



Fingal Harbours and Piers

Review of Harbour Bye Laws

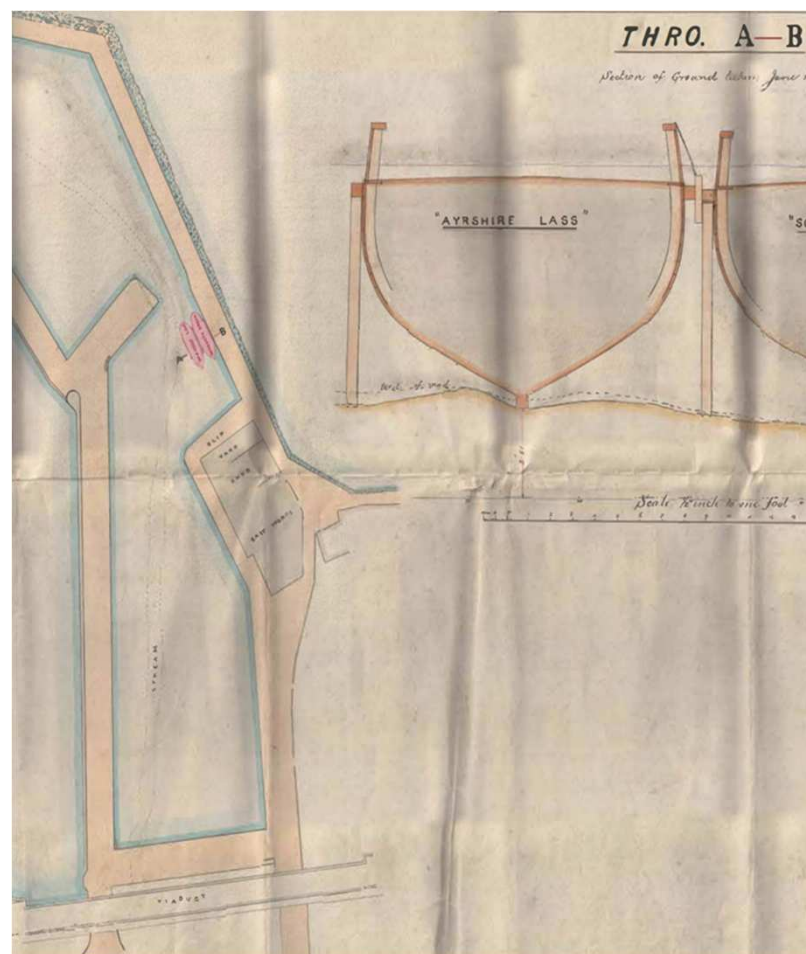
29th June 2023

Marine & Coastal Strategic Policy Committee

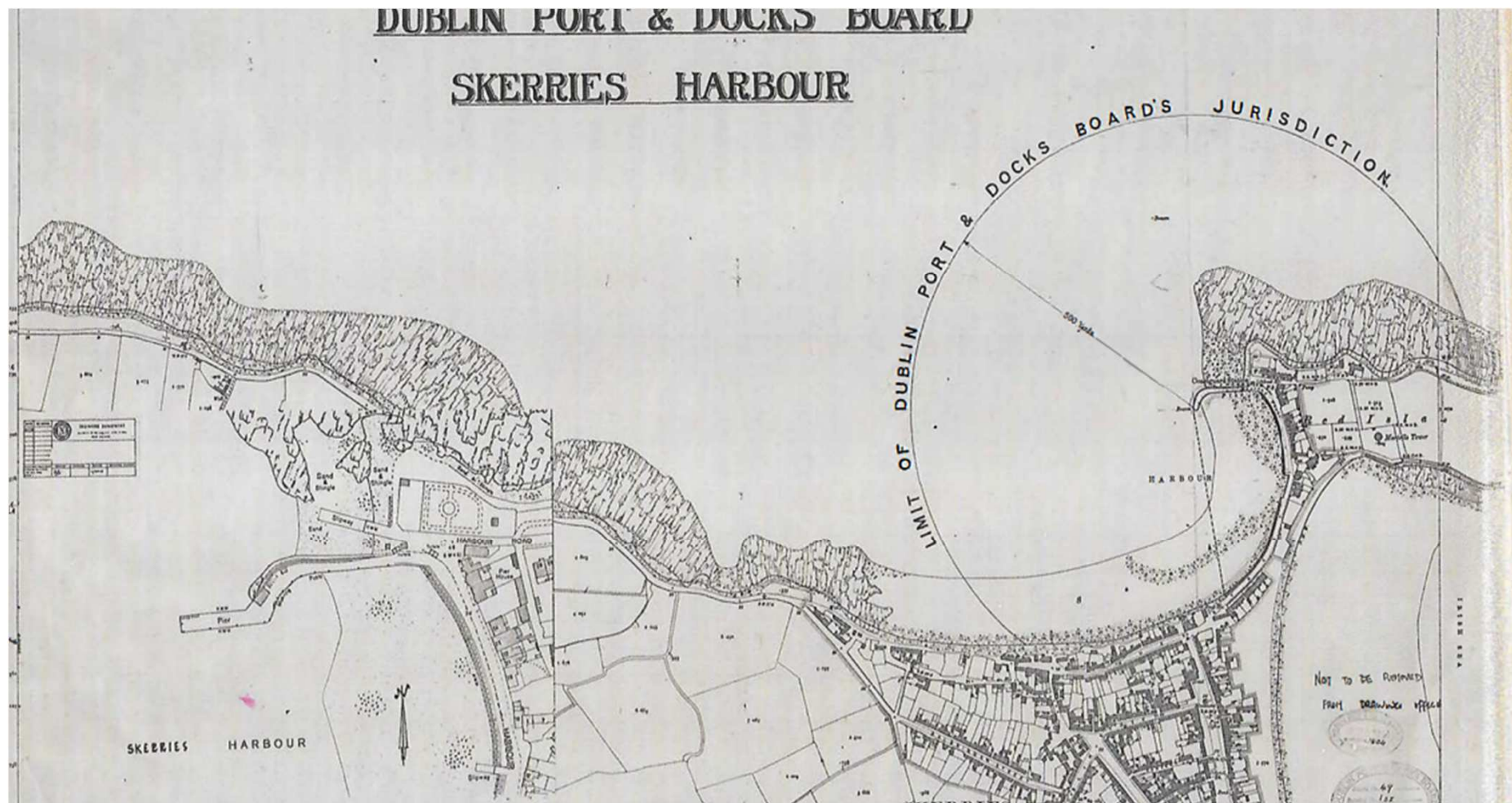
Legislative Context Harbours in Fingal



- Pier & Harbours Confirmation Acts 1867 and 1877 vested Balbriggan and Skerries Harbours in Dublin Port and Docks Board
- Balbriggan Harbour Plan 1867 Act



Skerries Harbour Limit of Jurisdiction 1877 Admiralty Maps



Transfer of Balbriggan and Skerries Harbours



1996 Harbours Act Section 88

- On the commencement of this subsection there shall stand transferred to Fingal County Council from the Dublin Port and Docks Board,.....the following harbours, namely, Skerries Harbour and Balbriggan Harbour together with all the property, rights and liabilities of the said Board or company, as the case may be, connected with each of the said harbours.
- Statutory Instrument SI Number 409/2004 – Harbours Act 1996 (Section 88 (4)) (Commencement Order) 2004 transferred Skerries and Balbriggan Harbours to the Council with effect from the 30th June 2004

Loughshinny and Rush Harbours



Grand Jury (Ireland) Act 1853

- Loughshinny and Rush listed as harbours built for the improvement of fisheries under Sea Fisheries Ireland Act of 1846
- Both harbours transferred to the County Council
 - Rush in 1847
 - Loughshinny post the 1853 Act

Fingal Harbour Bye-Laws



The current Harbour Bye-Laws for Skerries & Balbriggan

- Adopted by Council July 2010

Harbour Bye-Laws for Rush & Loughshinny

- Adopted by Council December 2010

Review of Harbour Bye-Laws included as part of SPC
Programme 2023

- Junior Counsel appointed late 2022 to review current Bye Laws and to prepare revised Harbour Bye Laws

Review of Harbour Bye Laws



- The legal basis for the making of Harbour Bye Laws is provided for in the Local Government Act 2001 and Section 89 Harbours Act 1996.
- Bye Laws made in accordance with Maritime Safety Act 2005 should be made separately if **required** and deal with the operation of jet skis and mechanically propelled recreational craft.
- Bye Laws should only deal with issues that are not dealt with adequately in general law.
- Limit of Jurisdiction of Skerries Harbour extends 500 yards from the end of the old Pier

Recommendations on Revised Harbour Bye Laws



- Individual Bye Laws for each of the four harbours
- Bye Laws to be presented under five distinct headings
 - Interpretation
 - Use of Harbours By Vessels
 - Use of Harbour Roadway or Piers for Placing or Keeping Goods
 - Prohibition of Bringing Vehicles to the Roadway or Piers
 - Prohibition of placing Vessels, Vessels Apparel or Boat Cradles on the Roadway, Slipway, Campshires or Horizontal Surface of the Piers
- A Code of Conduct should be in place for all harbour users when Bye Laws have been adopted.

Harbour Bye Laws - Next Steps



- Section 200 of the Local Government Act 2001
 - Publish a notice in one or more newspaper circulating in the Area of the proposal to make Harbour Bye Laws
 - Copy of Draft Harbour Bye Laws are available for public inspection from the 15th June to the 31st July 2023
 - Council Offices, Libraries, Four Harbours, Council website
 - Submissions and Observations can be made in writing on the consultation portal by 14th August, 2023

Harbour Bye Laws - Next Steps



- Closing date for submissions and observations 14th August 2023
- Report to the September SPC on the consultation and responses to submissions and observations
- The making of Bye Laws is a reserved function of the full Council
- In considering the submissions the Council may;
 - Make the Bye Law in accordance with the draft or subject to such changes as it may determine or
 - not make the Bye law
- It is proposed to bring the Bye Laws to the full Council for adoption at the October Council Meeting

Questions from Members



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