2 Sligo Road, Enniskillen, Co Fermanagh, BT74 7JY  
Contact Telephone Number 0044 (0)28 6632 3004
- Eastern Regional Office, Floor 2 Block C, Ashtowngate, Dublin 15  
Contact Telephone Number 00353 (0)1 882 3301

A person may submit objections in writing to the Draft Canals Act, 1986 (Amendment) Bye-Laws 2014 to the undersigned within a period of 21 working days from the 6<sup>th</sup> January 2014 to 3<sup>rd</sup> February 2014.

**By email** to [consultation@waterwaysireland.org](mailto:consultation@waterwaysireland.org)

**Online** at [www.waterwaysireland.org/Public-Consultation](http://www.waterwaysireland.org/Public-Consultation),

**Delivered by post/hand** and addressed to Edel Trainor, Waterways Ireland, Eastern Regional Office, Floor 2, Block C, Ashtowngate, Dublin 15; OR Edel Trainor, Waterways Ireland, 2 Sligo Rd, Enniskillen, Co Fermanagh, BT74 7JY

All written objections received will be considered by Waterways Ireland.

**Dawn Livingstone  
Chief Executive  
Waterways Ireland  
2 Sligo Road, Enniskillen  
Co Fermanagh  
Northern Ireland  
BT74 7JY**

Dated: 6 January 2014

**STATUTORY INSTRUMENTS**

**S.I. No.      of 2014**

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**DRAFT**

**CANALS ACT, 1986 (AMENDMENT) BYE-LAWS, 2014**

**S.I. No. of 2014**

**CANALS ACT, 1986 (AMENDMENT) BYE-LAWS, 2014**

**ARRANGEMENT OF BYE-LAWS**

1. Citation and commencement
2. Definitions
3. Mooring and use of the canals for recreation, navigation and fishing.
4. Houseboats
5. Mooring of boats and fixing of ropes
6. Tolls and charges
7. Fixed payment notice
8. Schedules
  - First Schedule
  - Second Schedule

S.I. No.     of 2014

CANALS ACT, 1986 (AMENDMENT) BYE-LAWS 2014

Waterways Ireland, in exercise of the powers conferred by section 7(1) of the Canals Act, 1986 (No.3 of 1986) as amended by section 56 of the Maritime Safety Act, 2005 (No. 11 of 2005) and with the consent of the Minister for Arts, Heritage and the Gaeltacht further to section 11(5)(b) of the British-Irish Agreement Act, 1999 (No.1 of 1999), hereby makes the following bye-laws:

Citation and commencement

**1.** (1) These Bye-laws may be cited as the Canals Act, 1986 (Amendment) Bye-laws 2014.

(2) These Bye-laws shall come into operation on the     day of     2014.

(3) References to the Commissioners of Public Works in Ireland contained in the Canals Act, 1986 (Bye-Laws) 1988 (S.I. No. 247 of 1988) shall be construed as references to Waterways Ireland.

(4) The Canals Act, 1986 (Bye-Laws) 1988 and these Bye-laws may be cited together as the Canals Act 1986 (Bye-laws) 1988 and 2014.

## Definitions

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

“annual canals cruising permit” means the permit required by all boats under the Bye-laws to cruise and navigate the canals;

“annual extended canals mooring permit” means the permit required by all boats under the Bye-laws not navigating or continuously cruising the canals. The permit will allow the use of a mooring identified by Waterways Ireland on the canals where a boat may moor for more than five days and up to one year;

“annual houseboat mooring permit” means the permit required for a houseboat not navigating or continuously cruising the canals. The permit will allow the use of a mooring identified by Waterways Ireland on the canals where the houseboat may moor for more than five days and up to one year.

“Barrow open fishing boat licence” means the licence for a small open fishing boat no more than 5.5 metres in length on the Barrow Navigation. This licence will permit the boat to be left or moored at a designated place on the Barrow for use on the Barrow navigation;

“continuous cruising” means a boat which is making continuous voyage on the canals that does not moor in any one place for more than five consecutive days or a total of seven days in a calendar month.

“fixed payment notice” means the notice provided for in section 7A of the Canals Act, 1986 regarding an alleged offence in contravention of bye-laws made under section 7 of the said Act;

“houseboat” means a boat on the canals which is being used as the sole or principal residence of the owner or an occupant with the owner’s permission;

“visitor cruising permit” means the permit issued to a boat visiting the canals from another navigation during the period 1<sup>st</sup> day of April to the 31<sup>st</sup> day of October. The permit will allow the use of the canals for continuous cruising for a period of 30 days without charge. Thereafter, the boat if it remains on the canals will require an annual cruising permit.

“Waterways Ireland” means the implementation body for inland waterways established pursuant to the British-Irish Agreement Act, 1999.

Moorings and use of the canals for recreation, navigation and fishing

**3.** (1) These bye-laws make further provision for the care, management, maintenance and control, and the regulation of the use of the canals and moorings on the canals and their use by the public for recreation and navigation purposes. Moorings shall be designated by Waterways Ireland for such purposes.

(2) The tolls and charges are set forth in the First Schedule to these bye-laws.

Houseboats

**4.** (1) These bye-laws make provision for the care, management, maintenance, control and regulation of the use of the canals and moorings on the canals by houseboats. Houseboat moorings shall be designated by Waterways Ireland for such purposes.

(2) The tolls and charges are set forth in the First Schedule to these bye-laws.

## Mooring of boats and fixing of ropes

**5.** The Canals Act 1986 (Bye-laws) 1988, Bye-law 25(1) is hereby amended by the substitution of the following paragraph for paragraph (d):

“(d) at the same place on the canals, or within three kilometres of the location for more than 5 consecutive days, or a total of 7 days in any calendar month, without an appropriate permit from Waterways Ireland. The period of days shall be reckoned from the day the boat moored and shall be included in the period.”

## Tolls and charges

**6.** The Canals Act 1986 (Bye-laws) 1988, is hereby amended by the substitution of the following Bye-law for Bye-law 40:

“Tolls and charges

The Canals Act 1986 (Bye-Laws), 1988 is hereby amended by the substitution for Bye-Law 40 of the following bye-law:

“40. The owner or master or person in charge of any boat shall

(a) pay tolls and charges prescribed by Waterways Ireland for the use of the canals or any canal property and as set out in the First Schedule to these bye-laws;



(b) ensure that permits issued by Waterways Ireland 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.”

#### Fixed payment notice

**7.(1)** This bye-law specifies the fixed payment notice provided for in section 7A of the Canals Act 1986 as inserted by section 56(c) of the Maritime Safety Act, 2005 (No. 11 of 2005).

(2) The notice set out in the Second Schedule shall be the specified notice.

(3) A fixed payment notice shall be deemed to have been well and sufficiently served if sent to the person concerned by registered post or delivered to him or her by an authorised officer of Waterways Ireland.

#### Schedules

**8. (1)** The Canals Act, 1986 (Bye-Laws) 1988 is hereby amended by the substitution for the Schedule of the First Schedule setting forth tolls and charges.

(2) The Canals Act 1986 (Bye-Laws) 1988 is hereby amended by the addition of the Second Schedule specifying the fixed payment notice.

FIRST SCHEDULE

*Bye-Law 6*

*Tolls and Charges*

<p>(1) Annual canals cruising permit:</p>	<p>Pay an annual fee of €130 for each boat on the canals to cruise and navigate the canals and the locks.</p>
<p>(2) Annual extended canals mooring permit:</p>	<p>Pay an annual fee for each boat mooring on the canals not continuously cruising or navigating the canals. The permit allows the use of a mooring identified by Waterways Ireland where the boat may be moored.</p> <p>Pay a fee of €160 to €1,600 for an annual mooring depending on size of boat, location and services provided.</p> <p>Pay a fee of €2,500 for an annual mooring in Grand Canal Dock. A daily fee of €10 applies to boats granted permission to moor in Grand Canal Dock or in Spencer Dock beyond 5 days.</p>
<p>(3) Annual houseboat mooring permit:</p>	<p>Pay a fee of €1,250 to €3,500 depending on the location and the services provided by Waterways Ireland.</p>
<p>(4) Barrow open fishing boat licence:</p>	<p>Pay an annual fee of €50.</p>
<p>(5) Visitor cruising permit:</p>	<p>Granted free of charge for a boat visiting the canals for a period of up to 30 days. Thereafter an annual canals cruising permit is required.</p>
<p>(6) Tolls:</p>	<p>Pay a fee of €25 for passage through Camden Lock, Buckingham Lock, Westmoreland Lock, Grand Canal Dock, Ringsend Lock and Spencer Dock Sea Lock.</p> <p>Pay fee of €25 for each boat to raise the Newcomen Bridge.</p>

(7) Boats entering dry dock for repairs:	Pay a fee of €50 per day for the first 7 days or part of any day. Thereafter a fee of €75 per day for the next 7 days and thereafter a fee of €100 per day.
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SECOND SCHEDULE

CANALS ACTS 1986 and 2005

*Bye-Law 7*

FIXED PAYMENT NOTICE

Waterways Ireland .....

To.....

Address.....

.....

It is alleged that you have committed an offence under section 7(3) of the Canals Act 1986 as amended by section 56(b)(i) of the Maritime Safety Act 2005.

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) 1988 and 2012, *[specify the bye-law(s)]*, 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 and, if during that period you pay to Waterways Ireland at *[insert the address of Waterways Ireland at which the fine may be paid]*.....

the sum of €150 accompanied by this notice, a prosecution in respect of the alleged offence will not be instituted.

Nature of the alleged offence	Relevant section of the Acts
Acting in breach of the Canals Act 1986 (Bye-Laws) 1988 and 2012, <i>[specify the bye-law(s)]</i> .	Section 7(3) of the Canals Act 1986 as amended by



Section 7 of the Canals Act, 1986, as amended by section 56 of the Maritime Safety Act 2005, empowers Waterways Ireland to make Bye-laws for the care, management, maintenance, control and regulation and use of the canals. Waterways Ireland was established by the British-Irish Agreement Act 1999 and has had vested in it the inland waterways of the State.

The Canals Act, 1986 (Amendment) Bye-laws 2012 amend the Canals Act 1986 (Bye-Laws) 1988. Provision is made for moorings and the use of the canals for recreation, navigation and fishing. Provision is also made for the regulation of houseboats on the canals. The amendment Bye-laws include a substituted First Schedule with relevant tolls and charges. The Second Schedule specifies the fixed payment notice regarding alleged offences contrary to the bye-laws. Breach of the bye-laws may be prosecuted in the District Court with a maximum fine of up to €5,000 on conviction.

Alternatively, Waterways Ireland may choose to serve a fixed payment notice for alleged breach of the bye-laws. This provides for the payment of €150 within a period of 21 days of the date of the notice and no prosecution thereafter in the District Court.

**STATUTORY INSTRUMENTS**

**S.I. No.      of 2014**

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**DRAFT**

**CANALS ACT, 1986 (AMENDMENT)  
BYE-LAWS, 2014**

## INFORMATION NOTE

### DRAFT CANALS ACT, 1986 (AMENDMENT) BYE-LAWS, 2014

The Draft Canals Act, 1986 (Amendment) Bye-Laws, 2014 introduce Bye-laws for the management of houseboats, facilitate modernisation of the charging regime and introduction of a Fixed Penalty Notices to give effect to the powers granted in the 2005 Maritime Safety Act.

These new Bye-laws will enhance Waterways Ireland's ability to manage boats using the canals and waterway amenities for both the navigational and recreational user. These changes will also support the investment already made in new infrastructure and facilities by Waterways Ireland, on the canals for all waterway users. They will help to develop the canals as a vibrant recreational waterway for all users.

The main amendments to the Bye-Laws are summarised as follows:

#### **(1) Regulating the period a boat may moor on navigation property.**

Due to the phased development of the canals, and the current level of fee for mooring and passage permits, there are no private off-line moorings available for boats on the canals. Therefore all boats on the canals are continuously on navigation property.

Under the 1988 Bye-Law the maximum period that a boat can stay in one place on the navigation is regulated as follows:

*25. (1) No person shall moor a boat —*

*“(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.”*

This will be replaced with a new Bye-Law:

*25. (1) No person shall moor a boat -*

*“(d) at the same place on the canals, or within three kilometres of the location for more than 5 consecutive days, or a total of 7 days in any calendar month, without an appropriate permit from Waterways Ireland. The period of days shall be reckoned from the day the boat moored and shall be included in the period.”*

## **(2) Changes to the charging regime in the 1988 Bye-Laws**

The 1988 Bye-Laws provide that;

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

*40. The owner, master or person in charge of any boat shall—*

- (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.*

The charges are set out in the Schedule of Tolls and Charges to the 1988 Bye-laws. These include:

### *“Tolls and Charges*

- (1) (a) pay a fee of £10.00 per month or part of month for each boat mooring on the canals;*
- (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;*
- (c) pay a fee of £100 per annum for each boat for mooring and passage through locks.”*

It is proposed to amend the charging regime in the new draft Bye-Laws 2014 as follows:

*“40. The owner or master or person in charge of any boat shall*

- (a) pay tolls and charges prescribed by Waterways Ireland for the use of the canals or any canal property and as set out in the **First Schedule** to these bye-laws;*
- (b) ensure that permits issued by Waterways Ireland 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.”*

This change is set out in the First Schedule to the draft Bye-laws which is explained further in this note at (3).



### **(3) Creation of a framework to manage boats using the Canals**

The amendment to the Bye-laws provides a framework which allows Waterways Ireland to make further provision for the care, management, maintenance, control and regulation of the use of the canals for recreation, navigation and fishing purposes and mooring on the canals by Houseboats.

- **Annual Canals Cruising Permit**

This permit will be required of all boats to cruise and navigate the canals and the locks. An Annual Canals Cruising Permit will be charged at €130 for each boat.

- **Annual Extended Canals Mooring Permit**

An Annual Extended Canals Mooring Permit will be required by all boats under the Bye-laws not navigating or continuously cruising the canals. The permit will allow the use of a mooring identified by Waterways Ireland on the canals where a boat may moor for more than five days and up to one year.

The permit fee will be charged as follows: -

- €160 to €1,600 for an annual mooring depending on size of the boat, location and services provided.
- €2,500 for an annual mooring in Grand Canal Dock. A daily fee of €10 applies to boats granted permission to moor in Grand Canal Dock or in Spencer Dock beyond 5 days.

- **Continuous Cruising**

This framework enables Waterways Ireland to effectively manage its waterways with the “Annual Canal Cruising Permit” and the “Annual Extended Canals Mooring Permit”. Waterways Ireland require that all boats have these permits or commit to moving continuously in accordance with the new Bye-law summarised at (1)

A boat owner can elect not to purchase an “Extended Canals Mooring Permit” and declare themselves as “continuous cruising”. They will then be managed in accordance with the Bye-Law defining the maximum stay in one location as set out at (1).

- **Houseboats**

These Bye-Laws also introduce provision for the care, maintenance, control and regulation of houseboats on the Canals.

A “Houseboat” is defined in the Bye-laws as – *a boat on the canals which is being used as the sole or principal residence of the owner or an occupant with the owner’s permission.*

An Annual Houseboat Mooring Permit is a permit required for a houseboat not navigating or continuously cruising the canals. This permit will allow use of a mooring identified by Waterways Ireland on the canals where the houseboat may moor for more than five days and up to one year.

An Annual Houseboat Mooring Permit will be charged at €1,500 to €3,500 depending on the location and the services provided by Waterways Ireland.

- **Dry Dock Facilities**

Waterways Ireland provides dry dock facilities on the Canals at Shannon Harbour, Tullamore, Athy, Mullingar and Clondra. These amenities provide a valuable service for public use where a boat owner can complete work on their boat without the necessity to arrange a crane and the need to lift the boat onto hard standing.

The fees for using these facilities have been increased to reflect the appropriate cost of such a valuable service. It will also encourage more effective use of the facility.

- **Barrow Open Fishing Boat Licence**

A licence will be required to operate and moor a small open fishing boat no more than 5.5 metres in length on the Barrow Navigation. This licence will permit the boat to be left or moored at a designated place on the Barrow for use on the Barrow Navigation. The annual fee of a licence will be charged at €50.

- **Visitor Cruising Permit**

This permit will allow for a boat to visit the canals for a period of 30 days between the 1<sup>st</sup> day of April and the 31<sup>st</sup> of October. The permit will allow the use of the canals for continuous cruising for a period of 30 days without charge.

If the boat remains on the canals after this period an annual cruising permit will be required.

#### **(4) Fixed Penalty Notice**

- *7(1) of the draft Bye-laws specifies the fixed payment notice provided for in section 7A of the Canals Act 1986 as inserted by section 56 (c) of the Maritime Safety Act, 2005 (No. 11 of 2005)*

This amendment Bye-law provides for a Fixed Payment Notice in the Second Schedule regarding alleged offences contrary to the Bye-laws. A breach of the Bye-laws may be prosecuted in the District Court with a maximum fine of up to €5,000 on conviction.

Alternatively, Waterways Ireland may choose to serve a fixed payment notice for alleged breach of the Bye-laws. The fixed payment notice will be charged at €150

and must be paid within a period of 21 days of the date of the notice to avoid prosecution thereafter in the District Court.