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Maritime Usage Licensing,
Maritime Area Regulatory Authority (MARA),
2nd Floor, Menapia House,
Drinagh Business Park,
Wexford, Y35RF29.

9th February 2026
Our Ref:636/CMS/20260203

Dear Sir/Madam,

Re: LIC230025 – Minded to Determination Response

On behalf of the Port of Waterford (PoW), and in response to your Minded to Determine Notice and Proposed Licence with regard to the above application, please find herein the PoW's response and supplementary information on a number of the proposed Conditions.

The Port of Waterford makes these proposals in good faith.

Yours sincerely,

Colm Sheehan
The Bates Partnership

Cc: Capt. Darren Doyle, Harbour Master, Port of Waterford Company
Capt. Ian Moriarty, Deputy Harbour Master, Port of Waterford Company

Attachment: Annex A - Port of Waterford Proposed amendments to minded decision
Annex B - Map of Statutory Port Limits
Annex C - Port Bye-laws (Pilotage Exempted) 2015
Annex D - Email from Marine Survey Office regarding Marine Notices
Annex E - Dumping at Sea Permit S0012-05
Annex F - Pilotage Bye-laws 2025
Annex G - Local Notice to Mariners No. 03 of 2022 regarding the conduct of fishing vessels within Port Limits

Annex A - Port of Waterford Proposed Amendments to Maritime Usage Licence

Item	Condition As Is	Proposed Condition	Reasoning
1	Particulars Schedule 7(3) Marine environmental surveys for the purposes of site investigation or in support of an application under Part XXI of the Act of 2000.	It is proposed that this activity be deleted.	<p>Pursuant to Section 11 of the Harbours Act 1996, PoW undertakes regular bathymetric surveys for the purposes of management, monitoring, control and operation of its navigation channels. Such surveys are non-intrusive, limited in scale and are not undertaken for either 1) for the purposes of scientific discovery or research or 2) for the purposes of site investigation or in support of an application under Part XXI of the Act of 2000. Such surveys are not discretionary but are an essential operational safety function that have been undertaken regularly in every port, harbour and marina in Ireland for decades without the requirement of a licence. The legislation of the Marine Planning Act (Schedule 7) does not appear to change this standpoint.</p> <p>Furthermore, the inclusion of the activity whilst at the same time limiting it to the Licence Area defined in Appendix 1 of the proposed licence, would prevent the surveying of parts of the channel, and the wider port area, currently not subject to maintenance dredging (Please see outline of Port of Waterford's statutory Port Limits in Annex B). Such limitation would create a regulatory restriction on the PoW's ability to undertake its statutory duties.</p> <p>It is also noted that MUL230029, issued to the Department of Defence and LIC230004, issued to Aughinish Alumina Ltd have no such activity associated with them, even though such bathymetric surveys are a fundamental part of any dredging project. Furthermore, LIC230004 includes Condition 30 that requires the provision of survey data to the UKHO and therefore the expectation that survey will be undertaken.</p> <p>On this basis, it is proposed that the activity is removed as it does not fall under the requirements of a MUL.</p>

Item	Condition As Is	Proposed Condition	Reasoning
2	<p>Condition 10</p> <p>At the expiration or termination of the Licence, the Holder shall remove all plant, machinery, equipment or any other thing used in connection with the Permitted Maritime Usage from the Licensed Area (or if applicable from any other part of the maritime area) and restore the Licensed Area (and if applicable any other part of the maritime area) to the condition it was prior to the commencement of the Permitted Maritime Usage to the satisfaction of the Grantor.</p>	<p>It is proposed that this Condition be deleted or clarified to be relevant to routine maintenance dredging over an eight year period.</p>	<p>Restoration of the Licensed Area is not applicable to maintenance dredging and therefore the Condition leads to ambiguity with regard to the legal position and obligations of the PoW as licence holder. If the Condition is not deleted, clarity should be provided as to the expectations of the Grantor to this Condition and its applicability.</p>
3	<p>Condition 19</p> <p>The Holder shall, a minimum 14 days prior to the commencement of the Permitted Maritime Usage, arrange for the publication of a Marine Notice with the Marine Safety Policy Division, Department of Transport. This Marine Notice shall include details of the Licence Holder and the Licence Number as granted by MARA.</p>	<p>Condition 19</p> <p>The Holder shall, a minimum 14 days prior to the commencement of dredging or ploughing activities, arrange for the publication of a local Notice to Mariners by the Harbour Master. This local Notice to Mariners shall include details of the Licence Holder and the Licence Number as granted by MARA.</p>	<p>Port of Waterford is the statutory authority with responsibility for the management and conservancy of the harbour. Local Notices to Mariners are issued by the Harbour Master in accordance with the Port's Bye-laws (Annex C), pursuant to the Harbours Act 1996. As the proposed operations occur entirely within Port Limits, the publication of a local Notice to Mariners is deemed sufficient with regard to ensuring the safety of navigation. Please find attached in Annex D an email from the Marine Survey Office on this matter.</p> <p>The above change will also align the Licence with Condition 2.6 of the attached Dumping at Sea Permit (Annex E).</p>
4	<p>Condition 21</p> <p>Prior to the commencement of the Permitted Maritime Usage the Holder shall consult with Port of Waterford Company to plan and schedule the Permitted Maritime Usage in order that any potential disruption to port operations is managed.</p>	<p>It is proposed that this Condition in its entirety be deleted.</p>	<p>The Holder is the Port of Waterford Company, and this fact renders the Condition redundant.</p>

Item	Condition As Is	Proposed Condition	Reasoning
5	<p>Condition 25 Prior to the commencement of the Permitted Maritime Usage, the Holder shall coordinate with other authorisation holders carrying out geophysical, seismic and geotechnical activities within a 6km radius of the Licensed Area.</p>	<p>It is proposed that this Condition in its entirety be deleted.</p>	<p>Activities within Port Limits are authorised at the Harbour Master's discretion with due regard to the Harbours Act, Port Bye-Laws (including but not limited to Bye-Law 4, Bye-law 10, Bye-law 17, Bye-law 25, Bye-law 77), the Pilotage Bye-Laws 2025 (Annex F) and any relevant Notice to Mariners. Other authorisation holders intending to carry out geophysical, seismic and geotechnical activities within a 6km radius of the Licensed Area must first engage with the Harbour Master. In the event of any temporal overlap within Port Limits, the Harbour Master would determine the timing of activities.</p> <p>However, in line with the proposed change to the Particulars Schedule (Item 1 above), the cumulative effects of geophysical, seismic and geotechnical activities are not applicable to minor bathymetric navigation surveys. Therefore, no restrictions are necessary to ensure the protection of the marine environment and protected species and habitats.</p> <p>Furthermore, as currently written, this Condition is interpreted to be applicable to all Permitted Maritime Usage, which would include dredging and disposal activities, neither of which have comparable potential impacts to geophysical, seismic and geotechnical activities associated with offshore or development site investigations.</p>
6	<p>Condition 28 The Holder shall ensure that there is an oil pollution emergency plan on-board any survey vessels.</p>	<p>It is proposed that this Condition in its entirety be deleted.</p>	<p>Under MARPOL Annex I, Regulation 37, oil pollution emergency plans are not required on any vessel (excluding oil tankers) under 400 gross tonnage. The survey vessel used by the Port of Waterford is approximately 11.7m long by 3.66m wide with a gross tonnage of less than 20gt. Therefore, the Condition is not an appropriate control to ensure protection of the marine environment. The vessel is fully certified, conforming to Irish Certification standards, as per Condition 22, without carrying an oil pollution emergency plan.</p> <p>In line with the proposed change to the Particulars Schedule regarding the inclusion of minor bathymetric navigation surveys, it is proposed this Condition be deleted.</p>

Item	Condition As Is	Proposed Condition	Reasoning
7	<p>Condition 29 While conducting the Permitted Maritime Usage the Holder shall not interfere with any fishing gear or obstruct any fishers or fishing vessels engaged in fishing.</p>	<p>It is proposed that this Condition in its entirety be deleted.</p>	<p>The conduct of all vessels is governed by, <i>inter alia</i>, the International Regulations for Preventing Collisions at Sea (Collision Regulations). These regulations are given statutory effect in Ireland by S.I. No. 507/2012. Rule 3, part (g), defines the term ‘vessel restricted in her ability to manoeuvre’ as “a vessel which from the nature of her work is restricted in her ability to manoeuvre as required by these Rules and therefore is unable to keep out of the way of another vessel.” A number of examples are defined within the rule, and include vessels “engaged in dredging, surveying or underwater operations” Rule 9, part (c) requires that a vessel engaged in fishing shall not impede the passage of any other vessel navigating within a narrow channel or fairway. Rule 18 Part I(ii) requires vessels engaged in fishing to, so far as possible, keep out of the way of: “a vessel restricted in her ability to manoeuvre”.</p> <p>Further to the Collision Regulations, Port Bye-law 12.1 ((Pilotage Excepted) 2015) deems the Fairway in its entirety to be a narrow channel within the meaning of the Regulations. Pilotage Bye-law 14.2 requires that vessels (other than a Small Vessel) shall not be moved or navigated within the Pilotage District without (immediately prior to the move) obtaining permission from the Harbour Master to move. Pilotage Bye-law 14.4 gives the Harbour Master absolute discretion to apply Bye-law 14.2 to all or any Small Vessel.</p> <p>Local Notice to Mariners No. 03 of 2022 (Annex G) concerns the conduct of fishing vessels within port limits. The Notice prohibits the laying of fishing gear, pots, nets, lines etc. in the marked navigation channel or in any such position where they are likely to become an obstruction or danger to any vessel. It also requires fishing vessels not to engage in fishing in the navigation channel if such activity is likely to impede the passage of any other vessel. The above requirements are legally binding and aim to ensure the safety of navigation within port limits.</p> <p>The inclusion of the Condition would contravene 1) the Collision Regulations, 2) Port Bye-laws, 3) Pilotage Bye-laws, 4) the local Notice to Mariners, and the observance of good seamanship.</p>

Item	Condition As Is	Proposed Condition	Reasoning															
8	<p>Condition 32 (i) The Holder shall undertake monitoring of turbidity and suspended solids during the course of each dredging campaign, and for seven days before and after the dredging campaigns.</p>	<p>Condition 32 (i) The Holder shall undertake monitoring of turbidity during the course of each dredging campaign, and for seven days before and after the dredging campaigns.</p>	<p>It is proposed that the requirement for suspended solids during each campaign is removed. This is on the basis that water quality monitoring has been undertaken for many years at the proposed location and the acquisition and testing of over 100 water samples during 2020 by the Aquatic Services Unit (University College Cork), in accordance with ISO 7027, established the correlation of 1 NTU turbidity being equal to 1.25mg/l of Suspended Solids. This site-specific relationship has been specified for use in the Dumping at Sea Permit, Schedule C.1.2 and ensures the protection of the marine environment.</p>															
9	<p>Condition 32(ii) The Holder shall undertake the monitoring of turbidity and suspended solids as follows:</p> <table border="1" data-bbox="197 643 524 834"> <thead> <tr> <th>Parameter</th> <th>Analysis Method</th> <th>Frequency</th> </tr> </thead> <tbody> <tr> <td>Turbidity</td> <td>Alarmed turbidity sensor deployed on a moored buoy.</td> <td>Continuous for the duration of each dredge campaign and at a minimum one week before and one week after the completion each dredge campaign.</td> </tr> <tr> <td>Suspended Solids</td> <td>Standard method*</td> <td>A sufficient number of samples shall be taken during each campaign to establish the relationship between turbidity and suspended solids.</td> </tr> </tbody> </table>	Parameter	Analysis Method	Frequency	Turbidity	Alarmed turbidity sensor deployed on a moored buoy.	Continuous for the duration of each dredge campaign and at a minimum one week before and one week after the completion each dredge campaign.	Suspended Solids	Standard method*	A sufficient number of samples shall be taken during each campaign to establish the relationship between turbidity and suspended solids.	<p>Condition 32(ii) The Holder shall undertake the monitoring of turbidity as follows:</p> <table border="1" data-bbox="674 643 1068 834"> <thead> <tr> <th>Parameter</th> <th>Analysis Method</th> <th>Frequency</th> </tr> </thead> <tbody> <tr> <td>Turbidity</td> <td>Alarmed turbidity sensor deployed on a moored buoy.</td> <td>Continuous for the duration of each dredge campaign and at a minimum one week before and one week after the completion each dredge campaign.</td> </tr> </tbody> </table>	Parameter	Analysis Method	Frequency	Turbidity	Alarmed turbidity sensor deployed on a moored buoy.	Continuous for the duration of each dredge campaign and at a minimum one week before and one week after the completion each dredge campaign.	<p>As above.</p>
Parameter	Analysis Method	Frequency																
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Turbidity	Alarmed turbidity sensor deployed on a moored buoy.	Continuous for the duration of each dredge campaign and at a minimum one week before and one week after the completion each dredge campaign.																
10	<p>Condition 33 (iii) The Holder shall ensure that material dredged by trailing suction hopper dredger or other mechanical dredging is passed through grid screens no larger than 30cm to minimise the amount of man-made materials disposed of at sea. Any solid waste must be separated from the dredged material and disposed or recovered ashore.</p>	<p>Condition 33 (iii) The Holder shall ensure that material dredged by trailing suction hopper dredger is passed through grid screens no larger than 30cm, unless otherwise agreed by the Grantor, to minimise the amount of man-made materials disposed of at sea. Any solid waste must be separated from the dredged material and disposed or recovered ashore.</p>	<p>Mechanical dredging equipment (buckets/grabs) do not have generally have grid screens to segregate man-made debris. Therefore, it is proposed to remove this measure from this particular dredging method as it will not ensure the protection of the marine environment.</p> <p>This proposed amendment would bring the clause in line with the Dumping at Sea Permit granted in relation to the works, specifically Condition 2.10.2.</p>															

Item	Condition As Is	Proposed Condition	Reasoning
11	Condition 38 Overflow of material from dredging vessels shall not be permitted at any time.	Condition 38 Overflow of material from dredging vessels shall not be permitted at any time, unless otherwise agreed by the Grantor.	This amendment is proposed to ensure alignment with Dumping at Sea Permit, specifically Condition 3.9.
12	Condition 40 The Permitted Maritime Usage shall be undertaken during daytime only	It is proposed that this Condition in its entirety be deleted.	It is long-established custom and practice that dredging operations take place 24 hours a day, seven days a week. This routine has always been undertaken in the Port of Waterford, and every port in Ireland. It would be extremely inefficient and commercially detrimental to the Port if this clause remained as is. Such a restriction has not been requested by any stakeholder and the reasoning for its inclusion has not been demonstrated. It is therefore not a necessary Condition to ensure the protection of the marine environment. The PoW fervently requests that dredging works can proceed 24/7 as has always been the case historically. It is noted that the Dumping at Sea Permit has no such restriction.
13	Condition 41 (i) Plough dredging at Cheekpoint Lower shall be undertaken during spring tide periods only throughout the year	Condition 41 (i) Plough dredging at Cheekpoint Upper, Cheekpoint Lower and Cheekpoint Harbour Access shall be undertaken during spring tide periods only throughout the year	To ensure alignment with Dumping at Sea Permit, specifically Condition 3.4, whilst maintaining the protection of the marine environment.
14	Condition 41 (iii) Plough dredging shall be undertaken during the daytime only.	Condition 41 (iii) During the period 1 March to 30 June annually, plough dredging at Cheekpoint, including Cheekpoint Upper, Cheekpoint Lower and Cheekpoint Harbour Access, shall be undertaken during the daytime only.	The Condition 'as is' is not supported by the environmental assessments undertaken and submitted as part of this application, nor was it requested by IFI in their letter of 15 th December 2025. Limiting ploughing to daytime from 1 March to 30 June will satisfy IFI's request, align the licence with the Dumping at Sea Permit, specifically Condition 3.5, whilst maintaining the protection of the marine environment.

Annex B – Waterford Statutory Port Limits



Annex C – Port Bye-laws (Pilotage Exempted) 2015



Port of Waterford Company

PORT OF WATERFORD

**BYE-LAWS (PILOTAGE EXCEPTED)
2015**

Ref: BOL – PO/287/361

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PORT OF WATERFORD

BYE-LAWS (PILOTAGE EXCEPTED) 2015

made pursuant to Section 42 of the Harbours Act 1996
(as amended by Section 8
of the Harbours (Amendment) Act 2000)

Port of Waterford Company, in exercise of the powers conferred on it by Section 42 of the Harbours Act 1996 (as amended by Section 8 of the Harbours (Amendment) Act 2000), hereby makes the following Bye-laws with respect to the use of, and the safety of navigation within, its harbour and generally with respect to the regulation of its harbour and property.

SECTION A: INTERPRETATION

1. Definitions and Construction

1.1 In these Bye-laws the following terms shall have the following meanings (save where the context otherwise requires):

“Act” means the Harbours Act 1996;

“Acts” means the Harbours Acts 1996 – 2009;

“Agent” when used in relation to any Owner shall mean the person appointed by the Owner to act on that Owner’s behalf in relation to any matter concerning a Vessel or Goods travelling to or from or situate in the Harbour;

“Berth” includes any Quay, or other place at which a Vessel might lie;

“Cargo Handling Equipment” means all equipment (including a crane) used for or in the handling of cargo or Goods within the Harbour;

“Collision Regulations” means the Collision Regulations (Ships and Watercraft on the Water) Orders 1984 to 2012;

“Company” means Port of Waterford Company, a limited liability company incorporated under the Companies Acts 1963 to 2013 and registered in Ireland under Companies Registration Office No. 299445;

“Controlled Drug” means a controlled drug as defined in Section 2 of the Misuse of Drugs Act 1977;

“Day” or “Daytime” means the period between sunrise and sunset;

“Fairway” means the space within the Harbour for the time being reserved as a highway for vessels in motion as described in the Schedule hereto subject to any alteration thereto as may be published from time to time by the Company and any other navigable channel marked as such and dredged or maintained by the Company;

“Ferry” means a Vessel engaged in the business of the carriage of persons, Goods, cargo and/or Vehicles;

“Goods” means all articles and merchandise of any description and includes cargo, livestock, animals and fish;

“Harbour” means the harbour as defined in Section 7(3) of the Act and in column (1) of the First Schedule thereto in respect of the Company together with all waters, all Harbour Premises and every Quay within the Harbour over which the Company is conferred with jurisdiction, being within the following two limits viz-

- (a) the outward limit consisting of the waters of the sea and River Suir within an imaginary arc with radius of 6.44 kilometres drawn seaward from a point midway between Falskirt Rock and Hook Point; and
- (b) the inward limits are an imaginary straight line extending from a point 35 metres westward from the centre line of Killoteran Pill and due north west to a position in the townland of Licketstown on the Kilkenny side of the River Suir,

but excluding the Fishery Harbour Centre at Dunmore East, Co. Waterford and the piers located within the County Council harbours of Passage East, Co. Waterford, Cheekpoint, Co. Waterford, Arhurstown, Co. Wexford, Ballyhack, Co. Wexford and Duncannon, Co Wexford;

“Harbour Craft” means a Vessel which is used mainly within the Harbour and operated by the Company;

“Harbour Master” means the harbour master for the time being of the Company and for the purposes of these Bye-laws includes representatives of the Company to

which the Harbour Master may delegate any of his functions pursuant to Section 37(1) (b) of the Act;

“Harbour Premises” means the Harbour and property therein including Quays, docks, slipways, jetties, stages and any other harbours, works, land and buildings (whether owned, licensed or leased) for the time being vested in or occupied by or administered by the Company;

“ISPS Code” means International Ship and Port Facility Security Code of the International Maritime Organisation as referred to in the European Communities (Ship and Port Facilities) Regulations 2004 (S.I. No. 413/2004) and all amendments thereto;

“Master”, when used in relation to any Vessel, means the person having command or charge of the Vessel for the time being, but shall not include a Pilot;

“MARPOL” means the International Convention for the Prevention of Pollution from Ships, 1973 and its annexures, as modified by Protocol in 1978 and all amendments thereto 1984 to date;

“Month” means calendar month;

“Night” or “Night time” means the period between sunset and sunrise;

“Obstruction” means any object floating or otherwise, within the Harbour which may obstruct the passage of Vessels;

“Owner” ,when used in relation to Goods, includes any consignor, consignee, shipper or Agent for the sale, receipt, custody, loading or unloading and clearance of those Goods and includes any other person in charge of the Goods or his Agent, in relation thereto; and when used in relation to a Vessel includes any part owner, beneficial owner, broker, charterer, agent or mortgagee, in possession of the Vessel or other person or persons entitled for the time being in possession of the Vessel;

“Pilot” means any person not belonging to a ship who has the conduct thereof;

“Quay” means any quay, pier, jetty, dolphin, landing stage, wharf, mooring dock, graving dock or other structure used for berthing or mooring vessels including any bridge, roadway or footway immediately adjacent and affording access thereto, in any case owned, administered or occupied by and within the Harbour over which the Company is conferred with jurisdiction, including the portion of the quayside of the Company’s property between the Millennium Plaza and Bilberry Road, within the City of Waterford extending from the face of the Quay wall to the public road;

“Shed” means any building leased or licenced by or belonging to the Company used for the reception and/or storage of Goods imported or for export;

“Small Vessel” means any vessel of less than 20 metres in length including a sailing vessel and for the purpose of this definition ‘sailing vessel’ means a vessel designed to carry sail, whether as a sole or as a primary or supplementary means of propulsion;

“Vehicle” includes any vehicle mechanically propelled or propelled on rails, machinery on wheels or caterpillar tracks, amphibious vehicles while on land, motor cars, motor lorries, trailers, tractors, mobile cranes, buses, caravans, mobile homes, forklifts, bobcats, motor cycles, pedal cycles, and road sweepers;

“Vessel” means a ship, boat, raft or water craft of any description and includes non-displacement craft, seaplanes and any other thing constructed or adapted for floating on, manoeuvring on or being submersed in water (whether permanently or temporarily) and a hovercraft or any other amphibious vehicle during such time as it is in or hovering over the water, other than a Small Vessel.

- 1.2 The Interpretation Act 2005 applies to these Bye-laws.
- 1.3 In exercising any of its rights or functions under these Bye-laws the Company shall be entitled at its sole discretion to employ such agents, contractors or other persons as may from time to time be reasonably necessary and such agents, contractors and/or person(s) shall thereby be entitled to exercise the rights and powers hereby vested in the Company on being specifically authorised in writing to do so.
- 1.4 Where any Owner, Agent or Master for the time being are two or more persons or where obligations expressed or implied to be imposed on two or more persons by these Bye-laws, such obligations to be imposed on such persons are deemed to be imposed on such persons jointly and severally.
- 1.5 Words importing one gender include all other genders and words importing the singular include the plural and *vice versa*.
- 1.6 References to any right of the Company to have access to or to exercise rights in respect of any property shall be construed as extending to all persons authorised by the Company (including agents, professional advisors, contractors, workmen and others).
- 1.7 References to a statute or statutory provision (whether primary or secondary) or to a convention or treaty, includes any extension, consolidation, modification, amendment or re-enactment of such statute, statutory provision, convention or

- treaty and any statutory instruments, notices, regulations or orders made, issued or given thereunder.
- 1.8 The clause, paragraph and section headings of these Bye-laws are inserted for convenience of reference only and shall not be taken into account in the construction or interpretation of these Bye-laws.
 - 1.9 References to “lands” include messuages, lands, tenements and hereditaments of any tenure.
 - 1.10 References to a “person” shall be construed as a reference to any individual, firm, company, corporation, undertaking, association, or partnership (whether or not having separate legal personality).
 - 1.11 Save as expressly set out herein or where the context otherwise requires terms and expressions which are defined in the Acts shall have the same meanings in these Bye-laws.
 - 1.12 These Bye-laws may be cited as the Port of Waterford Bye-laws (Pilotage Excepted) 2015.
 - 1.13 References to “Harbour” shall, where the context requires, include the Harbour Premises.
 - 1.14 References to obtaining the permission or consent of the Harbour Master shall be construed as requiring the prior permission or consent of the Harbour Master, which permission or consent may be withheld at the absolute discretion of the Harbour Master or may be granted subject to the satisfaction of such conditions as may be required by the Harbour Master. A permission or consent of the Harbour Master may be issued in writing or in such other form as the Harbour Master may determine. References to obtaining the permission or consent of the Company shall be construed in like manner.
 - 1.15 References to “dangerous, flammable, explosive or hazardous Goods” shall be construed as a reference to dangerous Goods or substances within the meaning of the International Maritime Dangerous Goods Code, or the Dangerous Substances Act 1972 and the Dangerous Substances (Amendment) Act 1979 both as amended and all Regulations made thereunder or the Carriage of Dangerous Goods by Road Act 1998 as amended and all Regulations made thereunder, or the European Agreement concerning the International Carriage of Dangerous Goods by Road and all Regulations made thereunder .

2. Commencement and revocation of certain Bye-laws

- 2.1 These Bye-laws shall come into force on the 26th day of March 2015.

- 2.2 The Bye-laws relating to the Navigation within the Limits of the Port of Waterford and Management of said Harbour dated 14 December 1959 made by the Waterford Harbour Commissioners, stand revoked with effect from the 3 day of September 2007.

SECTION B: REGULATION OF THE HARBOUR BY THE HARBOUR MASTER AND THE COMPANY

3. Introduction

The immediate charge of regulation of the shipping and traffic within the Harbour and the governing and accommodation of the shipping therein not otherwise specially provided for in the Acts, shall devolve to and be regulated by the Harbour Master, within the limits of his jurisdiction. All Masters, officers, crews and persons in or employed upon any Vessel, Harbour Craft or boat within the Harbour and all persons employed in connection with shipping or traffic within the Harbour, are required to obey the lawful orders and directions of the Harbour Master and to obey the several Bye-laws following, contravention of which shall constitute an offence within the meaning of Section 42(2) of the Act.

4. Harbour Master may give directions

The Harbour Master may, subject to any Bye-laws in force in relation to the Harbour, give to the Master of a Vessel using the Harbour, such directions in connection with the use or operation of the Harbour as the Harbour Master considers proper for the purpose of protecting persons and property or regulating traffic, and in particular, for the following purposes, in addition to those listed in Section 46 of the Act:

- 4.1 For designating areas, routes or channels in the Harbour and approach areas which Vessels are to use or refrain from using for movement or mooring.
- 4.2 For ensuring that Vessels move only at certain times or during certain times and during certain periods.
- 4.3 For regulating the flow of traffic to and from relevant Berths in accordance with allocated slot times as determined and varied by the Harbour Master in his absolute discretion.
- 4.4 In addition, the Harbour Master may give directions requiring the removal of a Vessel from a Berth or any other part of the Harbour Premises if:-
- (i) it is on fire;

- (ii) it is in a condition where it is unseaworthy and/or liable to become immobilised, water logged or to sink;
 - (iii) it is making an unlawful or improper use of a facility;
 - (iv) it constitutes a nuisance, risk or danger to the safety or welfare of persons, Vessels or property;
 - (v) it is interfering with the use of a facility by other Vessels or is otherwise interfering with the proper use of a facility or the dispatch of business therefrom;
 - (vi) the Berth being occupied is required to accommodate another Vessel;
 - (vii) the removal is necessary to enable development, maintenance or repair work to be carried out to a facility or to an adjacent part of a facility;
 - (viii) it is a source of pollution or presents a risk of damage to the environment; or
 - (ix) in the opinion of the Harbour Master it is otherwise necessary to do so.
- 4.5 The Harbour Master may, from time to time, issue Notices relating to navigation, safety, recreation, fishing and such other purposes regarding the matters set out in paragraphs 1 to 42 inclusive of Part I of the Sixth Schedule to the Act.
- 4.6 The Harbour Master may give such instructions as he may consider fit with regard to the matters set out in Paragraphs 1 to 42 inclusive of Part I of the Sixth Schedule to the Act.
- 4.7 The waiver or forbearance or failure by the Harbour Master or the Company in insisting in any one or more instances upon the performance of any of the provisions of these Bye-laws shall not be construed as a waiver or relinquishment by the Harbour Master or the Company of the Harbour Master's or Company's rights to future performance of such Bye-laws and the obligations in respect of such performance shall continue in full force and effect.

5. Regulation of goods within the Harbour

- 5.1 No Goods shall be deposited on any Quay or in any building, Shed or Harbour Premises except such Goods as are intended to be immediately shipped through the Harbour or have been discharged in accordance with the directions of the Harbour Master or a duly authorised representative of the Company and shall be immediately removed or relocated as the Harbour Master or such duly authorised representative of the Company may from time to time direct.

- 5.2 All Goods to be deposited on any Quay shall be deposited and kept in such a manner as not to interfere with the free and safe passage of Vehicles, including emergency response vehicles, along any Quay, and in accordance with the instructions of the Harbour Master from time to time.
- 5.3 Goods deposited on any Quay shall not be deposited in a manner or location which impedes the mooring or unmooring of any Vessel, or interferes with fire hydrants and any other fire precaution installations and there shall be left between such Goods so deposited and the edge of any such Quay a clear space of not less than two metres and clear of all mooring posts.
- 5.4 All stevedores and other persons engaged in the handling of Goods on any Quay shall be subject to the instructions of the Harbour Master.
- 5.5 Where Goods have been deposited on any Quay in such a manner as to contravene any of these Bye-laws, the Owner of such Goods shall on receipt of a written instruction from the Harbour Master to do so, procure that the Goods be removed to a location nominated by the Harbour Master, and if the Owner fails to comply with such an instruction the Company shall be entitled to cause such Goods to be removed to such location whereupon the Owner shall pay to the Company on demand the costs of such removal and storage.
- 5.6 Goods of a flammable, combustible, explosive or hazardous nature shall be deposited only in such places as shall be directed by the Harbour Master and the Owner of such Goods shall be obliged to obtain the specific directions of the Harbour Master in relation to such Goods prior to their being deposited on any Quay, in any Shed or Harbour Premises.
- 5.7 All Goods deposited on any Quay or in any building, Shed or Harbour Premises shall be so deposited entirely at the Owner's risk and the Owner shall, if directed to do so by the Harbour Master or a duly authorised representative of the Company, appoint a person or persons for the proper surveillance of any such Goods so deposited.
- 5.8 Subject to the continued observance of each of these Bye-laws and provided that reasonable commercial use of any Quay is not interfered with, Goods discharged from any Vessel or intended for export through the Harbour shall be permitted to remain on any Quay upon such terms and for such period of time as the Company shall in its entire discretion from time to time nominate, and the Owner of such Goods shall be liable to pay, in respect of the space occupied by such Goods which continue to remain on any Quay beyond any period of time nominated by the Company, such charges per day as the Company may determine from time to time.
- 5.9 Without prejudice to the Company's rights under Sections 13 and 14 of the Act, all harbour charges payable under these Bye-laws in respect of Goods deposited in

breach of any of these Bye Laws, shall be paid to the Company before the removal of such Goods from any Quay building or Shed and the Company shall be entitled to detain such Goods until all such payments are made.

- 5.10 The Master of any Vessel unloading or loading any hazardous or dangerous Goods shall not allow any light to be placed in the hold of such Vessel unless it is of an approved type.
- 5.11 Every person engaged in the loading or unloading of any Vessel shall take whatever precautions are necessary and/or as directed by the Harbour Master to prevent any Goods from falling into the waters of the Harbour, and where such occurrence takes place, the immediate removal of such Goods shall be effected by the Master of the Vessel and if for any reason the Master shall fail to do so, the Company shall be entitled to do so and the cost of such removal shall be reimbursed by the Master to the Company on demand by the Company.
- 5.12 Loading and/or discharging of bulk cargos shall only commence when all the requirements of the Code of Practice for the Safe Loading and Unloading of Bulk Carriers (as published from time to time by the International Maritime Organisation) and the European Communities (Safe Loading and Unloading of Bulk Carriers) Regulations 2003 (S.I. No. 347 of 2003) as amended have been complied with and all such loading and unloading shall be carried out wholly in compliance with such Code.
- 5.13 The Master of a Vessel or some officer of the Vessel appointed in that behalf by the Master of the Vessel shall, where Goods are being loaded into or unloaded from any Vessel in the Harbour, superintend the loading or unloading thereof.
- 5.14 The Master of any Vessel engaged in loading, discharging or transferring Goods shall cease or temporarily suspend such work if required to do so by the Harbour Master.

6. Use of Cargo Handling Equipment

- 6.1 The use, within the Harbour, of any Cargo Handling Equipment shall be subject to the following conditions:-
- (a) The use of Cargo Handling Equipment shall be restricted to the handling of Goods belonging to the Owner of such Equipment and not otherwise without the prior consent of the Company.
- (b) Such Equipment shall at all times be under the supervision of a competent person who shall be in constant attendance during its use.

- (c) No repairs shall be carried out to such Equipment while on any Quay without the consent of the Company.
 - (d) No such Equipment shall be driven or towed at a speed exceeding the permitted speed limit within the Harbour from time to time.
 - (e) When not in use, such Equipment, if on any Quay, shall immediately be parked and relocated in such a manner and to such location as the Harbour Master or a duly authorised representative of the Company shall from time to time direct.
 - (f) Such Equipment shall be fitted with sufficient fire extinguishers of a type approved by the Company and no fuel tank of such Equipment shall be filled or emptied in any part of the Harbour except with the permission of the Harbour Master and only in such place as is designated by him for such purpose.
 - (g) All such Equipment shall be maintained by the owner in accordance with the manufacturer's requirements, recommendations and guidelines, a record of which shall be kept and maintained by the owner.
 - (h) The owner of any such Equipment shall undertake and perform such fire prevention measures as shall be directed from time to time by the Company.
 - (i) The owner of such Equipment shall be liable for any damage to the property of the Company or any other person caused by or through the use of such Equipment and shall indemnify the Company against all and any damage to property and/or injury to persons which may be due to the use (authorised or otherwise) of the said Equipment in the Harbour, and the owner shall at all times insure against all such risks and the policy and premium receipts in respect of such insurance shall be produced to the Company on request.
 - (j) A safe working load test shall be carried out by the owner on all lifting appliances, wires, straps, chains, lugs, shackles and beams in accordance with the manufacturer's requirements, recommendations and guidelines, a record of which shall be kept and maintained by the owner and made available for inspection by the Company upon demand.
- 6.2 Notwithstanding the foregoing, no Cargo Handling Equipment or other substantial equipment of any description shall be permitted to be operated on or from any Quay save with the prior written consent of the Company and in accordance with its directions and requirements from time to time. Any movement of Cargo Handling Equipment or other substantial equipment within the Harbour shall comply with all current operating guidelines and shall not be effected without the prior consent of the Company.

6.3 The owner of any Cargo Handling Equipment located on any Quay shall, when so required by the Company, or any Company representative, afford the Company or such representative every reasonable facility to enable him to ascertain whether this Bye-law 6 has been and is being duly observed.

6.4 Persons using Cargo Handling Equipment provided by the Company shall do so at their own risk and shall be liable for any damage caused by or to such Cargo Handling Equipment. Such persons shall pay to the Company the charges which may from time to time be in force for the use of such Cargo Handling Equipment.

7. Conduct of persons within the Harbour

7.1 The Company shall be entitled to regulate the conduct of all persons whilst on the Harbour Premises whether employed therein, visiting or passing through, excluding members of the Garda Síochána and other officers of any Minister of the Government acting in exercise of their lawful duty.

7.2 No person shall, while within the Harbour:

- (a) behave in a noisy or disorderly manner, or in any manner calculated to cause annoyance to persons lawfully using or being within the Harbour;
- (b) so conduct himself so as to contravene the requirements of paragraph (a) above, and any person who contravenes or who otherwise continues to contravene of any of these Bye-laws, after having received notice of such contravention from the Harbour Master or any employee of the Company, may forthwith be removed from the Harbour by any such person;
- (c) injure, deface, write graffiti on or disfigure or deface or in any way interfere with any notice, noticeboard, road traffic signs, walls or any other property of the Company within the Harbour;
- (d) climb any building, wall, pier, fence, barrier or post;
- (e) consume alcohol in the public areas of the Harbour or have in his possession in those areas a container of alcohol, the seal of which indicates that it had previously been opened, and any such person or a person under the influence of intoxicating liquor shall not be allowed to enter or remain within the Harbour;
- (f) consume, inject, inhale or otherwise absorb any Controlled Drugs or solvents, possess, prepare or offer for sale any Controlled Drugs and any such person or a person under the influence of drugs shall not be allowed to enter or remain within the Harbour;
- (g) leave baggage, goods or property unattended;

- (h) fail to comply with all security measures and controls which are in operation within the Harbour whether such measures and controls are imposed under the ISPS Code or otherwise; or
- (i) enter into any restricted areas of the Harbour.

8. Obstruction or interference within the Harbour

8.1 No person shall:-

- (a) except with the permission of the Harbour Master, deposit or place on any part of the Harbour Premises any Goods or park any Vehicle so as to obstruct any road, railway, building, access or mooring place. Designated clearing distances shall be determined by the Harbour Master. No such person shall contravene any signs or markings prohibiting such deposits, placement or parking;
- (b) without lawful authority, use, work, move or interfere with any plant or machinery or any part thereof or any apparatus located on the Harbour Premises; or
- (c) discharge, dump, deposit, release, spill, or cause or permit to fall into or within the Harbour any waste, rubbish, abandoned Vehicles, rubble, stone or any other deleterious material without the permission of the Harbour Master.

8.2 The Harbour Master may remove any such waste, rubbish, abandoned Vehicles, rubble, stone or any other deleterious material without warning using such means as he shall consider fit and in his absolute discretion. Any person who contravenes Bye-law 8.1(c) shall promptly reimburse the Company for any expense incurred by such removal and such payment shall be in addition to any penalties imposed on a conviction pursuant to Section 42(2) of the Act.

- 8.3
- (a) The Harbour Master may authorise the removal of any obstruction within the Harbour, which may be effected without prior notice and for which the Owner may be charged such reasonable fees as shall be determined by the Company.
 - (b) Tenants or licensees of properties owned by the Company shall ensure that any property relating to their business shall not be located within the area immediately adjacent to their premises.
 - (c) Any person carrying on any work on or within the Harbour Premises shall ensure that the Harbour Premises are cleaned at regular intervals during such work and upon completion of such work to the Harbour Master's satisfaction. This obligation shall extend to any employees, or sub-contractors employed or contracted by any such person.

SECTION C: REPORTING, NAVIGATION AND REGULATION OF VESSELS

9. Reporting

- 9.1 The Master of a Vessel crossing mandatory report lines and upon entering the waters of the Harbour shall report its position, direction and speed, by way of general broadcast on the designated Harbour Operations Channel, being VHF Channel 14 or such other Channel as may be determined by the Company from time to time.
- 9.2 The Master, Owner or agent of any Vessel shall, not less than 24 hours prior to arrival or if not possible, immediately upon entering the limits of the Harbour, report such arrival or entry to the Harbour Master giving particulars of manifest, tonnage, cargo consignees and all such other particulars as may be required by the Harbour Master.
- 9.3 The Master, Owner or agent of any Vessel shall, not later than 24 hours prior to departure from the Harbour, report the Vessel's intended departure time to the Harbour Master giving particulars of manifest, tonnage, cargo consignees and such other particulars as may be required by the Harbour Master.

10. Vessels to navigate within the Harbour with care

- 10.1 The Master shall navigate his Vessel with such care and at such speed and in such manner as not to endanger the lives of or cause injury to persons or damage to property and as not to interfere with the navigation, manoeuvring, loading or discharging of other Vessels, or with moorings, river banks or other property, and always subject to such directions as may be issued by the Harbour Master. The Master of the Vessel shall at all times have regard to the effect of a Vessel's wash.
- 10.2 The Harbour Master may regulate the rate or speed of Vessels within the Harbour or any specified portion of the Harbour or in any special circumstances require Vessels to stop or slow their engine at a specific place.
- 10.3 The Master of any Vessel shall not be restricted from overtaking Small Vessels, unless to do so would give rise to a contravention of these Bye-laws. The Master of such a Vessel shall at all times have regard to the effect of the Vessel's wash. Masters or persons in charge of Small Vessels shall undertake all necessary procedures to facilitate faster moving Vessels to freely pass.
- 10.4 The Master of any Vessel, before passing any Vessel engaged in dredging, diving, underwater work, maintenance, repair or other works in progress within the Harbour, shall ease his engines to "dead slow" when within two hundred metres of any such Vessel so engaged until his Vessel has passed at least fifty metres from such Vessel, at all times having regard to the effect of the Vessel's wash.

- 10.5 The Master of any Vessel navigating between Belview Terminal, Co. Kilkenny and Rice Bridge, at the City of Waterford, shall not overtake, or attempt to overtake, another Vessel proceeding in the same direction, or follow too closely in the wake of such other Vessel, but if in the reasonable opinion of the Master there exists a danger to either his own or another Vessel he may navigate his Vessel in such a manner as to obviate such risk or danger, at all times having regard to the effect of the Vessel's wash.
- 10.6 Except with permission of the Harbour Master, the Master of a Vessel shall not cause or permit a Vessel to proceed at a speed greater than 6 knots in the vicinity of Passage East, Co. Waterford, Cheekpoint, Co. Waterford, Belview, Co. Kilkenny, Neptune Marina, Co. Waterford, Waterford City Marinas, or the Cove, Waterford, at all times having regard to the effect of the Vessel's wash.
- 10.7 Owners of Small Vessels shall not put down permanent moorings within the Harbour except with the permission of and at places designated by the Harbour Master. The requirements contained in all applicable Notices to Mariners shall be complied with at all times.
- 10.8. No Vessel may pass westward through Rice Bridge at the City of Waterford from 2 hours after the time of low water to within 2 hours of the time of the succeeding high water or eastward from 2 hours after the time of high water to within 2 hours of the time of the succeeding low water. The Master of a Vessel intending to pass through Rice Bridge at the City of Waterford shall not less than 24 hours prior to the intended arrival time and when approaching the same and at a reasonable distance therefrom give notice to the Bridge Operator and liaise with the Bridge Operator in order to ensure the safe passage of the Vessel.
- 10.9 When two Vessels are about to pass through Rice Bridge at the City of Waterford from opposite directions, the Master of the Vessel going against the tide shall hold his Vessel back until the Vessel going with the tide has passed safely through Rice Bridge. The Master of a Vessel shall not permit such Vessel to lie above or below Rice Bridge so as to obstruct the passage through Rice Bridge.
- 10.10 The Master of a Vessel, or a Vessel towing another within the Harbour, shall when being overtaken by another such Vessel keep so far as it is safe and practicable to that side of the Fairway and mid-channel which lies on the starboard side of such Vessel and shall not offer any obstruction by crossing the River Suir or otherwise to the free passage of the overtaking Vessel.
- 10.11 A Vessel shall not race or attempt to strive or race against another Vessel in the Harbour nor shall any Vessel attempt to come in the wake of another Vessel or pass one proceeding in the same direction, except at a safe distance.
- 10.12 The Master of a Vessel engaged in towing within the Harbour shall keep to that side of the Fairway and mid-channel which lies to the starboard side of such Vessel

and shall navigate with all due caution and regard for passing traffic or Vessels berthed or lying at anchor within the Harbour.

- 10.13 The Master of a Vessel shall, when approaching any dredging machine, diving apparatus, pontoon or other stationery Vessel in any part of the Harbour or any barge, tender or other Small Vessel, whether stationery or in motion, regulate the speed and direction of his Vessel so as not to damage or interrupt the dredging or diving and so as not to injure or endanger the safety of such dredging machine, diving apparatus, pontoon or other Vessel, barge, tender, or other Small Vessel.
- 10.14 No person in a boat shall make fast or attempt to make fast to a Vessel in motion without the previous permission of the Master or the person in charge of such Vessel.

11. Operational status of Vessels

The Master of a Vessel shall comply with and discharge any requirements of the Harbour Master regarding the operational status of the Vessel, and shall not immobilise the Vessel without the Harbour Master's permission.

12. Collision regulations

- 12.1 The Master of a Vessel proceeding through a channel or the Fairway, shall keep as near to the outer limit of the channel or the Fairway which lies on her starboard side, as far as is safe and practicable. The regulations contained in the Collision Regulations shall apply in all waters within the Harbour, unless otherwise specified by the Harbour Master. The Collision Regulations shall be construed as if this By-law 12 were added thereto and the Fairway in its entirety shall be deemed to be a narrow channel within the meaning of the Collision Regulations.
- 12.2 The Master of a Small Vessel, which is not confined to the Fairway, shall not make use of the Fairway so as to cause obstruction to other Vessels which can navigate only within the Fairway.
- 12.3 The Master of a Vessel which:-
- (a) has been involved in a collision with any Vessel or property, or has been sunk or grounded or become stranded within the Harbour; or
 - (b) by reason of accident, fire, defect or otherwise is in such a condition as to affect its ability to safely navigate or to give rise to danger to other Vessels or property; or
 - (c) in any manner is responsible for or creates an obstruction to the Fairway;

shall forthwith report the existence of such obstruction to the Harbour Master (and as soon as practicable thereafter) provide the Harbour Master with full details in writing, and where the damage to a Vessel is such as to affect or to be likely to affect its sea worthiness, the Master shall not move the Vessel except to clear the Fairway or to moor or anchor in safety, otherwise than with the permission and in accordance with the directions of the Harbour Master.

13. Grounding in the Fairway or a Channel

- 13.1 Any Vessel grounding in the Fairway or a channel shall undertake and comply with any requirements of the Collision Regulations and any special instructions given by the Harbour Master.
- 13.2 Except where necessitated by an emergency, no Vessel shall be anchored, moored or placed in a Fairway. Should any Vessel be so anchored, moored or placed by reason of an emergency, it shall be removed from the Fairway as soon as circumstances permit.
- 13.3 Any person who owns or who is in charge of a Vessel that allows her to lie in a Berth where she shall take the ground, shall be responsible for any damage that may occur to her by so doing and any liability resulting therefrom.

14. Berthing

- 14.1 The Harbour Master shall determine and regulate the berthing and movement of all Vessels within the Harbour. The Master of a Vessel shall on entering the Harbour proceed to the Berth (if any) assigned to the Vessel and the Master of a Vessel shall not moor the Vessel at a Berth other than the Berth assigned to the Vessel except with the consent of the Harbour Master.

15. Anchors

- 15.1 The Master of a Vessel using his anchor within the Harbour shall cause a buoy to be fastened to the anchor in such a manner that it can clearly be seen where the anchor has been cast.
- 15.2 The Master of a Vessel moored to a Quay, jetty or pontoon shall not, except by permission of the Harbour Master, lay out the anchor of such Vessel. If a Vessel be moored with her own anchors they must not be placed in a position which may endanger the safety of Vessels navigating or moored in the Harbour. The Master of such Vessel shall remove the said anchor immediately or pay for the cost of its removal.

16. Power to move Vessels

The Master of a Vessel within the Harbour shall moor, unmoor, place or re-moor his Vessel in accordance with the directions of the Harbour Master. If there is no-one or insufficient persons on board the ship to attend to such directions, the Harbour Master may carry out such action and the cost of undertaking such work shall be for the Vessel's account.

17. Vessels not to block entrance to Harbour

- 17.1 A Vessel, except with the permission of the Harbour Master, shall not lie, be moored at or block the entrance to the Harbour.
- 17.2 No person shall place any Vessel, anchor buoy or other matter or thing in the Harbour so as to endanger any Vessel or Quay or to obstruct or tend to obstruct navigation.
- 17.3 The Harbour Master may, without notice, remove any obstruction or direct the movement of any Vessel within the Harbour, where its safety or the safety of other Vessels is at risk. The owner of a Vessel may be charged such reasonable fees for any such removal as shall be specified by the Company.

18. Sufficient mooring

- 18.1 When berthed or lying at any Berth, dolphin, buoy, mooring post, or Quay within the Harbour, the Master of a Vessel shall at all times keep his Vessel properly and sufficiently moored, having due consideration to the prevailing weather, tidal and current conditions, and the position of other Vessels.

19. Safe means of access

- 19.1 Any Vessel within the Harbour shall afford sufficient and safe access thereto and egress therefrom together with all gangways as are required by law including, for the avoidance of doubt, all Marine Notices relating thereto. Gangway nets shall be rigged and each Vessel shall be illuminated as required by law.
- 19.2 Where the Company supplies a gangway for use by a Vessel such gangway shall be deemed to be under the control of the Master of the Vessel who will be deemed to take and use same at his own risk and subject to the insurance cover of the Vessel. The Company will not be liable for any losses of any nature arising from or as a result of the supply to and the use of the gangway by the Master of the Vessel. Such a gangway shall not be used for any purpose other than for the provision of pedestrian access and shall not be used for the passage of machinery, plant, equipment or gear of any kind.

20. Times of discharge

The Master of a Vessel entering the Harbour for the purpose of loading or discharging cargo shall cause the cargo to be loaded or discharged as soon as is reasonably practicable, and for such hours as the Harbour Master considers are reasonable, and upon completion shall remove the Vessel to such other part of the Harbour or otherwise as directed by the Harbour Master.

21. Positioning of Vessels

The Master of any Vessel (other than a Vessel carrying explosives, petroleum or other hazardous materials), shall not refuse permission to another Vessel to berth outside his Vessel.

22. Vessels not allowed to work engines, propellers without permission

The Master of any Vessel shall not, without the permission of the Harbour Master, work its engines or bowthruster or allow its propellers to be worked while any such Vessel is moored within the Harbour.

23. Vessels to be kept in movable condition

The Master of any Vessel within the Harbour shall not allow the engine of such Vessel to be immobilized without the permission of the Harbour Master.

24. Vessels not to be moved without permission

No person shall remove a Vessel from one Berth to another Berth within the Harbour without the permission of the Harbour Master.

25. Directions regarding Vessel movements given by Harbour Master

25.1 The Harbour Master shall be entitled to require the Master of any Vessel to move such Vessel from one Berth to another, or from a Berth to an anchorage within the Harbour, and if such Master shall, on being so required, refuse or neglect to remove such Vessel promptly, or if there be no person on board the Vessel to attend to such removal the Harbour Master shall be entitled to effect such removal and the Master or Owner of such Vessel shall in such event pay to the Company on demand all costs relating to or in effecting such removal.

25.2 A person engaged in loading or unloading any Vessel shall cease working upon such Vessel when required to do so by the Harbour Master in connection with the removal of a Vessel under the foregoing Bye-law.

26. Sufficiency of crew

Except with the permission of the Harbour Master, the Master of a Vessel shall at all times when his Vessel is within the Harbour ensure that his Vessel is capable of

being safely navigated and manoeuvred and that there are sufficient crew or other competent persons readily available:

- (a) to tend to the Vessel's mooring and means of access;
- (b) to comply with any directions given by the Harbour Master for the unmooring, mooring and moving of the Vessel; and
- (c) to deal, so far as reasonably practicable, with any emergency that may arise.

27. Watchman on board at all times

The Master or Owner of any Vessel, other than Harbour Craft, shall ensure that a watchman is on board at all times, who shall be deemed to be the person in charge of the Vessel during such times.

28. Provision of lighting

The Master of any Vessel within the Harbour shall ensure that, during the Night, good and sufficient lighting is provided in accordance with law near gangways, passages and all working areas to ensure the safety of persons embarking or disembarking from such Vessel.

29. Deposit of refuse into suitable containers only

- 29.1 No person having charge of the unloading or loading of any Vessel shall permit or allow any waste to be landed or disposed of on any Quay within the Harbour, except into an appropriate container provided by such person or the Company specifically for such purpose.
- 29.2 No material described under Annex V to MARPOL may be placed upon any Quay within the Harbour except into the required special containers appropriately designed and maintained to receive such material.

30. Cost recovery of unauthorized disposal

No person shall discard, or permit to be discarded, into the waters of or within the Harbour any waste, rubbish, or material and any person doing so in contravention of this Bye-law shall indemnify the Company on demand in respect of the cost of the removal and disposal of such waste, rubbish, or matter.

31. Vessels not to berth in certain places

31.1 A Vessel, except with the permission of the Harbour Master, shall not obstruct any Vessel or slip or steps within the Harbour. No Vessel shall berth or lie so as to overlie a limit post of any Berth.

31.2 The Master of a Vessel shall not permit her to be placed in any position that may endanger any other Vessel or obstruct or interfere with the access by any other Vessel to any Quay, wharf, pier, jetty, pontoon, hopper, berth or landing place without the previous consent of the Harbour Master.

32. Heating, burning and welding within the Harbour

The application of heat, or welding or the use of a blow lamp or an oxy-acetylene torch or any other instrument emitting a flame shall not be undertaken on or adjacent to a Vessel whilst within the Harbour without the permission of the Harbour Master. A ship board hot work permit and risk assessment shall be completed and forwarded to the Harbour Master prior to any such work commencing. The lighting of fires in or adjacent to a Vessel whilst within the Harbour is forbidden.

33. Charges for use of appliances within the Harbour

Without prejudice to Bye-Law 92, the Company may impose charges for the use of cranes, weighbridges and plant operated or supplied by the Company. The use of such facilities shall be restricted by reference to any limitations governing the use or size as are applicable to the appliance or by reference to such other limitations as the Harbour Master may specify.

34. Access to Vessel on outboard Berth

34.1 The Masters and crews of all Vessels occupying Berths at the Quays shall, if so required by the Harbour Master, afford free access over the decks of their Vessels for the movement of persons and Goods to and from Vessels berthed outside and for any other purpose considered to be necessary or desirable by the Harbour Master.

34.2 Every Vessel lying at a Quay shall be so berthed as to lie broadside to the Quay, except where the Harbour Master otherwise directs.

35. Prohibition of goods for sale within Harbour Premises

No person, except with the permission of the Harbour Master, shall exhibit or place within the Harbour Premises any Goods for sale other than such Goods as may be sold or exhibited for sale under the provisions of the Merchant Shipping Acts, 1894 to 2014, or by order of the Revenue Commissioners.

36. Prohibition of commercial activity on Harbour Premises

No person, except with the permission of the Harbour Master or licence of the Company and payment of the appropriate fees, shall offer any services, participate in, carry on business, or operate any activities of a commercial nature or for pleasure in or on the Harbour Premises. A licence granted under this Bye-law shall not be assignable by the licensee. Where a condition of a licence granted under this Bye-law has been contravened, the licence may be revoked by the Company upon service of 3 days notice.

37. Vessels for hire

No person shall offer any Vessels for hire within the Harbour, except with the permission of the Harbour Master and subject to the granting of a licence by the Company on payment of the appropriate fee, and compliance of the Vessel with all of the conditions of the licence. A licence granted under this Bye-law shall not be assignable by the licensee. Where a condition of a licence granted under this Bye-law has been contravened in respect of any Vessel, the licence may be revoked by the Company upon service of 3 days notice.

38. Unauthorised casting loose of a Vessel

No person shall remove, loosen, cut, break or destroy any rope or other fastening of any Vessel, unless directed to do so by the Master of such Vessel or by the Harbour Master.

39. Regulation of bridges and gates within the Harbour

39.1 The Harbour Master shall regulate the hours during which any swing or lifting bridge, dock gate, sluices or other machinery (“Bridges”) within the Harbour (other than Rice Bridge in the City of Waterford) shall be opened or closed.

39.2 No person shall, without authority of the Harbour Master, open, close or tamper with any Bridges.

39.3 No person shall, without the authority of the Harbour Master, open, close, or tamper with any access gates to Harbour Premises.

40. Repairs to Vessels

40.1 No person shall build, reconstruct, repair or immobilise a Vessel within the Harbour without the consent of the Harbour Master.

40.2 No person shall carry out any over side maintenance of a Vessel, including chipping, scraping, or painting without permission from the Harbour Master.

41. Alterations to and repairs of property of the Company

No person shall alter or carry out repairs to any property of the Company without the permission of the Company.

42. Responsibility for damage to Company property

42.1 Any person who wilfully or otherwise damages any property of the Company shall, in addition to having contravened these Bye-laws, be guilty of an offence under Section 42(2) of the Act and shall pay to and indemnify the Company in respect of the cost of replacing or making good such damage.

42.2 The Master or Owner of any Vessel who negligently or wilfully allows the Vessel to damage any part of the Harbour Premises shall pay to and indemnify the Company in respect of the cost of replacing or making good such damage.

42.3 All damage to any property of the Company by whosoever or howsoever caused shall be reported immediately to the Harbour Master.

42.4 Neither the Company, the Harbour Master nor any authorised officer, agent, employee or otherwise of the Company shall be liable for any loss, theft of or damage to any Vessel, vehicle, equipment, goods, chattels, machinery, contents or any other such item of property whilst same is in or on the Harbour, the Harbour Premises, the Quay or any other premises of the Company.

42.5 Neither the Company, the Harbour Master nor any authorised officer, agent, employee or otherwise of the Company shall be liable for any loss, damage or injury suffered by any Owner, Master, crew or passenger of any Vessel whilst same is in or on the Harbour, the Harbour Premises, the Quay or any other premises of the Company regardless of how such loss, damage or injury may have occurred.

42.6 All persons using any part of the Company's Harbour, the Harbour Premises, the Quay or any other premises of the Company or its facilities for whatever purpose and whether by invitation or otherwise do so at their own risk and neither the Company, the Harbour Master nor any authorised officer, agent, employee or otherwise of the Company shall be liable for any loss or damage which may be suffered or incurred as a result of such use.

42.7 No noisy, noxious or objectionable engines, radio or other apparatus or machinery shall be operated within the Harbour, the Harbour Premises, the Quay or any other premises of the Company so as to cause any inconvenience, nuisance or annoyance to the Company, any other users of the Harbour, the Harbour Premises, the Quay or any other premises of the Company or to any person residing within the vicinity of same.

43. Removal or relocation of Company property

No person shall (or shall attempt to) remove or relocate any property of the Company and any person so doing shall pay to and indemnify the Company in respect of the cost of the loss or damage sustained thereby.

44. Interference with machinery or equipment

No person shall, without authorisation of the Company, interfere with any machinery or equipment belonging to or under the control of the Company, or climb or be upon any sheds, cranes, plant or other property of the Company or in any way interfere with any Goods or merchandise lying within the Harbour Premises and any person so doing shall pay to and indemnify the Company in respect of all losses and damage caused thereby.

45. Damage to navigational aids

The Master of any Vessel which damages any river light, perch, buoy or other property of the Company of a navigational kind within the Harbour, shall report the incident to the Harbour Master immediately and make good all damage caused thereby.

46. Ballasting

46.1 The simultaneous action of ballasting and discharging of tankers is prohibited unless segregated tanks are used.

46.2 No ballast shall be allowed to enter the Harbour without the permission of the Harbour Master.

47. Smoking in any unauthorised part of Vessel or Harbour Premises or use of controlled substances

The smoking, lighting or burning of tobacco or any other substance whatsoever in any unauthorised part of a Vessel within the Harbour or in any unauthorised place within the Harbour Premises is prohibited. The bringing into or use of any Controlled Drug within the Harbour or the Harbour Premises is prohibited.

48. Precautions against pollution by Masters

- 48.1 The Master of any Vessel shall take all necessary precautions to prevent spillage and pollution either caused by or emanating from his Vessel. Without prejudice to any fine or penalty arising upon a conviction the Master of the Vessel and its Owner shall be liable for and shall indemnify the Company in respect of all the costs incurred in cleaning-up and in respect of any damage or liability arising in respect of such spillage or pollution. Pumping of bilges is specifically prohibited within the Harbour and shipside valves shall be sealed to prevent discharge. Any form of spillage and pollution shall be reported to the Harbour Master forthwith.
- 48.2 No Vessel may take on board bunker oil or discharge waste oil within the Harbour before advising the Harbour Master.
- 48.3 Masters of Vessels shall comply with all the requirements of MARPOL.

49. Vessels to provide fenders

The Master of any Vessel shall provide his Vessel with fenders or other suitable appliances for the protection of the Quay walls and/or his own or adjoining Vessels.

50. Abandonment of Vessels prohibited

- 50.1 No person shall abandon a Vessel on the banks or shore or the Quays within the Harbour.
- 50.2 For the purposes of this Bye-law 50, a person who leaves a Vessel on the banks or shore or the Quays within the Harbour in such circumstances or for such a period that he may reasonably be assumed to have abandoned it shall be deemed to have abandoned it unless the contrary intention is shown.
- 50.3 The determination as to whether a Vessel has been abandoned within the meaning of this Bye-law 50 shall be a matter to be determined by the Harbour Master whose determination shall be final and conclusive on the matter.
- 50.4 Any Vessel which has been abandoned may be removed and disposed of by the Harbour Master. In such a case the Owner and/or Master of the Vessel shall be liable for all costs incurred by the Company in removing and disposing of the Vessel, such costs being recoverable by the Company against the Owner and/or Master of the Vessel as a simple contract debt in any court of competent jurisdiction.
- 50.5 Any Vessel which has been laid up for a period which in the opinion of the Harbour Master is excessive (such determination on the part of the Harbour Master being final and conclusive) shall be deemed to have been abandoned and the Owner

and/or Master shall procure that the Vessel shall be removed from the Harbour forthwith on receiving notice of such deemed abandonment from the Harbour Master. In the event of the Owner and/or Master failing to procure the removal of the Vessel then the contents of Bye-law 50.4 above shall apply in full viz removal and disposal of the Vessel and the Company being entitled to recoup all costs of such removal and disposal from the Owner and/or Master of the Vessel as a simple contract debt in any court of competent jurisdiction.

51. Master to report stranding's, etc.

- 51.1 The Master and/or Owner of any Vessel which has sunk, stranded, or been abandoned in the Harbour shall immediately give notice to the Harbour Master as to the position of the Vessel and the lighting, buoying of and its removal.
- 51.2 The Owner and/or Master of any Vessel which has been sunk, stranded, or been abandoned in the Harbour shall indemnify the Company and shall be liable to the Company for the cost of its removal and disposal, such costs being recoverable by the Company against the Owner and/or Master of the Vessel as a simple contract debt in any court of competent jurisdiction.

52. Obstructions

- 52.1 No person shall place a net upon any Quay or boat slip or upon the chain or railing of any Quay or boat slip within the Harbour without the permission of the Harbour Master.
- 52.2 No Master or other person in charge of a Vessel shall lay or run a rope, chain or impediment except temporarily in cases of emergency from a Vessel across any steps or stairs leading from a Quay to the water, so as to obstruct the free passage up and down such steps or stairs.
- 52.3 The Harbour Master may, without warning, remove any obstruction within the Harbour. The owner of any such obstruction shall indemnify the Company and shall be liable to the Company for the cost of its removal.

53. Mooring equipment

- 53.1 The Master of every Vessel moored at any Quay shall fix mooring lines to the mooring posts, mooring rings or bollards for that purpose.
- 53.2 No Master of a Vessel shall make fast to any hopper or pontoon, crane, Quay, fenders, lamp posts, electric light posts, sheds or any Harbour Premises save and except any wharf or mooring rings, posts or buoys which may be provided for the purpose.

54. Adjustment of mooring lines

The Master of every Vessel in any Berth shall ensure that mooring lines are adjusted to allow for the rise and fall of the tide.

55. Clear channel prior to departure

The Master of every Vessel departing from any Berth shall ensure that the channel of departure is clear before he casts off.

56. Fumigation of Vessels

56.1 Without prejudice to the powers of the Chief Medical Officer or the Medical Officer of Health acting under the provisions of the Infectious Diseases Regulations, 1981 (as amended by the Infectious Diseases (Amendment) Regulations 1985 to 2011) and the Infectious Diseases (Shipping) Regulations, 1948 to 2008, no Vessel shall be fumigated within the Harbour for the destruction of vermin or for any other purpose without the permission, in writing, of the Harbour Master, such operations being at the risk of the Master of such Vessel. Any such permitted works of fumigation shall require the prior agreement of the Harbour Master as to the date on which same shall be carried out and the furnishing to the Harbour Master of the identity and appropriate qualifications of the designated fumigator in advance of such agreed date.

56.2 The Master of every Vessel shall ensure that rat-guards are placed at all moorings.

57. Livestock

57.1 All loose livestock intended for import or export shall be placed in pens provided for such purpose, by the shipper, until ready for transport in compliance with all Department of Agriculture Regulations and shall not be allowed to remain in any shed or on the Quays.

57.2 No person shall bring or attempt to bring ashore any animal, bird, reptile or insect in contravention of any law or regulation, statutory or otherwise.

58. Notification of carriage of dangerous goods

The Master of any Vessel having on board hazardous Goods or dangerous Goods shall notify the Harbour Master twenty-four hours prior to his intended arrival in the Harbour of such fact and of the nature and quantity of such Goods on board.

59. ISPS Code compliance and notification

No Vessel shall be permitted to enter the Harbour unless it is fully in compliance with the ISPS Code (Level 1) and prior to entry to the Harbour the Master shall confirm to the Harbour Master that the Vessel is so compliant.

60. Designated anchorages

The Master of every Vessel arriving in the Harbour, who is required for whatever reason to proceed to anchor, shall only do so in designated areas relative to the Vessel's size, draft and cargo, and in accordance with the directions of the Harbour Master.

61. Hatches etc. to be kept closed unless otherwise permitted

- 61.1 The Master of a Vessel lying at any Quay within the Harbour shall procure that the hatches and other openings on the deck of the Vessel shall be kept closed unless otherwise permitted by the Harbour Master except while work of loading or unloading Goods is being undertaken. When the hatches or other openings of a Vessel which is not being loaded or unloaded are left uncovered by permission of the Harbour Master, such hatches or openings shall be fenced to a height of one metre where the coamings are less than 0.75 metres in height. Such hatches or openings shall be adequately illuminated at Night. Hatch covers may only be placed on the Quay with the permission of the Harbour Master and sufficient precautions shall be taken to avoid any damage to the Company's property.

62. Holds to be sufficiently lighted

The Master or Owner of a Vessel which is loading or discharging Goods at Night shall, so as to enable such work to be safely performed, maintain adequate lighting in each hold of the Vessel.

63. Vessels loading or discharging not to obstruct other Vessels

- 63.1 The Master of a Vessel loading or discharging Goods at a Quay shall place such Vessel, and load or discharge such Goods, so as not to obstruct other Vessels from being discharged, loaded, navigated or moored.
- 63.2 The Master or Owner of any Vessel loading or discharging Goods shall, at the request of the Harbour Master, ensure that the deck of the Vessel is clear of any articles which may impede the loading or discharge of Goods.

64. Persons not to interfere with lamps, lights or buoys of the Harbour

No person shall extinguish or attempt to extinguish or interfere in any way with the lamps, lighting towers and any other method of illumination on the Quays or with any of the navigation lights, or buoys within the Harbour.

65. Laid-up Vessels

- 65.1 The Master or Owner of a Vessel intending to be laid-up within the Harbour shall report same to the Harbour Master. Where the Harbour Master is of the opinion that the laying up will not interfere with the working of the Harbour, such Vessel may be laid-up in a position as designated by the Harbour Master for as long as he may see fit and at the sole risk of the Owner. The Master or Owner of such a Vessel shall ensure that the Vessel is securely moored and is provided with a minimum crew as the Harbour Master may require.
- 65.2 If the Master or Owner of the a Vessel with cargo which has been discharged, or a Vessel without cargo on arriving in the Harbour, shall fail to report to the Harbour Master, as provided by Bye-law 9 then from and after the expiration of seven days from the date of the discharge or arrival of such Vessel as the case may be such Vessel if it remains in the Harbour shall be deemed to be laid up in the Harbour.
- 65.2.1 The Owner of a Vessel during the time such Vessel is laid-up shall pay the Company such harbour charges as are determined by the Company from time to time and in the event of a failure to discharge same the Company shall be entitled to exercise its power of sale and other remedies in respect thereof under Section 14 of the Act.
- 65.4 This Bye-law shall be read in conjunction with the provisions of Bye-law 50. above.

66. Safety and lifesaving appliances

No person shall damage, remove, interfere with or render useless, wilfully or otherwise, any safety and/or lifesaving appliance provided by the Company otherwise than in the course of saving human life. Any person who contravenes this Bye-law shall indemnify the Company in respect of the cost of providing a replacement therefor.

67. Fishing

- 67.1 A person may not fish in the Harbour waters from a Quay or any other part of the Harbour Premises without the written permission of the Harbour Master.
- 67.2 The Harbour Master may issue Marine Notices from time to time regulating the use of the Harbour for fishing.

68. Bathing

No person shall bathe at or from any of the Quays, wharves, piers, jetties, pontoons, steps or landing places or from any Vessel in the Harbour except at or from such places as may from time to time be appointed by the Company for that purpose.

69. Authorised linesmen

No person, unless authorised by the Harbour Master to do so, shall cut or cast off any mooring chain, rope or wire securing a Vessel to a Quay without having obtained the prior permission of or instructions from the Harbour Master. No person may be authorised under this Bye-law unless the Harbour Master is satisfied that the applicant has undertaken sufficient training and has furnished his or her Safety Statement to the Company's Safety Officer. No liability shall be accepted by the Company in respect of any actions taken by such linesmen who are present at the Harbour in their capacity as independent third party contractors and who are not present at the Harbour in the capacity of employees, servants or agents of the Company. This Bye-law 69 shall be read in conjunction with the most up to date Linesmen Code of Practice for Mooring Operations in force at any given time together with any such further or other Codes of Practice as may be in force at any given time.

70. Races, regattas and processions

On the occasion of any race, regatta, or public procession the Masters of Vessels within the Harbour shall cause them to navigate so as not to obstruct, impede or interfere with such race, regatta or procession, or to endanger the safety of any persons assembled thereat, and shall obey all directions given by the Harbour Master or any person authorised by the Company to superintend the execution of this Bye-law. Without prejudice to the foregoing, commercial traffic shall take precedence and any permitted race, regatta or public procession shall not impede commercial traffic and shall be strictly subject to the Company's most up to date Requirements for Public Events on the Water in force at any given time.

SECTION D: SECURITY WITHIN THE HARBOUR

71. Compliance with ISPS Code

Every person entering into any part of the Harbour shall comply with all directions issued to that person from time to time by the Harbour Master, Port Facility Security Officer, Alternate Port Facility Security Officer or Port Security Guard, which relate to or arise from the obligations of the Company to ensure the security of the Harbour and compliance with the ISPS Code. The Company shall be entitled, from time to time to issue such Security Notices or supplementary Bye-laws as it shall consider fit from time to time for the management and security of the Harbour and all Security Notices and supplementary Bye-laws shall be read as one with and shall be deemed to form part of these Bye-laws and any failure to comply with the same shall be deemed a contravention of these Bye-laws.

72. Use of firearms on Harbour Premises

No person other than a member of the Garda Siochana or the Defence Forces in discharge of his duties shall be permitted to carry, use or discharge firearms or imitation firearms on any part of the Harbour Premises save with the prior consent of the Harbour Master. The Master of a Vessel shall ensure that appropriate measures are entered into to keep and preserve the security of any such authorised firearms within the Harbour Premises.

73. Wilful obstruction

No person engaged in any protest, picket, assembly or march within the Harbour shall wilfully obstruct the free passage of any Vehicle, person or Vessel moving upon or within the Harbour Premises, or to aid or abet such obstruction by any means whatsoever in the furtherance of any cause.

74. Loitering

No person shall enter the Harbour Premises or any other property of the Company except for the purpose of lawful business and any person entering the Harbour Premises or such property in contravention of this Bye-law shall leave immediately if requested to do so by the Harbour Master or other duly authorised representative of the Company.

75. Property access without Permission

No person whose property affords access to or gives entry to the Harbour Premises shall permit any persons to enter or leave the Harbour Premises save in accordance with the Company's directions from time to time.

76. Gate access

Gates affording access to the Harbour Premises shall be opened and closed at the Company's discretion. All authorised key holders shall ensure that all gates are secured after use and failure to do so shall constitute an offence within the meaning of Section 42(2) of the Act.

77. Acts of nuisance

No person shall be permitted to undertake within the Harbour any act, which in the opinion of the Harbour Master, constitutes a nuisance.

78. Idle or disorderly persons

Any idle or disorderly person shall forthwith leave the Harbour Premises if requested to do so by the Harbour Master or other duly authorised representative of the Company. If such a person fails to comply with such a request he or she may

be removed by the Harbour Master or a duly authorised representative of the Company at any time.

79. Photography

A person shall not without the prior written permission of the Harbour Master take photographs or record a film by any method nor shall any person make a sketch, plan, drawing, painting, etching or other pictorial or written record on any part of the Harbour Premises or Company's property.

80. Prostitutes not to be allowed On Vessels

A Master or member of the crew of any Vessel in the Harbour shall not allow any person to go or remain onboard any Vessel for the purposes of prostitution.

81. No loitering in Harbour Premises

A person shall not loiter on Harbour Premises for the purposes of prostitution or to solicit or importune any person for the purposes of prostitution.

82. Denial of access to Harbour Premises

The Company may deny access to any person or persons seeking admission to or while on the Harbour Premises.

83. Stowaways

The detection by the owner or Master of a Vessel of any stowaways or illegal immigrants or asylum seekers shall be reported immediately to the Harbour Master.

84. Admission to Vessels

The Company's officers or employees may at any time whilst a Vessel is within the Harbour, board such Vessel and inspect it or any part of it in the execution of their duty.

85. Information concerning ownership of Vessels

- 85.1 If required by the Company the owner of a Vessel or of a share in a Vessel owned by him, shall furnish the Company with particulars in writing signed by him, of the nature and extent of his legal or beneficial ownership therein. He shall also deliver to the Company true particulars of the gross and net register tonnage of such Vessel signed by him, upon being so required by the Harbour Master.

85.2 In case of a change in the ownership of a Vessel, the former owner shall give notice to the Company of such change, specifying the name and address of the new owner, and the new owner shall within 14 days after such change give notice to the Company of his ownership, signed by him.

85.3 The former owner of a Vessel shall continue to be liable in respect of such Vessel as fully in all respects as if he were the actual owner in respect of any liability incurred in respect of the use of the Vessel within the Harbour prior to the change of ownership.

86. Use of offensive or insulting Language

No person employed within the Harbour shall use any offensive or insulting language to any other person or shall obstruct, hinder, impede, resist or assault any officer, servant or employee of the Company in the exercise or performance of his duty.

SECTION E: REGULATION OF FERRIES WITHIN THE HARBOUR

87. Regulation of Ferries

87.1 The Harbour Master may regulate the taking on board, landing, the putting down of passengers and the manner in which any Ferry may carry on operations from or within the Harbour. All Ferries plying in the Harbour shall be subject to the instructions of the Harbour Master, and shall, by way of general broadcast, on the designated Harbour Operations Channel, being VHF Channel 14, make known their intention, on each occasion, to depart from or arrive at any Quay within the Harbour.

87.2 No Vessel shall carry passengers for recreational or commercial purposes within or from the Harbour unless it holds either a Passenger Boat Licence or a Passenger Ship's Safety Certificate, issued pursuant to the Merchant Shipping Acts 1992 to 2014, as amended, and any additional licences or certificates as may be required by law whether by statute, regulation or otherwise. A Passenger Boat Licence, Passenger Ship's Safety Certificate or other licence or certificate required hereunder shall be furnished to the Harbour Master on demand.

87.3 The Master of any Vessel which is licensed to carry passengers for recreational or commercial purposes shall navigate and operate his Vessel subject to the terms of a licence from the Company and to the directions of the Harbour Master in force from time to time.

87.4 Where a condition of a licence granted under this Bye-law has been contravened in respect of any Vessel, the licence may be revoked by the Company upon service of 3 days notice.

- 87.5 All Ferries when transiting within the Harbour shall at all times give way to commercial Vessels using the Fairway or any navigation channel within the Harbour.
- 87.6 All Ferries, while underway, shall ensure that an operating transponder beacon, to the specification required by the Harbour Master, shall be in use at all times.
- 87.7 No person shall operate a Ferry within the Harbour unless (a) he holds a policy of insurance against public liability, employer's liability and such other liability as is required by law, (b) the terms and level of insurance under the policy referred to in paragraph (a) have been first approved by the Harbour Master prior to the commencement of operations and (c) he furnishes a copy of the policy referred to in paragraph (a) to the Harbour Master prior to the commencement of operations.

SECTION F: REGULATION OF TUGS WITHIN THE HARBOUR

88. Regulation of Tugs

- 88.1 The Harbour Master may regulate the manner in which any towage is carried out within the Harbour. All tugs operating within the Harbour shall be additionally subject to the directions of the Harbour Master in respect of the size and number of Vessels to be towed in one train, the length of tow and the speed at which the tow shall proceed. In the interests of the safety of persons and property, the Owners and operators of tugs employed to assist in the berthing and manoeuvring of Vessels within the Harbour shall comply with the following minimum requirements:
- (a) The tug shall only be authorised if it is within a group of tugs classified by a member of the International Association of Classification Societies and is maintained within its Class at all times.
 - (b) All tugs shall be manned by a competent, qualified crew in accordance with the requirements of both the jurisdiction in which it is registered and Irish law.
 - (c) Before any tug commences any operations within the Harbour the Master shall satisfy and demonstrate to the satisfaction of the Harbour Master his knowledge of local conditions within the Harbour.
 - (d) All tugs shall operate an internationally recognised quality management system of a kind acceptable to the Harbour Master.
 - (e) All tugs when underway shall ensure that an operating transponder beacon to a specification acceptable to the Harbour Master, is in use at all times.

- (f) If required by the Harbour Master all tugs shall be subjected to a bollard test in the presence of the Harbour Master or any other designated officer of the Company.
- 88.2 All towage undertaken by the Company's tugs is subject to the Company's standard conditions for towage and related services as applicable.
- 88.3 The Company may, on application being made to it by a person who is the *bona fide* owner and/or operator of a tug to which the foregoing Bye-laws apply, and, after having consulted with the Harbour Master, grant to that person, in accordance with and subject to the requirements of this Bye-law 88.3, a waiver (in this Bye-law referred to as "a Tug Bye-law Waiver). The holder of a Tug Bye-law Waiver shall be exempt from such Bye-law or Bye-laws referred to in a Tug Bye-law Waiver (other than Bye-laws 88.1(b), (c), (e) and (f)) for the period referred to therein.
- (a) A Tug Bye-law Waiver may be granted subject to such conditions as the Company in its absolute discretion thinks fit.
 - (b) A Tug Bye-law Waiver shall specify the period for which it shall have effect which shall not be more than one year from the date on which it is granted or renewed.
 - (c) The Company may suspend or revoke a Tug Bye-law Waiver in such circumstances specified therein or if the Company is of the opinion that the holder thereof is not in compliance with the other Bye-laws of the Company from time to time and/or the laws and regulations referred to in Bye-law 88.3(d) and/or if such suspension or revocation would be in the interests of the safety of persons and property within the Harbour.
 - (d) For the avoidance of doubt the holder of a Tug Bye-law Waiver shall continue to be subject to all applicable laws and regulations as are in force from time to time within the State relating to the tug the subject of the Tug Bye-law Waiver and its operations.
 - (e) A Tug Bye-law Waiver may be renewed by a Company subject to and in accordance with the foregoing requirements and may treat an application therefor as if it were a *de novo* application for a Tug Bye-law Waiver.
 - (f) The decision by a Company whether or not to issue or renew a Tug Bye-law Waiver shall be made in the absolute discretion of the Company and the Company shall not be required to furnish any reasons in connection therewith.

SECTION G: REGULATION OF VEHICLES WITHIN THE HARBOUR

89. Regulation of Vehicles

- 89.1 No person shall drive or otherwise operate a Vehicle within, drive animals over or traverse the Harbour Premises without due care and attention or without reasonable consideration for other persons using the Harbour Premises, and shall comply with all speed and other restrictions as prescribed by the Company. Such person shall also use the designated roads and walkways where provided and also shall comply with all directions issued by representatives of the Company relating thereto.
- 89.2 The owner, driver or other person having charge of a Vehicle within the Harbour Premises shall ensure that any Goods carried thereon or therein are properly secured and that the Vehicle and its load comply with all statutory restrictions which apply to the public highway, as to the weight of Goods to be carried, and the dimensions of the load (including the Vehicle). The driver of such a Vehicle shall also ensure that the Vehicle is loaded in such a manner as to prevent any loss or spillage of the Goods, and if necessary, he shall cover the Goods to prevent spillage or other loss. Any person engaged in the transport by Vehicle of any loose Goods who permits the same to fall from their Vehicle onto any Quay or other part of the Harbour Premises shall immediately effect the recovery of such material failing which, the Company shall be entitled to do so and the cost of such recovery shall be reimbursed by such person to the Company on demand by the Company.
- 89.3 No person shall-
- (a) except with the permission of the Harbour Master, deposit or place on any part of the Harbour Premises any Goods or park any Vehicle so as to obstruct any road, railway, building, mooring place, plant, machinery or apparatus or the access thereto; or
 - (b) without lawful authority, use, work, move or interfere with any plant, machinery, equipment or apparatus within the Harbour Premises.
- 89.4 No person shall allow a Vehicle to proceed anywhere in the Harbour Premises at a speed greater than 15 km per hour in the case of road Vehicles, and 10 km per hour in the case of Vehicles on rails.
- 89.5 The owner, driver or other person having charge of a Vehicle on the Harbour Premises shall not permit any substance to leak, spill or drop from the Vehicle.
- 89.6 No person shall within the Harbour Premises charge or recharge any Vehicle or Vessel with, or empty it of, fuel except with the permission of the Harbour Master. The Company's requirements concerning bunkering shall be complied with and a bunker checklist completed prior to the commencement of bunkering.
- 89.7 Every person in charge of any Vehicle on the Harbour Premises shall upon demand or upon a signal being made by any person in charge of any train, locomotive,

- shunting tractor or railway wagon, give precedence to and allow the free and uninterrupted passage of such rail-stock.
- 89.8 No person shall drive or otherwise operate a Vehicle across any weighbridge within the Harbour Premises except for the purpose of weighing a Vehicle.
- 89.9 Any person driving or otherwise operating a Vehicle which is involved in an accident within the Harbour Premises whereby any injury is caused to any person or any damage is caused to any property, shall immediately stop the Vehicle and report the accident and provide particulars of the accident to the Harbour Master as soon as is reasonably practicable thereafter and shall give his name and address to the Harbour Master.
- 89.10 Any person driving or otherwise operating a Vehicle within the Harbour Premises shall ensure that it complies with all statutory requirements governing the use of a Vehicle in a public place or on a public highway, and any other requirement imposed by the Harbour Master. Without prejudice to the generality of the foregoing, an owner shall ensure that at all times he has the benefit of a policy of insurance providing not less than the extent of cover required by law and such other insurance as would be ordinarily obtained having regard to use within the Harbour Premises for the use of his Vehicle and at all times comply with the terms of such insurance.
- 89.11 Any person driving, loading, unloading or otherwise operating a Vehicle shall comply with the directions of the Harbour Master, or any duly authorised representative of the Company, in relation to parking, removal loading, unloading or operation of the Vehicle.
- 89.12 Any Vehicle which is parked in a manner which contravenes these Bye-laws may be removed by the Company to a compound for storage or disposal and the costs of storage or disposal shall be borne by the owner of the Vehicle. If the costs of such storage or disposal shall not be discharged within seven days after demand thereof made upon the owner or if, following the making of reasonable enquiries, no such owner can be found, the Company may sell such Goods and out of the proceeds of such sale discharge such costs and hold the balance pending identification of the ownership of the Vehicle. Any person authorised to remove, store or dispose of the Vehicle, shall not be liable for any loss or damage resulting to such Vehicle unless caused by the wilful neglect or default of such person.
- 89.13 Where the Harbour Master or a duly authorised representative of the Company determines that a Vehicle is at rest in contravention of any Bye-law, regulation or direction made by the Company or the Harbour Master, he may affix an immobilisation device to the Vehicle or remove it to another place and there affix an immobilisation device.

- (a) When an immobilisation device has been affixed to a Vehicle in accordance with this Bye-law 89.13, a warning notice shall also be affixed thereto indicating that an immobilisation device has been affixed and that no attempt shall be made to drive the Vehicle or otherwise put it in motion, and specifying the steps to be taken including such charges as are required to be discharged to secure its release. No person shall remove or interfere with any notice or immobilisation device affixed to a Vehicle.
 - (b) A Vehicle to which an immobilisation device has been affixed may only be released from the device by or under the direction of a duly authorised representative of the Company, in the manner specified in the notice affixed to the Vehicle under this Bye-law 89.13, and subject to the receipt of the sum specified in the said notice.
- 89.14 The driver of any Vehicle within the Harbour Premises shall not fill or empty the fuel tank of any Vehicle other than in an area designated for such a purpose or allow any fuel, oil, or other like substance to escape from any Vehicle onto any roadway, Quay or other place within the Harbour Premises.
- 89.15 The driver of any Vehicle shall switch off its engine, apply the handbrake or parking brake or otherwise take measures to ensure that the Vehicle cannot move or be set in motion by accident or otherwise, before leaving the Vehicle unattended. A Vehicle may only be left unattended within the Harbour premises in designated parking areas.
- 89.16 The driver of a Vehicle shall not attempt to drive or to take charge of any Vehicle when under the influence of alcohol to such an extent as to be incapable of having proper control of the Vehicle or if under the influence of drugs.
- 89.17 Where a Vehicle contains Goods to be delivered to or removed from the Harbour Premises, the driver of the Vehicle shall provide to a duly authorised representative of the Company evidence of a kind acceptable to such representative authorising him to be in possession of such Goods.
- 89.18 The registration book or licencing certificate and insurance certificate of the Vehicle and the driver's driving licence, shall be produced to a duly authorised representative of the Company, for inspection on demand.
- 89.19 No Vehicle shall be stopped or left unattended within the Harbour Premises without the permission of a duly authorised representative of the Company. If such permission is not granted, the Company may cause it to be removed to some convenient place and there detained at the cost and risk of the Owner.
- 89.20 Any person in breach of this Bye-law 89 may be excluded from entering onto Harbour Premises, at the discretion of, and for such period of time as determined by the Harbour Master.

- 89.21 The following Vehicles are exempt from the application of this Bye-law 89:-
- (a) any Vehicle which is being used on an official basis by a duly authorised representative of the Company; or
 - (b) any Vehicle driven by a member of the emergency services for the purposes of attending to an emergency.

90. Regulation of bicycles

- 90.1 No person shall operate a bicycle within the Harbour Premises without due care and attention or without reasonable consideration for other persons using the Harbour Premises, and only on designated cycle paths and in designated places in accordance with any directions of the Harbour Master or a duly authorised representative of the Company. All persons operating a bicycle shall be obliged to wear a “Hi-Viz” jacket or vest and shall ensure that the bicycle has appropriate lighting fitted and in good working order during the hours of dusk/darkness.
- 90.2 Where a bicycle is left unattended, except at a designated parking area, it may be removed and stored by the Company and the owner of the bicycle shall be liable for the cost of this removal and storage in addition to any penalty which may be levied as a result of the breach of this Bye-law.

SECTION H: OTHER BYE-LAWS AND NOTICES

91. Other Bye-laws and Notices

- 91.1 The following Bye-laws and Notices shall be deemed to be incorporated in and form part of these Bye-laws;
- (a) The Waterford Harbour Commissioners Dangerous Goods (Cargoes) Bye-laws 1989;
 - (b) Explosives (Port of Waterford Company) Bye-laws 2014;
 - (c) Notices to Mariners.
- 91.2 Subject to subsection (4) of Section 42 of the Act, the Company may make such other Bye-laws and may issue such Notices as it shall consider fit from time to time for the management of the Harbour. Unless the contrary intention appears, all such other Notices shall be deemed to form part of these Bye-laws
- 91.3 Copies of these Bye-laws and all Bye-laws and Notices issued pursuant to this Bye-law shall be made available by the Company in accordance with subsection (5) of Section 42 of the Act.

SECTION I: HARBOUR CHARGES

92. Harbour Charges

- 92.1 The Company shall be entitled in accordance with Section 13 of the Act to impose charges (“Harbour Charges”) for the use of its facilities (including any services which it shall from time to time provide) at such rates as the Company shall in its discretion determine from time to time and publish in a Schedule of Charges. All Schedules of Charges so determined and published by the Company may be varied from time to time at the discretion of the Company and evidenced by the publication of a subsequent Schedule or Schedules of Charges.
- 92.2 Without prejudice to its rights under Sections 13 and 14 of the Act the Company shall be entitled to exercise a lien over the Goods and/or Vessel in the ownership, possession or control of any Owner, Master or other persons liable to pay Harbour Charges who fails to pay any Harbour Charges or any other sum from time to time payable by that Owner, Master or person in respect of any services and/or facilities of the Company provided to such Owner, Master or person.
- 92.3 Unless otherwise specified in writing by the Company, Harbour charges and other sums, charges, penalties, outgoings, costs, damages, expenses and reimbursements payable under these Bye-laws to the Company (whether in respect of breach of these Bye-laws or otherwise) shall fall due for immediate payment upon issue of written demand to the person liable therefor.
- 92.4 If any person (whether an Owner, Master, Agent or otherwise) shall fail or refuse to pay to the Company, within 30 days of written demand, such Harbour Charges, and other sums, charges, penalties, outgoings, costs, damages, expenses, or reimbursements, for which that person shall be liable to discharge, interest shall accrue thereon from the date of demand until the date of ultimate payment at the rate of 2% in excess of the rate from time to time prescribed by the Courts Act, 1981 to be paid on summary judgments or awards. In addition, such person shall also be liable to the Company for the reasonable legal costs and expenses incurred by the Company in seeking and recovering payment of any Harbour Charges or other such sums due.

SECTION J: ENFORCEMENT AND PENALTIES

93. Harbour Master and representatives of the Company

- 93.1 Subject to the provisions of the Acts, the Harbour Master and/or a duly authorised representative of the Company shall have responsibility for the enforcement of these Bye-laws and all notices or regulations made by the Company in relation to the Harbour.
- 93.2 Where the Harbour Master or a duly authorised representative of the Company suspects that any of these Bye-laws may have been contravened by any person,

such person may be required to supply his correct name and address the Harbour Master or the duly authorised representative of the Company.

- 93.3 Where the Harbour Master or a duly authorised representative of the Company reasonably believes that there has been a contravention of these Bye-laws by the driver of a Vehicle, or Master of a Vessel, the Harbour Master or the duly authorised representative of the Company may require to be furnished with the name and address of the driver and the Owner of the Vehicle, or the Master and Owner of the Vessel. In addition, the Harbour Master or a duly authorised representative of the Company may search the Vehicle or Vessel in question.
- 93.4 All persons, Vessels, Vehicles, Goods and baggage and moveable property of any description while entering or on the Harbour Premises, may be subject to search by the Harbour Master or a duly authorised representative of the Company in accordance with procedures established by the Company, in connection with the implementation of the requirements of ISPS Code or any other security requirements which may be stipulated from time to time by the Company.
- 93.5 No person shall obstruct, or attempt to obstruct, the Harbour Master or any duly authorised representative of the Company in the discharge of his lawful duty.

94. Penalties

- 94.1 Any person who contravenes or otherwise fails to comply with any of these Bye-laws or any condition, requirement or prohibition imposed by the Harbour Master in the exercise of the powers conferred upon him by these Bye-laws shall be guilty of an offence pursuant to Section 42(2) of the Act and, in addition, may be guilty of an offence pursuant to Sections 46, 50, 52, 53, 60 or 77 of the Act and shall be liable, in the case of an offence pursuant to Section 42(2) of the Act on summary conviction, to a fine not exceeding €5,000 pursuant to Section 6(2) of the Act (as amended by Section 58 of the Maritime Safety Act 2005) and in the case of an offence under Sections 46, 50, 52, 53, 60 or 77 of the Act on summary conviction, to a fine not exceeding €5,000 or to imprisonment for a term not exceeding 6 months or both or, on conviction on indictment, to a fine not exceeding €1,000,000 or imprisonment for a term not exceeding 2 years or both pursuant to Section 6(1) of the Act (as amended by Section 58 of the Maritime Safety Act 2005).
- 94.2 Any Master of a Ship who refuses or fails to comply with any direction given by the Harbour Master in the exercise of the powers conferred on him by Section 46 of the Act shall be guilty of an offence pursuant to Section 46 of the Act and shall be liable, *inter alia*, on summary conviction, to a fine not exceeding €5,000 or to imprisonment for a term not exceeding 6 months or both, or on conviction on indictment to a fine not exceeding €1,000,000 or imprisonment for a term not exceeding 2 years or both.

- 94.3 Any person who obstructs or impedes the exercise of a power conferred on the Harbour Master by the Act or an instrument made thereunder shall be guilty of an offence pursuant to Section 50 of the Act and shall be liable, *inter alia*, on summary conviction, to a fine not exceeding €5,000 or to imprisonment for a term not exceeding 6 months or both, or on conviction on indictment to a fine not exceeding €1,000,000 or imprisonment for a term not exceeding 2 years or both.
- 94.4 Where the commission by any person of any contravention of these Bye-laws is due to the act or default of some other person, that other person shall be deemed to be in contravention of these Bye-laws and that other person may be charged with, and convicted of, the offence by virtue of the Acts whether or not proceedings for the offence are taken against any other person.
- 94.5 In any proceedings for an offence under these Bye-laws, it shall be a defence for the person charged to prove:-
- (a) that he took all reasonable precautions and exercised all due diligence to avoid the committing of such offence; or
 - (b) that he had a reasonable excuse for his act or failure to act.
- 94.6 If in any case the defence provided by Bye-law 94.5 involves the allegation that the commission of the offence was due to the act or default of another person, the person charged shall not, without leave of the Court, be entitled to rely on that defence, unless, within a period ending seven clear days before the hearing he has served on the prosecutor a notice, in writing, giving such information identifying or assisting in the identification of that person as was then in his possession.

95. Reporting

Any person who reasonably suspects that another person has contravened these Bye-laws or that an accident or incident shall have occurred within the Harbour shall notify the Harbour Master forthwith and will complete a written report.

96. Investigations

The Harbour Master or a duly authorised representative of the Company may carry out such investigations, take such statements, make such enquiries and seek such information as may be considered by him to be necessary for the purposes of carrying out and discharging his functions as Harbour Master or duly authorised representative of the Company under these Bye-laws, including, but not limited to health and safety, security, any accident, fire, environmental or polluting incident or potentially polluting or contaminating incident arising within the Harbour or involving in his opinion any damage to property or injury to persons within or adjacent to the Harbour.

97. Uses

The Harbour Master may restrict, ban or otherwise control as he sees fit the use of jet skis and other motorised vessels in the Harbour.

98. Harbour Safety

All users of the Harbour must obey the safety signs and all instructions applying to the Harbour.

99. Diving at Work Activities

99.1 Diving operations to be carried out in the Harbour, the Harbour Premises or the Quay require the prior approval of the Harbour Master and if approved shall comply with the requirements of the Safety in Industry (Diving Operations) Regulations 1981 (S.I. No. 422 of 1981) in addition to the Safety, Health and Welfare at Work Act 2005 and the Safety, Health and Welfare at Work (General Application) Regulations 2007, as amended.

99.2 Professional or commercial dive qualifications are required for all personnel participating in permitted diving at work activities at the Harbour, the Harbour Premises or the Quay and proof of such qualifications for all such personnel shall be furnished to the Harbour Master in conjunction with the application for the Harbour Master's prior approval of such work.

**PRESENT when the COMMON SEAL
of PORT OF WATERFORD COMPANY was affixed hereto**

Dated thisday of2015

.....
Director **Director/Secretary**

SCHEDULE

The Fairway

1. The outward limit of the Harbour is an imaginary arc with radius of 6.44 kilometres drawn seaward from a point midway between Falskirt Rock and Hook Point.

From the Outward Limit of the Harbour the fairway from sea to the Duncannon Bar commences inside this arc and is bounded on the Eastern side by an imaginary straight line drawn from 3 cables off Hook Point to the number 1 buoy and on the western side by the 10 metre contour line abreast of Dunmore East Light House, thence by the 5 metre contour line abreast of Creaden Head and thence by an imaginary straight line to the number 2 buoy.

2. **From the Outer Bar to Duncannon Fort** the fairway is bounded on the Eastern side by an imaginary straight line drawn from the number 1 Buoy to the 5 metre contour line off Duncannon Fort Lighthouse and on the western side by an imaginary straight line drawn from the number 2 Buoy to the number 4 buoy and on to the Drumroe Bank buoy showing a red flashing light.
3. **From Duncannon Fort to Passage East** the fairway is bounded on the Eastern side by the 5 metre contour line and on the Western side by the Drumroe bank buoy and Passage Spit Light beacon showing a flashing red and white light.
4. **From Passage East to Seedes Bank Buoy** the fairway is bounded on the Eastern side by the 5 metre contour line and the Seedes bank South buoy showing a green flashing light and on the Western side by the 5 metre contour line.
5. **From Seedes Bank Buoy to Sheagh Light Beacon** the fairway is bounded on the Eastern side by the 5 metre contour line marked by the Carters patch North and South buoys and on the Western side by the 5 metre contour line.
6. **From Sheagh Light Beacon to Flourmill Light Beacon** the fairway is bounded by the 5m contours. The maintained channels at upper and lower Cheekpoint bars are within the fairway.
7. **From Glasshouse Lighthouse to Guidebank** the fairway is bounded on the western side by the 5 metre contour line, including the berth face at Belview and O'Brien's quay and on the Eastern side by an imaginary straight line drawn from the Bingleadies buoy to the Bolton rock buoy showing a flashing red light and thence following the 5 metre contour line to the entrance to the Queens Channel.
8. **From Guidebank to the Western End of Little Island through the Queens Channel** the fairway is bounded on the Northern side by a line of green conical buoys and on the Southern side by a line of red can shaped buoys. All conical

shaped buoys show a flashing green light and all can shaped buoys show a red flashing light.

9. **From Little Island to the Cove Light Beacon** the fairway is bounded on the Northern side by the 5 metre contour line and on the Southern side by the 5 metre contour line.
10. **From Cove Light Beacon to the Neptune Marina** the fairway is bounded on the Northern side by the 5 metre contour line and on the Southern side by the 5 metre contour line.
11. **From the Neptune Marina to the Rice Bridge in the City of Waterford** the fairway is bounded by imaginary lines drawn 20 metres off from the face lines of the pontoons, marinas and wharves on the North and South sides of the river.
12. **From Rice Bridge in the City of Waterford to Granagh Paper Mills Jetty** the fairway is bounded on the Northern side by the 2 fathom line and on the Southern side by the 2 fathom line.
13. **From Granagh Paper Mills Jetty to the Inward Limits of the Harbour** which is an imaginary straight line extending from a point 35 metres Westward from the centre line of Killotteran Pill and due North West to a position in the townland of Licketstown on the Kilkenny side of the River Suir the fairway is bounded on the Northern side by the 2 metre contour line and on the Southern side by the 2 metre contour line.

Annex D - Email from Marine Survey Office regarding Marine Notices

Ian Moriarty

From: Stephen Riordan (Transport) <Stephen.Riordan@transport.gov.ie>
Sent: Friday 6 February 2026 09:18
To: Ian Moriarty
Subject: RE: MUL Condition - Marine Notice

Good day Ian,

As the activity is within the Port Limits and of the POW jurisdiction, it is considered a Local Marine Notice published by POW will be more than adequate. No requirement to publish National Marine Notice through MSPD.

Regards,

Steve

From: Ian Moriarty <im@portofwaterford.com>
Sent: Friday 6 February 2026 08:50
To: Stephen Riordan (Transport) <Stephen.Riordan@transport.gov.ie>
Subject: MUL Condition - Marine Notice

CAUTION: This eMail originated from outside your organisation and the BTS Managed Desktop service. Do not click on any links or open any attachments unless you recognise the sender or are expecting the email and know that the content is safe. If you are in any doubt, please contact the OGCIO IT Service Desk.

Good morning Captain Riordan,

Many thanks for taking my call yesterday. As discussed, we have been issued with a draft MUL for our regular maintenance dredging in the Port.

One of the draft Conditions contained therein requires the publication of a Marine Notice via the Department of Transport, as follows: "The Holder shall, a minimum 14 days prior to the commencement of the Permitted Maritime Usage, arrange for the publication of a Marine Notice with the Marine Safety Policy Division, Department of Transport. This Marine Notice shall include details of the Licence Holder and the Licence Number as granted by MARA."

The stated reason for the Condition is: To ensure safe navigation.

As mentioned, we plough every Spring Tide and dredge by TSHD twice a year. Strict adherence to the above Condition would necessitate an inordinate number of national Marine Notices.

As the works take place entirely within Port of Waterford's Port Limits, can you please confirm that the publication of a local Notice to Mariners is sufficient to satisfy the Department that appropriate action is being taken to ensure the safety of navigation? This has been the case heretofore under all previous licences and permits.

Many thanks,
Ian



Capt. Ian Moriarty

Deputy Harbour Master

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M: +353 87 418 8306

www.portofwaterford.com

CALAFORT PHORT LÁIRGE
PORT OF WATERFORD

Registered Office: 3rd Floor Marine Point, Belview Port, Waterford X91 W0XW, Ireland.

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Annex E – Dumping at Sea Permit S0012-05

Headquarters
P.O. Box 3000
Johnstown Castle Estate
County Wexford
Ireland

DUMPING AT SEA PERMIT

Permit Register Number:	S0012-05
Permit Holder:	Port of Waterford Company 3rd Floor Marine Point Belview Port Slieverue County Waterford
Company Register No:	299445
Location of Loading:	Lower Suir Estuary, Barrow Suir Nore Estuary and Waterford Harbour
Location of Dumping:	Middle Suir Estuary, Lower Suir Estuary and offshore dumping site within Eastern Celtic Sea, approximately 2.5km south west of Hook Head

DUMPING AT SEA ACT 1996 AS AMENDED

DUMPING AT SEA PERMIT

Decision of the Agency, under Section 5(1) of the
Dumping at Sea Act 1996 as amended

Reference Number: S0012-05

The Agency in exercise of the powers conferred on it by the Dumping at Sea Act 1996 as amended, for the reasons hereinafter set out, hereby grants this Dumping at Sea permit to Port of Waterford Company subject to conditions, as set out in the schedule attached hereto.

The permit authorises the loading and dumping at sea of dredged material from the Lower Suir Estuary, Barrow Suir Nore Estuary and Waterford Harbour and dumping at sea of dredged material from the Middle Suir Estuary subject to conditions.

A copy of the Decision is attached.

Loading and dumping at sea of a substance or material, in accordance with the Dumping at Sea Act 1996 as amended

GIVEN under the Seal of the Agency on this the 5th day of February, 2026

PRESENT when the Seal of the Agency was affixed hereto:



Kathleen Byrne, Authorised Person



INTRODUCTION

This introduction is not part of the permit and does not purport to be a legal interpretation of the permit.

This permit is for the loading and dumping at sea of dredged material arising from maintenance dredging by Port of Waterford Company over an eight-year timeframe (2026-2033). The permitted activities involve the loading and dumping of 6,588,104 tonnes (wet weight) of dredged material at a rate of 823,513 tonnes per annum, primarily by trailing suction hopper dredger supplemented with mechanical dredgers and hopper barges, at a long-established dumping site located at the entrance to Waterford Harbour. This dumping site situated ca. 2.6 km south west of Hook Head, has been in operation since 1996. Loading will be completed at a number of discrete locations within the Lower Suir Estuary (Little Island - Cheekpoint), Barrow Nore Suir Estuary and Waterford Harbour transitional and coastal waterbodies. In addition, 1,273,318 tonnes (wet weight) of dredged material at 159,165 tonnes per annum will be dumped by plough dredging. Plough dredging will be completed at a number of discrete locations within the Middle Suir Estuary and Lower Suir Estuary (Little Island - Cheekpoint) transitional waterbodies.

Chemical analysis has confirmed that the material in question is suitable for dumping at sea.

The permit holder is required to take measures and manage the permitted activities to ensure the protection of the marine environment. The permit sets monitoring requirements for bathymetry, water quality and marine mammals. The permit holder is required to submit reports on the loading and dumping activities and monitoring results to the Agency.

The permit sets out in detail the conditions under which Port of Waterford Company, 3rd Floor Marine Point, Belview Port, Slieverue, County Waterford, CRO Number: 299445 will carry out loading and dumping at sea.

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Glossary of Terms

All terms in this permit should be interpreted in accordance with the definitions in the Dumping at Sea Act 1996 as amended, unless otherwise defined in the glossary.

Accident	For the purpose of this permit an accident means an unplanned event that may result in pollution.
AER	Annual Environmental Report.
Approval	Approval in writing.
Annually	All or part of a period of twelve consecutive months.
Application	The application by the permit holder for this permit.
Aquaculture	The rearing or cultivation of aquatic organisms using techniques designed to increase the production of those organisms beyond the natural capacity of the environment and where the organisms remain the property of one or more natural or legal persons throughout the rearing or culture stages, up to and including harvesting.
Attachment	Any reference to Attachments in this permit refers to attachments submitted as part of this permit application.
Campaign	A planned period of sustained loading and/or dumping activity.
CEN	Comité Européen De Normalisation – European Committee for Standardisation.
Chart	Any reference to a chart or chart number means a chart or chart number contained in the application, unless otherwise specified in this permit.
Closed Period	Period of time when loading and/or dumping at sea is prohibited in order to protect designated species or sites.
Competent Laboratory	A testing facility meeting the general management and technical requirements of EN ISO/IEC-17025 standard, or other equivalent standards accepted at international level and utilising methods of analysis, including laboratory, field, and on-line methods, which are validated and documented in accordance with the above standard(s) for the specific tests.
Day	Any 24-hour period.
Daylight	The period of natural light from sunrise to sunset locally, as provided by the Ireland's National Meteorological Service (Met Éireann).
Daytime	0700 hrs to 1900 hrs.
DBT	Dibutyltin.
Documentation	Any report, record, results, data, drawing, proposal, interpretation or other document in written or electronic form which is required by this permit.
Dumping	Dumping in relation to dumping at sea, means: <ul style="list-style-type: none"> (a) any deliberate disposal in the maritime area (including side-cast dredging, plough dredging, water injection dredging and other such dredging techniques) of a substance or material from or in conjunction with a vessel or aircraft or offshore installation,

	(b) any deliberate disposal in the maritime area of vessels, aircraft or offshore installations.
Drawing	Any reference to a drawing or drawing number means a drawing or drawing number contained in the application, unless otherwise specified in this permit.
Evening Time	1900 hrs to 2300 hrs.
Exclusion Zone	Area where loading and/or dumping at sea is prohibited to protect the marine environment or designated species or sites.
Exclusive Economic Zone	Exclusive economic zone of the State has the same meaning as it has in the Maritime Jurisdiction Act 2021.
Harbour Authority	As defined in section 1 of the Dumping at Sea Act 1996 as amended.
HCB	Hexachlorobenzene.
HCH	Hexachlorocyclohexane.
Incident	The following constitutes an incident for the purposes of this permit: <ul style="list-style-type: none"> (a) an emergency, (b) any loading or dumping at sea activity which does not comply with the requirements of this permit, (c) any indication that pollution has, or may have, taken place, (d) activation of the alarmed turbidity sensors specified in <i>Schedule C.1.2 Water Quality Monitoring</i> of this permit, (e) any malfunction of or breakdown of key environmental control or monitoring equipment, as specified in <i>Schedule C.1.2 Water Quality Monitoring</i> of this permit.
Inland Waters	Inland waters of the State must be construed in accordance with section 8 of the Maritime Jurisdiction Act 2021.
LAeq,T	This is the equivalent continuous sound level. It is a type of average and is used to describe a fluctuating noise in terms of a single noise level over the sample period (T).
LAr,T	The Rated Noise Level, equal to the LAeq during a specified time interval (T), plus specified adjustments for tonal character and/or impulsiveness of the sound.
Maintain	Keep in a fit state, including such regular inspection, servicing, calibration and repair as may be necessary to perform its function adequately.
Map	Any reference to a map or map number means a map or map number contained in the application, unless otherwise specified in this permit.
Master	The person having the command or charge of the vessel.
Material Unsuitable for Disposal	Sediment that is chemically contaminated such that it does not meet the assessment criteria to be classified as Class 1 (i.e. contaminant concentrations are below lower action levels), in accordance with <i>Guidelines for the Assessment of Dredge Material for Disposal in Irish Water</i> (Marine Institute, 2006) and <i>Addendum to 2006 Guidelines for the Assessment of Dredged material in Irish Waters</i> (Marine Institute, 2019), unless otherwise authorised by the Agency.

MMRA	Marine Mammal Risk Assessment.
Monthly	A minimum of 12 times per year, at intervals of approximately one month.
Monitored Zone	Area which must be monitored for marine mammals by a Marine Mammal Observer.
Night-time	2300 hrs to 0700 hrs.
Noise-Sensitive Location (NSL)	Any dwelling house, hotel or hostel, health building, educational establishment, place of worship or entertainment, or any other facility or area of high amenity which for its proper enjoyment requires the absence of noise at nuisance levels.
OSPAR	Convention for the Protection of the Marine Environment of the North-East Atlantic.
PAH	Polycyclic aromatic hydrocarbons.
PCB	Polychlorinated biphenyls.
Permit Holder	Port of Waterford Company, 3rd Floor Marine Point, Belview Port, Slieverue, Waterford, CRO Number: 299445.
Pollution	The introduction by man, directly or indirectly, of substances or energy into the maritime area which results, or is likely to result, in hazards to human health, harm to living resources and marine ecosystems, damage to amenities or interference with other legitimate uses of the sea.
Position	Latitude and longitude coordinates in degrees and decimal minutes, based on the WGS 84 datum.
SAC	Special Area of Conservation designated under the <i>Habitats Directive, Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora.</i>
Sample(s)	Unless the context of this permit indicates to the contrary, the term sample(s) must include measurements taken by electronic instruments.
Solid Waste	Any persistent, manufactured or processed solid material or items discarded, disposed of or abandoned in the marine and coastal environment, as defined in the OSPAR Guidelines for the Management of Dredged Material at Sea.
SOP	Standard operating procedure.
SPA	Special Protection Area designated under Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (Birds Directive).
Spring Tide	The tide with the greatest tidal range (i.e. the highest high water and the lowest low water), occurring twice monthly at the full and new moon periods.
Standard Method	A National, European or internationally recognised procedure (e.g., I.S. EN, ISO, CEN, BS or equivalent); or an in-house documented procedure based on the above references; a procedure as detailed in the current edition of "Standard Methods for the Examination of Water and Wastewater" (prepared and published jointly by A.P.H.A., A.W.W.A. & W.E.F.), American Public Health Association, 1015 Fifteenth Street, N.W., Washington DC 20005, USA; or an alternative method as may be agreed by the Agency.
TBT	Tributyltin.

Territorial Sea	Territorial sea of the State has the same meaning as it has in the Maritime Jurisdiction Act 2021.
The Agency	Environmental Protection Agency.
The Maritime Area	Comprises <ul style="list-style-type: none">(a) the inland waters and territorial sea of the State, and the seabed and subsoil beneath them,(b) a designated area within the meaning of the Maritime Jurisdiction Act 2021, and(c) the exclusive economic zone of the State.

Decision & Reasons for the Decision

The Environmental Protection Agency is satisfied, on the basis of the information available, that subject to compliance with the conditions of this permit, the loading and dumping activities will comply with and will not contravene any of the requirements of section 5 of the Dumping at Sea Act 1996 as amended.

The Agency also considers that the activities will not adversely affect the integrity of any European Site, and has decided to impose conditions for the purposes of ensuring they do not do so. It has determined that the activities, if managed, operated and controlled in accordance with the permit, will not have any adverse effect on the integrity of any of those sites.

The Agency has accordingly decided to grant a permit to Port of Waterford Company to carry on the activities listed in *Part I Schedule of Activities Permitted*, subject to the conditions set out in *Part III Conditions*.

In reaching this decision the Agency has considered the documentation relating to: the application, Register Number: S0012-05 and the supporting documentation received from the applicant, the submissions, comments and observations received, the Inspector's Report dated 3 February 2026, and has carried out an Appropriate Assessment of the likely significant effects of the permitted activities on European Sites.

A screening for Appropriate Assessment was undertaken to assess, in view of best scientific knowledge and the conservation objectives of the site, if the activities, individually or in combination with other plans or projects are likely to have a significant effect on any European Site. In this context, particular attention was paid to the European Site(s) at River Barrow and River Nore SAC (Site Code: 002162), Lower Suir SAC (Site Code: 002137), Hook Head SAC (Site Code: 000764), Saltee Islands SAC (Site Code: 000707) and Seas off Wexford SPA (Site Code: 0004237).

The activities are not directly connected with or necessary to the management of any European Site and the Agency considered, for the reasons set out below, that it cannot be excluded, on the basis of objective information, that the activities, individually or in combination with other plans or projects, will have a significant effect on any European Site and accordingly determined that an Appropriate Assessment of the activities was required.

This determination has been made in light of the following reasons:

- The nature and scale of the proposed loading and dumping activities.
- The proximity of activities to the European sites, which includes proposed loading and plough dredging sites located within the Lower Suir SAC and the River Barrow and River Nore SAC and the proposed offshore dumping site located within the Seas off Wexford SPA.
- The potential for significant effects on qualifying interests of European sites from the proposed loading and dumping activities due to physical disturbance and water quality effects by the generation of sediment plumes in the water column and sediment deposition.
- The potential for significant effects from visual and noise disturbance (including above and underwater noise) from the proposed activities on qualifying interest species of European sites.
- The potential for in-combination effects with other plans and projects.

A Natura Impact Statement (NIS) was received by the Agency on 4 March 2024 and an addendum NIS on 12 December 2025. The Agency has completed the Appropriate Assessment and has made certain, based on best scientific knowledge in the field and in accordance with the European Communities (Birds and Natural Habitats) Regulations 2011 as amended, pursuant to Article 6(3) of the Habitats Directive, that the activities, individually or in combination with other plans or projects, will not adversely affect the integrity of any European Site, in particular River Barrow and River Nore SAC (Site Code: 002162); Lower Suir SAC (Site Code:

002137); Hook Head SAC (Site Code: 000764); Saltee Islands SAC (Site Code: 000707); Seas off Wexford SPA (Site Code: 0004237), and Tramore Back Strand SPA (Site Code: 004027) having regard to their conservation objectives and will not affect the preservation of these sites at favourable conservation status if carried out in accordance with this permit and the conditions attached hereto for the following reasons:

- The material to be disposed is dredged material originating from within the estuary and has been determined, through analysis, to be suitable for disposal at sea. The conditions of the permit prevent the disposal of unsuitable dredged material and require the applicant to carry out sediment chemistry analysis every three years.
- The activities will be limited in terms of tonnages of material permitted to be loaded / dumped (including plough dredging) annually and over the term of the permit, and the timeframe for activities will be limited to 2026 - 2033.
- It is considered that there will be no significant effects on qualifying interest habitats due to changes in suspended solids / sedimentation or hydrogeomorphological regimes as the activities are temporary, intermittent and within natural estuarine variability and conditions attached to the permit include minimising the release of suspended solids and uniform spread throughout the Dumping Site A.
- It is considered that there will be no significant effects on qualifying interest animal species (including otter, bottlenose dolphin, harbour porpoise, fish and bird species) by direct effects, indirect effects, or by disturbance as the activities are localised and temporary and conditions attached to the permit include:
 - a requirement for soft-start/ramp-up procedures,
 - a requirement for marine mammal observation monitoring during loading and dumping activities by trailing suction hopper dredger (TSHD) and mechanical dredging and implementation of the risk control and mitigation measures for marine mammals as specified in the National Parks and Wildlife Services guidance,
 - restriction on plough dredging in specific areas, such as seasonal closed periods, daylight only operations, or limiting works to spring tides, to avoid impeding the movement of migratory fish through these areas, and
 - a requirement regarding turning off TSHD pumps while the drag head is being lifted during loading and dredging in order to minimise the risk of fish entrainment.
- A documented Accident Prevention Procedure and an Emergency Response Procedure is required to be in place in advance of the commencement of activities.
- No significant in-combination effects are predicted; therefore, no additional mitigation measures are required.

The Agency is satisfied that no reasonable scientific doubt remains as to the absence of adverse effects on the integrity of those European Sites:

- River Barrow and River Nore SAC (Site Code: 002162);
- Lower Suir SAC (Site Code: 002137);
- Hook Head SAC (Site Code: 000764);
- Saltee Islands SAC (Site Code: 000707);
- Seas off Wexford SPA (Site Code: 0004237); and
- Tramore Back Strand SPA (Site Code: 004027).

Part I Schedule of Activities Permitted

In pursuance of the powers conferred on it by the Dumping at Sea Act 1996 as amended, the Environmental Protection Agency (the Agency), under section 5 of the said Act, grants this Dumping at Sea Permit to Port of Waterford Company, 3rd Floor Marine Point, Belview Port, Slieverue, County Waterford, CRO Number: 299445. The permit authorises the loading and dumping at sea activities, subject to conditions listed in Part III, with the reasons therefor and the associated schedules attached thereto.

Part II Schedule of Activities Refused

None of the proposed activities as set out in the permit application have been refused.

Part III Conditions

Condition 1. Scope

1.1 Statutory Obligations

This permit is for the purposes of permitting under the Dumping at Sea Act 1996 as amended, only and this permit must not be construed as negating the permit holder's statutory obligations or requirements under any other enactments or regulations.

1.2 The material or substance to which this permit relates must be dredged material from that part of the maritime area specified in Condition 1.3 of this permit.

1.3 For the purposes of this permit, the location of the loading areas authorised by this permit is in those parts of the maritime area outlined in colour red in Figures 3 (except for Spit Light and Queen's Channel area), 4, 5, 6 and 7 in Attachment D.2(ii) of the application. Any reference in this permit to "loading areas" must mean the areas thus outlined. The permitted loading activity must be carried on only within the areas outlined.

1.4 For the purposes of this permit, the location of the plough dredging sites authorised by this permit is in those parts of the maritime area outlined in colour red in Figures 2, 3 and 4 in Attachment D.2(ii) of the application and bounded by the coordinates specified in *Schedule A: Limitations* of this permit. Any reference in this permit to "plough dredging sites" must mean the areas thus specified. The permitted plough dredging activity must be carried on only within the areas specified.

1.5 For the purposes of this permit, the location of the offshore dumping site, dumping site A, authorised by this permit is in that part of the maritime area outlined in colour green in Figure 8 in Attachment D.2(ii) of the application and bounded by the coordinates specified in *Schedule A: Limitations* of this permit. Any reference in this permit to "dumping site" must mean the areas thus specified. The permitted offshore dumping activity must be carried on only within the areas specified.

1.6 For the purposes of this permit, the location of the exclusion zone authorised by this permit is in that part of the maritime area specified in *Schedule A: Limitations* of this permit.

1.7 The permit holder must carry on the permitted activity in accordance with the limitations set out in *Schedule A: Limitations* of this permit.

1.8 Loading and dumping at sea must be controlled and operated as set out in this permit. All programmes required to be carried out under the terms of this permit become part of this permit.

1.9 Any changes to the loading and dumping activities authorised by this permit must not be carried out or commenced without notification to, and the prior approval of, the Agency.

Reason: *To clarify the scope of this permit.*

Condition 2. Management of the Loading and Dumping at Sea Activities

2.1 The permit holder must ensure that all or any of the following:

- (a) litter,
- (b) man-made debris,
- (c) odour

associated with, or arising from, the permitted activities do not result in an impairment of, or an interference with, amenities or the environment.

2.2 Noise

2.2.1 Noise from the permitted activities must not give rise to sound pressure levels measured at any noise sensitive locations (NSLs) which exceed the limit values specified in *Schedule B.1 Noise Emissions* of this permit.

2.2.2 Loading activities must be undertaken at Cheekpoint Lower during daytime and/or evening time only, unless noise monitoring results for the specific dredging vessel and/or equipment, and work methodology used demonstrates, to the satisfaction of the Agency, compliance with night-time emission limit values.

2.3 The permit holder must ensure that personnel performing specifically assigned tasks must be qualified on the basis of appropriate education, training and experience as required and must be aware of the requirements of this permit.

2.4 The permit holder must ensure that a nominated, suitably qualified and experienced person is present at all times when activities covered by this permit are ongoing.

2.5 The permit holder must notify the Agency of the intended date of commencement of the loading and dumping activities, at least fourteen calendar days in advance of commencement, by webform or by such other means as may be specified by the Agency, unless otherwise agreed by the Agency.

2.6 The permit holder must arrange for the publication of a Local Notice to Mariners at least fourteen days prior to the commencement of the loading and dumping activities.

2.7 Documentation

The permit holder must issue a copy of this permit to all relevant personnel whose duties relate to any condition of this permit and provide the information, instruction, training and supervision necessary to ensure compliance with the conditions of this permit.

2.8 Corrective Action and Preventative Action

2.8.1 The permit holder must establish, maintain and implement procedures to ensure that corrective action is taken should the specified requirements of this permit not be fulfilled. The responsibility and authority for persons initiating further investigation and corrective action in the event of a reported non-conformity with this permit must be defined.

2.8.2 Where a breach of one or more of the conditions of this permit occurs, the permit holder must without delay take measures to restore compliance with the conditions of this permit in the shortest possible time and initiate any feasible preventative actions to prevent recurrence of the breach.

2.8.3 All corrective and preventative actions must be documented.

2.9 Public Awareness and Communications Programme

2.9.1 The permit holder must maintain and implement a Public Awareness and Communications Programme to ensure members of the public can obtain information at reasonable times, concerning the environmental performance of the permitted activity.

2.9.2 The Public Awareness and Communications Programme must include a specific programme of outreach to interested parties on matters relating to the environmental performance of the permitted activity.

2.10 Marine Litter

2.10.1 All reasonable and practicable efforts must be made to remove floating material and any solid waste collected during the loading and dumping activity and returned to land.

- 2.10.2 The permit holder must ensure that dredged material loaded by trailing suction hopper dredger is passed through grid screens no larger than 30cm, unless otherwise agreed by the Agency, to minimise the amount of man-made materials disposed of at sea. Any solid waste must be separated from the dredged material and disposed or recovered on shore.
- 2.10.3 Disposal or recovery of solid waste must only take place in accordance with the conditions of this permit and in accordance with the appropriate National and European legislation and protocols.
- 2.10.4 Solid waste sent for disposal or recovery must be transported only by an authorised waste contractor. The solid waste must be transported from the site of the activity to the site of the recovery/disposal only in a manner that will not adversely affect the environment and in accordance with the appropriate National and European legislation and protocols.

Reason: *To make provision for management of the loading and dumping at sea activities on a planned basis having regard to the desirability of ongoing assessment, recording and reporting of matters affecting the marine environment.*

Condition 3. Loading and Dumping at Sea Activities

- 3.1 All loading and dumping activities must be completed by 31 December 2033.
- 3.2 Material categorised as unsuitable for disposal must not be dumped at sea.
- 3.3 Dumping must be effected by release of the material through the hull of the vessel while the vessel is in motion or by plough dredging.
- 3.4 All plough dredging activities at Cheekpoint, including plough dredging sites at Cheekpoint Upper, Cheekpoint Lower and Cheekpoint Harbour Access, must be undertaken during spring tide periods only throughout the year. Plough dredging at all plough dredging sites other than those at Cheekpoint, is prohibited during the Closed Period specified in *Schedule A.5 Closed Period* of this permit.
- 3.5 During the period 1 March to 30 June annually, plough dredging activities at Cheekpoint, including Cheekpoint Upper, Cheekpoint Lower and Cheekpoint Harbour Access, must be carried out during daylight hours only.
- 3.6 Loading must be carried out principally by trailing suction hopper dredger, or by mechanical dredger unless otherwise agreed by the Agency in accordance with Condition 1.9 of this permit. Loading by mechanical dredging must be carried out only in loading areas at Belview Berths, Belview Turning Area, Belview to O'Brien's Quay, Cheekpoint Harbour Access, Great Island Jetty, O'Brien's Quay, Passage East Boathouse Quay and Passage East Shoal.
- 3.7 The trailing suction hopper dredger pumps must be switched off while the drag head is being lifted and returned to the bottom as the dredger turns between successive lines of dredging to minimise the risk of fish entrainment.
- 3.8 The permit holder must take measures to minimise the release of suspended solids into the water column during loading and on voyages to and from the dumping site, including as a minimum those measures specified in the application.
- 3.9 Overflow of dredged material from the vessel must not be permitted while the loading activity is being carried out and on voyages to the dumping site, unless otherwise agreed by the Agency.
- 3.10 Dumping activities must be conducted to ensure a uniform spread of material throughout the dumping site.

- 3.11 The permit holder must liaise with the relevant Harbour Masters, including Harbour Masters at the Port of Waterford Company and Dunmore East fishery harbour centre, prior to the commencement of and during the loading and dumping activities.
- 3.12 Information relating to the activity must be recorded during each dumping voyage to the satisfaction of the Agency and must as a minimum contain details of the following:
- (a) the name of the vessel,
 - (b) the source of the substance or material,
 - (c) the date, time, location and position at which the voyage for the purposes of dumping began,
 - (d) the date, time and position at which the loading began,
 - (e) the date, time and position at which the loading ended,
 - (f) the date, time and position at which dumping began,
 - (g) the date, time and position at which dumping ended,
 - (h) the quantity, stated in metric tonnes, of the substance or material dumped and in the case of plough dredging, quantity to be calculated at the end of a campaign using bathymetric surveys,
 - (i) the date, time and position at which the vessel completed the voyage for the purpose of dumping, and
 - (j) automatically logged vessel track record data.
- 3.13 Prior to the commencement of the permitted activity, the permit holder must consult with the Marine Survey Office of the Department of Transport to ensure that all vessels used in connection with the loading and dumping activities specified in this permit meet the requirements of the Marine Survey Office, including that they are licensed as a passenger boat. The permit holder must ensure that the vessels used in connection with this permit are fully certified for the entire period of loading and dumping activities specified in this permit.
- 3.14 The permit holder must permit authorised officers and archaeologists and marine mammal observers to be on board the vessel. They must permit and facilitate the carrying out by the authorised officers of their functions under the Dumping at Sea Act 1996 as amended, and must comply with the provisions of that Act in relation to the authorised officers and those functions.
- 3.15 The permit holder must continue to investigate alternative re-use options for the dredged material that is the subject of this permit. A report on this investigation must be submitted as part of the AER every three years, in line with the sediment monitoring.

Reason: *To provide for appropriate controls on loading and dumping at sea activities to ensure the protection of the marine environment.*

Condition 4. Control and Monitoring

- 4.1 The permit holder must carry out such sampling, analyses, measurements, examinations maintenance and calibrations as set out below and in accordance with *Schedule C: Monitoring* of this permit.
- 4.1.1 Analyses and measurements must be undertaken by competent staff in accordance with documented operating procedures.

- 4.1.2 Such procedures must be assessed for their suitability for the test matrix and performance characteristics must be determined.
- 4.1.3 Such procedures must be subject to a programme of Analytical Quality Control using control standards with evaluation of test responses.
- 4.1.4 Analysis for compliance purposes, including any sub-contracted analysis, must be done by a competent laboratory.
- 4.2 The permit holder must ensure that:
- (a) sampling and analysis for all parameters listed in the schedules to this permit, and
 - (b) any reference measurements for the calibration of automated measurement systems,
- must be carried out by an appropriate Standard Method.
- 4.3 All automatic monitors and samplers must be functioning at all times (except during maintenance and calibration) when the activity is being carried on unless alternative sampling or monitoring been approved in writing by the Agency for a limited period. In the event of the malfunction of any continuous monitor, the licensee must contact the Agency as soon as practicable, and alternative sampling and monitoring facilities must be put in place. The use of alternative equipment, other than in emergency situations, must be as approved by the Agency.
- 4.4 The frequency, methods and scope of monitoring, sampling and analyses, as set out in this permit, may be amended with the approval of the Agency following evaluation of test results.
- 4.5 On completion of the activities, the permit holder must provide the bathymetry data, monitored under *Schedule C: Monitoring* of this permit, to the United Kingdom Hydrographic Office at sdr@ukho.gov.uk and the Geological Survey Ireland at support@geodata.gov.ie so that the appropriate charts can be updated.
- 4.6 Sediment monitoring
- 4.6.1 A report on the sediment monitoring specified in *Schedule C: Monitoring* of this permit, must be submitted to the Agency within one month of completion of the analysis.
- 4.6.2 Following submission of the results of the sediment monitoring specified in *Schedule C: Monitoring* of this permit, loading and plough dredging may not proceed without the approval of the Agency.
- 4.7 Archaeology
- 4.7.1 The permit holder must notify the Underwater Archaeology Unit, National Monuments Service, Department of Housing, Local Government and Heritage prior to the commencement of the permitted loading and dumping activity.
- 4.7.2 The permit holder must comply with the archaeological monitoring requirements of the Underwater Archaeology Unit, National Monuments Service, Department of Housing, Local Government and Heritage.
- 4.7.3 The permit holder must implement all mitigation measures in relation to archaeology as set out in the report *Port of Waterford Navigation Maintenance Dredging Programme 2026-2033 Underwater Archaeological Impact Assessment (ADCO, January 2024)*, submitted with the application for this dumping at sea permit.
- 4.7.4 The permit holder must immediately notify the Underwater Archaeology Unit, National Monuments Service, Department of Housing, Local Government and Heritage if any material of archaeological potential is encountered during the course of the permitted activities.

4.8 Water Quality Monitoring

- 4.8.1 The permit holder must implement the turbidity alarm level at the monitoring location specified in *Schedule C: Monitoring* of this permit, which are consistent with the alarm levels specified in the application for this dumping at sea permit.
- 4.8.2 The dumping activity must not give rise to turbidity levels at any monitoring location which exceed the predicted suspended solids values as agreed by the Agency, and in accordance with *Attachment F.1 (i) Waterford Estuary Plough Assessment (November 2017)* submitted with the application for this dumping at sea permit.
- 4.8.3 A report on the water quality monitoring, including compliance with Condition 4.8.2, must be submitted to the Agency as part of the AER.
- 4.8.4 The permit holder must, within two years of grant of this permit, undertake a water quality survey of shellfish waters and control site(s) to the satisfaction of the Agency in order to validate the information presented in *Attachment F.1 (iii) Port of Waterford: Dredge Disposal, Numerical modelling of disposal plume (November 2023)* and *Attachment F.1 (i) Waterford Estuary Plough Assessment (November 2017)* submitted as part of the application and to demonstrate that dumping activities are in compliance with the relevant parameters in the European Communities (Quality of Shellfish Waters) Regulations 2006. A report on this survey must be submitted with the AER.

- 4.9 The permit holder must, within two years of grant of this permit, undertake a study, to the satisfaction of the Agency, of sediment deposition in the proximity of aquaculture production sites and Surf Clam fishery in order to validate the information presented in *Attachment F.1 (iii) Port of Waterford: Dredge Disposal, Numerical modelling of disposal plume (November 2023)* submitted as part of the application. A report of the study and model validation must be submitted to the Agency as part of the AER.

4.10 Noise

The licensee must carry out a noise survey of the loading activities at Cheekpoint Lower or at any other noise sensitive location (NSL), as required by the Agency, in accordance with *Schedule C. 1.6 Noise Monitoring* of this permit. The survey programme must be undertaken in accordance with the methodology specified in the '*Guidance Note for Noise: Licence Applications, Surveys and Assessments in Relation to Scheduled Activities (NG4)*', as published by the Agency.

4.11 Marine Mammals

- 4.11.1 The permit holder must employ a Marine Mammal Observer for the purposes of overseeing the loading and dumping activities by trailing suction hopper dredger and mechanical dredging. The Marine Mammal Observer must meet the monitoring and reporting requirements of the National Parks and Wildlife Service. Full reporting on Marine Mammal Observer operations and mitigation undertaken should be made to the Agency and offshore@npws.gov.ie, or such other address as may be advised, within one month of completion of each campaign.
- 4.11.2 The permit holder must implement the risk control and mitigation measures for marine mammals as specified in the National Parks and Wildlife Services guidance, unless otherwise agreed by the Agency.
- 4.11.3 The permit holder shall implement clear 'soft start' or 'ramp-up' procedures during loading and plough dredging activities, whereby sound energy input to the marine environment is gradually or incrementally increased from levels unlikely to cause significant behavioural impact on fish or marine mammals to the full output necessary for completion of the activities.
- 4.11.4 The implementation of the risk control and mitigation measures for marine mammals must be to the satisfaction of the Agency.

- 4.12 Where relevant ambient monitoring results are available from any other statutory body, including the Agency, the permit holder may submit those results to contribute to the fulfilment of the requirements of *Schedule C: Monitoring* of this permit.

Reason: *To provide for the protection of the marine environment by way of monitoring of the impacts associated with the loading and dumping at sea activities.*

Condition 5. Incident Prevention and Emergency Response

5.1 Incidents

In the event of an incident the permit holder must immediately:

- (a) identify the date, time and place of the incident,
- (b) carry out an investigation to identify the nature, source and cause of the incident and any impact arising therefrom,
- (c) isolate the source of any such impact,
- (d) evaluate the pollution, if any, caused by the incident, and
- (e) identify and execute measures to minimise the impact and the effects thereof.

5.2 The permit holder must provide a report of the investigation into the incident to the Agency for its approval within one month of the incident occurring or as otherwise agreed by the Agency. The report must:

- (a) identify and put in place measures to avoid recurrence of the incident, and
- (b) identify and put in place any other appropriate remedial actions.

5.3 The permit holder must, in advance of the commencement of the activities, ensure that a documented Accident Prevention Procedure is in place that addresses hazards, particularly in relation to the prevention of accidents with a possible impact on the environment.

5.4 The permit holder must, in advance of the commencement of the activities, ensure that a documented Emergency Response Procedure is in place that addresses any emergency situation which may arise. This procedure must include provision for minimising the effects of any emergency on the environment.

Reason: *To provide for the protection of the marine environment.*

Condition 6. Notification, Records and Reports

6.1 The permit holder must notify the Agency by webform or by any other means as may be specified by the Agency as soon as practicable after the occurrence of any incident. The permit holder must include as part of the notification, the date and time of the incident, summary details of the occurrence, and where available, the steps taken to minimise any impacts.

6.2 In the case of any incident relating to any impact on water, the permit holder must notify the Marine Institute, Sea Fisheries Protection Authority, Inland Fisheries Ireland, Bord Iascaigh Mhara and any other relevant authorities as soon as practicable after such an incident.

6.3 In the case of any incident relating to marine mammals or migratory fish, the permit holder must notify the National Parks and Wildlife Service, Marine Institute, Sea Fisheries Protection Authority and Inland Fisheries Ireland as soon as practicable after such an incident.

6.4 In the case of any incident relating to archaeology, the permit holder must notify the National Monuments Service as soon as practicable after such an incident.

- 6.5 The permit holder must make a record of any incident. This record must include details of the nature, extent, and impact of, and circumstances giving rise to, the incident. The record must include all corrective actions taken to manage the incident, and the effect on the marine environment, and avoid recurrence. The permit holder must, as soon as practicable following incident notification, submit to the Agency the incident record.
- 6.6 The permit holder must record all complaints related to the loading and dumping activities. Each such record must give details of the date and time of the complaint, the name of the complainant (if provided), and give details of the nature of the complaint. A record must be kept of the response made and any corrective action undertaken in the case of each complaint. This record must be made available to the Agency upon request.
- 6.7 The permit holder must as a minimum keep the following documents together and available for inspection by the Agency:
- (a) the permit(s) relating to the loading and dumping activities,
 - (b) the previous years' AERs for the loading and dumping activities,
 - (c) records of all sampling, analyses, measurements, examinations, calibrations and maintenance carried out in accordance with the requirements of this permit and any previous permits dating back at least three years,
 - (d) all correspondence with the Agency,
 - (e) the complaints register,
 - (f) up to date drawings/plans showing the location of the loading areas, the dumping sites and exclusion zones authorised by this permit,
 - (g) marine positional log, and
 - (h) any elements of the permit application and associated documentation referenced in this permit.

This documentation must be available to the Agency for inspection at all reasonable times and must be submitted to the Agency, as required, in such a format as may be requested, including electronic submittal of the information or a summary of such information.

- 6.8 The permit holder must submit electronically to the Agency, by the 31st March of each year, an AER covering the previous calendar year. This report must include as a minimum the information specified in *Schedule D: Annual Environmental Report* of this permit and must be prepared in accordance with any relevant guidelines issued by the Agency or as otherwise prescribed by the Agency.
- 6.9 A full record, which must be open to inspection by authorised officer of the Agency at all times, must be kept by the permit holder on matters relating to each load of the substance or material intended to be dumped and put on board the vessel. This record must be maintained continually and must as a minimum contain those details specified in Condition 3.12 of this permit. This information must be submitted as required by and as may be prescribed by the Agency as part of the Annual Environmental Report and immediately on request by an authorised officer.
- 6.10 All reports must be certified accurate and representative by the permit holder, manager or a nominated, suitably qualified and experienced deputy.
- 6.11 The permit holder must notify the Agency, in a format specified by the Agency, upon completion of the loading and dumping activities to which this permit relates.
- 6.12 The permit holder must submit the reports, proposals and submissions required by this permit by the deadlines specified. The permit holder will not be in compliance with the requirements of this condition unless it has submitted every report, proposal and submission, the deadline for which has passed.

- 6.13 The permit holder must carry out every action required by the Agency, and arising out of such reports, proposals or submission, by such deadline as the Agency may specify. The permit holder will not be in compliance with the requirements of this condition unless and until it has carried out every such action.

Reason: *To provide for the collection and reporting of adequate information on the loading and dumping at sea activity.*

Condition 7. Financial Charges

7.1 Agency Charges

7.1.1 The permit holder must pay to the Agency a contribution or such sum, as the Agency from time to time determines having regard to variations in the extent of reporting, auditing, inspections, sampling and analysis or other functions carried out by the Agency, towards the cost of monitoring the activities as the Agency considers necessary for the performance of its functions under the Dumping at Sea Act 1996 as amended.

7.1.2 The cost of any other tests, sampling, analysis and monitoring which the Agency may require in relation to the loading and/or dumping of the substance or material the subject of this permit must be borne by the permit holder. Furthermore, the cost of any tests, sampling, analysis and monitoring surveys carried out by an authorised officer or by or on behalf of the Agency in relation to the sampling of a substance or material the subject of this permit must also be borne by the holder of the permit.

- 7.2 The Permit Holder must indemnify the Agency and its authorised officers against all cost incurred by him as a result of a breach of any of the conditions of this permit.

Reason: *To provide for adequate financing for monitoring to protect the marine environment.*

SCHEDULE A: Limitations

A.1 Quantity of Dredged Material to be Dumped at Sea

Dumping Site A:

	Maximum annual quantity (tonnes, wet weight)	Total maximum quantity over the duration of the permit (tonnes, wet weight)
Dredged material	823,513	6,588,104

Plough Dredging Sites:

	Maximum annual quantity (tonnes, wet weight)	Total maximum quantity over the duration of the permit (tonnes, wet weight)
Dredged material	159,165	1,273,318



A.2 Rate of Disposal

Dumping Site	Maximum daily rate of disposal (tonnes, wet weight)
Dumping Site A	68,791
Plough Dredging Sites	3,356



A.3 Location of Dumping Sites

Dumping Site A:

	Latitude	Longitude
(i)	52°07.45' N	6°58.80' W
(ii)	52°07.10' N	6°58.80' W
(iii)	52°07.10' N	6°58.10' W
(iv)	52°07.45' N	6°58.10' W

Dumping Sites by Pough Dredging:

	Latitude	Longitude
Checkpoint Lower	52° 16' 28.221"N	7° 0' 42.550"W
	52° 16' 24.327"N	7° 0' 30.841"W
	52° 16' 32.847"N	6° 59' 46.398"W
	52° 16' 36.967"N	6° 59' 59.342"W

Belview Berths	52° 15' 46.435"N 52° 15' 45.621"N 52° 16' 8.839"N 52° 16' 9.672"N	7° 2' 9.404"W 7° 2' 7.765"W 7° 1' 37.121"W 7° 1' 38.735"W
Cheekpoint Upper	52° 16' 19.266"N 52° 16' 22.041"N 52° 16' 23.090"N 52° 16' 16.602"N 52° 16' 16.072"N 52° 16' 13.530"N	7° 1' 23.909"W 7° 1' 13.928"W 7° 1' 0.102"W 7° 0' 53.086"W 7° 1' 5.692"W 7° 1' 19.705"W
Cheekpoint Harbour Access	52° 16' 23.931" N 52° 16' 20.913" N 52° 16' 20.165" N 52° 16' 20.223" N 52° 16' 21.975" N 52° 16' 22.825" N 52° 16' 22.931" N 52° 16' 22.908" N 52° 16' 25.825" N	6° 59' 28.688" W 6° 59' 41.713" W 6° 59' 43.383" W 6° 59' 49.728" W 6° 59' 49.058" W 6° 59' 47.536" W 6° 59' 45.935" W 6° 59' 42.864" W 6° 59' 33.267" W
Belview Turning Area	52° 15' 38.369"N 52° 15' 45.311"N 52° 15' 47.573"N 52° 15' 49.695"N 52° 15' 55.243"N 52° 15' 50.122"N 52° 15' 47.619"N 52° 15' 42.920"N 52° 15' 41.115"N	7° 2' 4.254"W 7° 2' 2.625"W 7° 2' 0.458"W 7° 1' 57.107"W 7° 1' 45.959"W 7° 1' 52.204"W 7° 1' 55.100"W 7° 2' 0.244"W 7° 2' 2.009"W
O'Brien's Quay	52° 15' 35.692" N 52° 15' 35.246" N 52° 15' 39.806" N 52° 15' 40.243" N	7° 2' 15.424" W 7° 2' 13.439" W 7° 2' 10.651" W 7° 2' 12.636" W
Belview to O'Brien's Quay	52° 15' 45.621"N 52° 15' 39.806"N 52° 15' 41.086"N 52° 15' 45.607"N 52° 15' 46.435"N	7° 2' 7.765"W 7° 2' 10.651"W 7° 2' 16.471"W 7° 2' 13.834"W 7° 2' 9.404"W
Spit Light & Queen's Channel	52° 15' 18.500"N 52° 15' 21.979"N 52° 15' 25.462"N 52° 15' 21.568"N	7° 2' 29.357"W 7° 2' 14.427"W 7° 2' 16.728"W 7° 2' 31.148"W
Frank Cassin Wharf	52° 15' 42.767"N 52° 15' 43.541"N 52° 15' 49.030"N 52° 15' 48.235"N	7° 6' 11.257"W 7° 6' 10.302"W 7° 6' 22.410"W 7° 6' 23.390"W

North Wharf	52° 15' 56.803"N	7° 7' 3.081"W
	52° 15' 55.854"N	7° 7' 4.087"W
	52° 15' 52.705"N	7° 6' 56.197"W
	52° 15' 51.456"N	7° 6' 49.649"W
	52° 15' 50.494"N	7° 6' 36.521"W
	52° 15' 51.613"N	7° 6' 36.240"W
	52° 15' 52.540"N	7° 6' 49.111"W
	52° 15' 53.677"N	7° 6' 55.213"W
	52° 15' 53.715"N	7° 6' 55.349"W
	Forde Wharf & Merchants Quay Marina	52° 15' 46.049" N
52° 15' 47.605" N		7° 6' 43.932" W
52° 15' 49.322" N		7° 6' 51.207" W
52° 15' 50.936" N		7° 6' 59.686" W
52° 15' 52.279" N		7° 7' 5.429" W
52° 15' 51.281" N		7° 7' 6.052" W
52° 15' 49.915" N		7° 7' 0.283" W
52° 15' 49.735" N		7° 7' 0.392" W
52° 15' 47.809" N		7° 6' 52.156" W
52° 15' 47.613" N		7° 6' 44.876" W
Great Island Jetty	52° 16' 39.108"N	6° 59' 35.351"W
	52° 16' 36.589"N	6° 59' 36.322"W
	52° 16' 38.502"N	6° 59' 49.509"W
	52° 16' 41.020"N	6° 59' 48.538"W

A.4 Exclusion zones

Applicable Areas	Prohibited Activity	Reason for Closed Period
The exclusion zone extends to 250m north and 100m south (total 350m N-S) and 40m east and 60m west (total 100m E-W) of the centre point 52° 11.563' N, 06° 56.407' W, and shaded in red on map entitled 'Duncannon licensed Dredge Channel and Exclusion zone Boundaries', submitted to the Agency on 9 th April 2019 by the Department of Culture, Heritage and the Gaeltacht.	All loading and dumping activities.	The protection of the archaeological features (wrecks).
Dumping Exclusion zone around George Millburn wreck located at 52.1240N, 6.9807W, as shown in "Figure 8 – Disposal Area" in Attachment D.2(ii) of the application.	Dumping activities.	

A.5 Closed Period

From	To	Applicable Areas	Reason for Closed Period
1 st March every year	30 th June every year	Plough Dredging Sites other than those at Cheekpoint which may be plough dredged at spring tide periods only throughout the year, in accordance with Condition 3.4.	For the protection of migratory fish and transitional and marine nursery habitat.

SCHEDULE B: Emission Limits

B.1 Noise Emissions

Daytime dB L _{Ar,T} (30 minutes)	Evening time dB L _{Ar,T} (30 minutes)	Night-time dB L _{Aeq,T} (15minutes) ^{Note 1}
55	50	45

Note 1: During night time hours, there must be no clearly audible tonal component or impulsive component in the noise emission from the activity at any noise-sensitive location.

SCHEDULE C: Monitoring

C.1 Monitoring at the Loading Areas and Dumping sites by plough dredging

C.1.1 Bathymetry Monitoring

Parameters	Monitoring Frequency/Time	Monitoring Locations	Analysis Method/Technique
Bathymetry & concurrent tide observations	<ul style="list-style-type: none"> • Within one week prior to the commencement of each loading and plough dredging campaign. • Within one week following completion of each loading and plough dredging campaign. 	Loading areas and dumping sites by plough dredging (as per Conditions 1.3 and 1.4).	High resolution bathymetric survey and concurrent tidal height measurements.

C.1.2 Water Quality Monitoring

Parameters	Monitoring Frequency/Time	Monitoring Locations	Analysis Method/Technique
Turbidity ^{Note 1}	Continuous for duration of plough dredging activities at Cheekpoint and at a minimum one week prior to commencement of the plough dredging activities and one week after completion of the plough dredging activities.	1. Carter’s Patch buoy, unless otherwise agreed by the Agency.	Alarmed turbidity sensor, deployed on moored buoy, to demonstrate compliance with Condition 4.8.2 of this permit.

Note 1: Site-specific relationship established between turbidity and suspended solids is 1.25, unless otherwise agreed by the Agency.

C.1.3 Sediment Monitoring

Parameters	Monitoring Frequency/Time	Monitoring Locations	Analysis Method/Technique
Visual inspection (to include colour, texture, odour, presence of animals etc.)	2026, 2029 & 2032	Loading areas and plough dredging sites as per Conditions 1.3 and 1.4. Sediment sampling locations MD1-MD18, as shown on Sampling Plan figure under of "Attachment B.1 (iv)- Comparison to Irish Action Levels" and as per position/ coordinates provided under "Attachment B.1(ii) Dumping at Sea Material Analysis Reporting Forms" of the application.	Grab sampling of surface sediments and analysis by Standard Method ^{Note 2}
Water content & sediment density			
Sediment grain size: ^{Note 1} % gravel (> 2mm fraction) % sand (< 2mm fraction) % mud/silt (< 63µm fraction)			
Total organic carbon; Carbonate; Mercury; Arsenic; Cadmium; Copper; Lead; Zinc; Chromium; Nickel; Lithium; Aluminium; TBT; DBT; HCB; γ-HCH (Lindane); Total extractable hydrocarbons; Individual congeners of PCB 28, 52, 101, 118, 138, 153, 180; Naphthalene, Acenaphthylene, Acenaphthene, Fluorene, Phenanthrene, Anthracene, Fluoranthene, Pyrene, Benzo(a)anthracene, Chrysene, Benzo(b)fluoranthene, Benzo(k)fluoranthene, Benzo(a)pyrene, Dibenzo(ah)anthracene,			

Parameters	Monitoring Frequency/Time	Monitoring Locations	Analysis Method/Technique
Benzo(ghi)perylene, Indeno(123-cd)pyrene, pp DDT, pp DDD, pp DDE.			
Radionuclides	2026, 2029 & 2032	Sediment sampling locations W1-W4, as per coordinates provided under response 5 of "Section 5(2) Response_2" dated 19/12/2025 of the application	Grab sampling of surface sediments and analysis by gamma spectrometry.

Note 1: Monitoring of granulometry must include but not be limited to the following fractions: >2 mm, <2 mm, >63 µm and <63 µm.

Note 2: Sampling and analyses must be conducted in accordance with the analytical and quality requirements set out in: M. Cronin et al. 2006. Guidelines for the Assessment of Dredge Material for Disposal in Irish Waters. Marine Environment & Health Series, No. 24. Marine Institute.

C.1.4 Marine Mammal Monitoring

Parameters	Monitoring Frequency/Time	Monitoring Locations	Analysis Method/Technique
Marine mammals	Duration of the loading activities.	Within a 500m radial distance of the dredging vessel in the loading areas (as per Condition 1.3).	Monitoring to be undertaken by an independent Marine Mammal Observer with relevant experience.

C.1.5 Archaeology Monitoring

Parameters	Monitoring Frequency/Time	Monitoring Locations	Analysis Method/Technique
Archaeology	Duration of the loading activities during the first year of activities, unless otherwise agreed by the Agency.	Areas subject to archaeological monitoring (O'Brien's Quay, Cheekpoint Lower bar and Cheekpoint harbour access) as specified in report Port of Waterford Navigation Maintenance Dredging.	Monitoring to be undertaken by a suitably qualified archaeologist under a licence issued by the Department of Housing, Local Government and Heritage.

Parameters	Monitoring Frequency/Time	Monitoring Locations	Analysis Method/Technique
		Programme 2026-2033 Underwater Archaeological Impact Assessment, submitted with the application.	

C.1.6 Noise Monitoring

Location	Frequency
NSL1 (Checkpoint) <i>Any other NSL as may be required by the Agency</i>	During loading activities at Checkpoint Lower Bar, as required by the Agency under Condition 4.10.
Period	Minimum Survey Duration
Daytime	A minimum of 3 sampling periods at each noise monitoring location. ^{Note 2}
Evening-time	A minimum of 1 sampling period at each noise monitoring location.
Night-time ^{Note 1}	A minimum of 2 sampling periods at each noise monitoring location.

Note 1: Night-time measurements should be made between 2300 hrs and 0400 hrs, Sunday to Thursday, with 2300 hrs being the preferred start time.

Note 2: Sampling period is to be the time period T stated as per *Schedule B.1 Noise Emissions* of this permit. This applies to day, evening and night time periods.

C.2 Monitoring at Dumping Site

C.2.1 Bathymetry Monitoring

Parameters	Monitoring Frequency/Time	Monitoring Locations	Analysis Method/Technique
Bathymetry & concurrent tide observations	Within one week prior to the commencement of each dumping campaign. Within one week following completion of each dumping campaign.	Dumping Site A, as per Condition 1.5 of this permit.	High resolution bathymetric survey and concurrent tidal height measurements.

SCHEDULE D: Annual Environmental Report

Annual Environmental Report Content ^{Note 1}
Register/log of loading and dumping activities. OSPAR dumping report. Reported incidents summary. Complaints summary. Monitoring Summary. Marine Mammal Monitoring Report. Accident Prevention Procedure. Emergency Response Procedure. Investigation of alternative re-uses summary. Any other items specified by the Agency.

Note 1: Content may be revised subject to the approval of the Agency.

Sealed by the Seal of the Agency on this the 5th day of February 2026.

PRESENT when the Seal of the Agency was affixed hereto:



Kathleen Byrne, Authorised Person



Annex F - Pilotage Bye-Laws 2025



Calafort Phort Láirge
Port of Waterford

PILOTAGE BYE-LAWS 2025

Port of Waterford Company
3rd Floor
Marine Point
Belview Port
Slieverue
Waterford

Final
14th April 2025

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PILOTAGE BYE-LAWS 2025

made pursuant to Section 71
of the Harbours Act 1996

Port of Waterford Company, in exercise of the powers conferred on it by Section 71 of the Harbours Act 1996 as amended, hereby makes the following Bye-laws with respect to pilotage within the Pilotage District of Port of Waterford Company.

LIMITS OF THE PORT OF WATERFORD PILOTAGE DISTRICT

"The Port of Waterford Company Pilotage District," hereinafter referred to as "the Pilotage District", is defined in the Harbours Act, 1996 to 2009, as amended, and the limits of the Pilotage District as set out in Part II of the Third Schedule of the Act are as follows: -

Limits consisting of the waters of the sea and the River Suir within an imaginary arc with a radius of 6.44 kilometres drawn seaward from a point midway between Falskirt Rock and Hook Point and an imaginary straight line drawn directly across the River Suir at Granny Castle."

SECTION A: INTERPRETATION

1. Definitions and Construction

1.1 In these Bye-laws the following terms shall have the following meanings (save where the context otherwise requires):

"Act" means the Harbours Act 1996;

"Acts" means the Harbours Acts 1996 – 2009;

"Agent" when used in relation to any Owner or Master shall mean the person appointed to act on that Owner's or Master's behalf in relation to any matter concerning a Vessel or Goods travelling on a Vessel to or from or situate in the Harbour;

"Berth" includes any Quay, or other place at which a Vessel might lie;

"Certificated Officer" means the Master of a Vessel who holds a Pilotage Exemption Certificate applicable thereto;

"Collision Regulations" means the Merchant Shipping (Collision Regulations) (Ships and Watercraft on the Water) Orders 2012 as amended.;

"Company" means Port of Waterford Company, a Designated Activity Company limited by shares, that is to say a private company limited by shares registered in Ireland under part 16 of the Companies Act under Companies Registration Office No. 299445;

“Controlled Drug” means a controlled drug as defined in Section 2 of the Misuse of Drugs Act 1977 (as amended);

“Day” or **“Daytime”** means the period between sunrise and sunset;

“Exempted Vessel” means a Vessel described in Appendix A.;

“Fairway” means the space within the Pilotage District for the time being reserved as a highway for vessels in motion as described in the Fourth Schedule hereto subject to any alteration thereto as may be published from time to time by the Company and any other navigable channel marked as such and dredged or maintained by the Company;

“Ferry” means a Vessel engaged in the business of the carriage of persons, Goods, cargo and/or Vehicles;

“Goods” means all articles and merchandise of any description and includes cargo, livestock, animals and fish;

“Gross Tonnage” means Gross Tonnage as defined in the International Convention on Tonnage Measurement of Ships 1969 and all amendments thereto;

“Harbour” means the Company’s harbour limits as defined in Section 9 and Part 1 of the Third Schedule to the Act;

“Harbour Bye-Laws” means the Port of Waterford Bye-laws (Pilotage Excepted) 2015 (as amended) and any other bye-laws for the time being in operation in relation to the Harbour;

“Harbour Craft” means a Vessel which is used mainly within the Harbour and operated by the Company;

“Harbour Master” means the Harbour Master for the time being of the Company and for the purposes of these Bye-laws includes representatives of the Company to which the Harbour Master may delegate any of his functions pursuant to Section 37(1) (b) of the Act;

“Harbour Premises” means the Harbour and property within the Pilotage District including quays, docks, slipways, jetties, stages and any other harbours, works, land and buildings (whether owned, licenced or leased) for the time being vested in or occupied by or administered by the Company;

“ISPS Code” means International Ship and Port Facility Security Code of the International Maritime Organisation as referred to in the European Communities (Ship and Port Facilities) Regulations 2004 (S.I. No. 413/2004) and all amendments thereto;

“Length” means the overall length of a Vessel;

“Marine Notices” means information notices as issued by the Department of Transport to publicise important safety, regulatory and other information relating to the maritime sector in Ireland.

“MARPOL” means the International Convention for the Prevention of Pollution from Ships, 1973 and its annexures, as modified by Protocol in 1978 and all amendments thereto 1984 to date;

“Master”, when used in relation to any Vessel, means the person having command or charge of the Vessel and who holds a subsisting certificate of competency as is required for the Vessel under their command or charge, but shall not include a Pilot;

“Month” means calendar month;

“Night” or **“Night time”** means the period between sunset and sunrise;

“Notices to Mariners” means Notices to Mariners issued from time to time by the Company, and/or The Commissioners of Irish Lights;

“Obstruction” means any object floating or otherwise, within the Harbour which may obstruct the passage of a Vessel;

“Owner”, when used in relation to Goods, includes any consignor, consignee, shipper or Agent for the sale, receipt, custody, loading or unloading and clearance of those Goods and includes any other person in charge of the Goods or his Agent, in relation thereto; and when used in relation to a Vessel includes any part owner, beneficial owner, broker, charterer, agent or mortgagee, in possession of the Vessel or other person or persons entitled for the time being in possession of the Vessel;

“Passenger Ship Certificate” means a certificate issued by a competent authority allowing a Vessel to carry in excess of 12 passengers;

“Passenger Boat Licence” means a licence issued by a competent authority allowing a Vessel to carry 12 or fewer passengers;

“Pilot” means a person employed as a pilot by the Company pursuant to section 56 (1)(a) of the Act and to whom a Warrant has been issued;

“Pilotage District” means the pilotage district of the Company as defined in section 57 and Part II of the Third Schedule to the Act;

“Pilotage Exemption Certificate” means a pilotage exemption certificate issued pursuant to Bye-Law 5 under the conditions described in Appendix C;

“Pilotage Notices” means Pilotage Notices issued from time to time by the Company relating to Pilotage, Pilotage Exemption Certificates and related matters;

“Port Radio” means the place from which radio communication with Pilots and Vessels takes place;

“Quay” means any quay, pier, jetty, dolphin, landing stage, wharf, mooring dock, graving dock or other structure used for berthing or mooring vessels within the Pilotage District including any bridge, roadway or footway immediately adjacent and affording access thereto, in any case owned, administered or occupied by and within the Harbour over which the Company is conferred with jurisdiction, including the portion of the quayside of the Company's property between the Millennium Plaza and Bilberry Road, within the City of Waterford extending from the face of the Quay wall to the public road;

“Small Vessel” means any vessel of less than 20 metres in length, including a sailing ship, and for the purpose of this definition ‘sailing ship’ means a ship designed to carry sail, whether as a sole or as a primary or supplementary means of propulsion;

“Tonnage Certificate” means an International Tonnage Certificate issued under the provisions of the International Convention on Tonnage Measurement of Ships, 1969 and all amendments thereto;

“Vessel” means a vessel, boat, raft or water craft of any description and includes non-displacement craft, seaplanes and any other thing constructed or adapted for floating on, manoeuvring on or being submersed in water (whether permanently or temporarily) and a hovercraft or any other amphibious vehicle during such time as it is in or hovering over the water, other than a Small Vessel; and

“Warrant” means a warrant issued by the Company to a Pilot pursuant to section 58 (6) of the Act.

- 1.2 The Interpretation Act 2005 applies to these Bye-laws.
- 1.3 In exercising any of its rights or functions under these Bye-laws the Harbour Master or the Company shall be entitled at his or its sole discretion to employ such deputy or assistant harbour master or agents, contractors or other persons as may from time to time be reasonably necessary and such deputy, assistant harbour master, agents, contractors and/or person(s) shall thereby be entitled to exercise the rights and powers hereby vested in the Harbour Master or the Company on being specifically authorised in writing to do so.
- 1.4 Where any Owner, Agent or Master for the time being are two or more persons or where obligations expressed or implied to be imposed on two or more persons by these Bye-laws, such obligations to be imposed on such persons are deemed to be imposed on such persons jointly and severally.
- 1.5 Words importing one gender include all other genders and words importing the singular include the plural and *vice versa*.
- 1.6 References to any right of the Harbour Master or the Company to have access to or to exercise rights in respect of any property shall be construed as extending to all persons authorised by the Harbour Master or the Company (including agents, professional advisers, contractors, workmen and others).
- 1.7 References to a statute or statutory provision (whether primary or secondary) or to a convention or treaty, or any other bye-law include any extension, consolidation, modification, amendment or re-enactment of such statute, statutory provision, convention or treaty or bye-law and any statutory instruments, notices, regulations or orders made, issued or given thereunder.
- 1.8 The clause, paragraph and section headings of these Bye-laws are inserted for convenience of reference only and shall not be taken into account in the construction or interpretation of these Bye-laws.
- 1.9 References to “lands” include messuages, lands, tenements and hereditaments of any tenure.
- 1.10 References to a “person” shall be construed as a reference to any individual, firm, company, corporation, body corporate undertaking, association, or partnership (whether or not having separate legal personality).

- 1.11 Save as expressly set out herein or where the context otherwise requires terms and expressions which are defined in the Acts shall have the same meanings in these Bye-laws.
- 1.12 These Bye-laws may be cited as the Port of Waterford Company Pilotage Bye-laws 2025.
- 1.13 References to “Harbour” shall, where the context requires, include the Harbour Premises.
- 1.14 References to obtaining the permission or consent of the Harbour Master shall be construed as requiring the prior permission or consent of the Harbour Master, which permission or consent may be withheld at the absolute discretion of the Harbour Master or may be granted subject to the satisfaction of such conditions as may be required by the Harbour Master. A permission or consent of the Harbour Master may be issued in writing or in such other form as the Harbour Master may determine. References to obtaining the permission or consent of the Company shall be construed in like manner.
- 1.15 References to “dangerous, flammable, explosive or hazardous Goods” shall be construed as a reference to dangerous Goods or substances within the meaning of the International Maritime Dangerous Goods Code, or the Dangerous Substances Act 1972 and the Dangerous Substances (Amendment) Act 1979, both as amended, and all Regulations made thereunder, or the Carriage of Dangerous Goods by Road Act 1998 as amended and all Regulations made thereunder, or the European Agreement concerning the International Carriage of Dangerous Goods by Road and all Regulations made thereunder;
- 1.16 References to “hazardous cargoes in bulk” shall include Petroleum Classes I, II and III (as defined in Section 20 of the Dangerous Substances Act 1972 and in the Dangerous Substances (Amendment), Act 1979, both as amended, and all Regulations made thereunder.). Liquid Petroleum Gas, Ammonia and any other hazardous cargo carried in bulk listed in Appendix II to Annex II of MARPOL.

2. Commencement of Pilotage Bye-laws and revocation of Existing Pilotage Bye-laws

- 2.1 These Bye-laws shall come into force on the 14th of April 2025.
- 2.2 Subject as hereinafter appearing, all previous Bye-laws regulating and managing pilotage services for the Pilotage District are hereby revoked with effect from the date referred to in Bye-law 2.1. The within revocation shall not apply to Bye-law 36 of the 1939 Bye-laws in the form thereof approved by the Minister for Transport on 3 February 1982 and any other provisions of the 1939 Pilotage Bye-laws referred to in the said Bye-law 36 or elsewhere in the 1939 Bye-laws which is necessary to give effect thereto.

3. Compulsory Pilotage and Exempted Vessels

3.1 Compulsory Pilotage

Pilotage shall be compulsory for every Vessel (other than an Exempted Vessel) while navigating in the Pilotage District for the purpose of entering, leaving or making use of any part of the Pilotage District. The Harbour Master may, in his absolute discretion, require any Vessel including a Small Vessel whilst entering, leaving or making use of the Pilotage District to be under the pilotage of a Pilot, if, in the opinion of the Harbour Master, such service is required for safety and/or navigational purposes.

The Harbour Master's discretion does not relieve the Owner and/or Master of a Vessel and/or a Small Vessel to seek pilotage services should they deem it appropriate for safety and/or navigational purposes. The Harbour Master's discretion does not relieve the Owner and/or Master of a Vessel and/or a Small Vessel who at all times remain responsible for the safety and safe navigation of their Vessel and cargo thereon. Every Vessel (other than an Exempted Vessel) while navigating in the Pilotage District for such purpose shall be either:

- (a) under the pilotage of a Pilot, or
- (b) under the command of a Master who is a Certificated Officer holding a current Pilotage Exemption Certificate in respect of that Vessel.

The fact that a Vessel is being navigated in the Pilotage District in circumstances in which pilotage is compulsory for it shall not affect any liability of the Owner or Master of the Vessel for any loss or damage caused by the Vessel or by the manner in which it is navigated, as per Section 63 of the Act, which shall include damage caused to the Vessel itself.

In any event, the Owner and/or Master of the Vessel shall be responsible for the acts and/or defaults of a Pilot whilst under pilotage.

3.2 Vessels exempted from Compulsory Pilotage

Vessels exempt from Pilotage are set out in Appendix A attached.

When navigating within the Pilotage District, the bridge will be manned at all times by not less than three people being (1) the Master holding a valid Pilotage Exemption Certificate, (2) a qualified watch keeper and (3) a lookout /helmsman. The vessel must be in hand steering at all times between Duncannon Channel and its nominated berth.

Pilotage is compulsory for a Vessel, including a Vessel exempt from Pilotage, if a tug is to be used by the Vessel.

The Harbour Master may, in his absolute discretion, require any Vessel including one exempted from Compulsory Pilotage, to be under the pilotage of a Pilot, if, in the opinion of the Harbour Master, such service is required for safety and/or navigational purposes.

4. Return of Pilots from outside of the Pilotage District

When a Pilot is carried away outside the Pilotage District, the ship owner or its representative shall ensure that the Pilot is returned forthwith, to the Pilotage District without delay by the most expeditious means stipulated by the Harbour Master at the expense of the ship owner or its representative.

5. Pilotage Exemption Certificates

The qualifications and general requirements for Pilotage Exemption Certificates are set out in Appendix C, attached

6. Duties of Pilots

- 6.1 Every Pilot will be supplied with approved flotation equipment; personal protection equipment and such other equipment (including a locator beacon) as may be determined by the Company from time to time, and every Pilot when boarding and disembarking from vessels and the pilot boat and while on board the pilot boat shall wear such equipment.
- 6.2 Every Pilot will be supplied with uniform clothing and, where practicable, every Pilot when on duty shall wear such uniform.
- 6.3 Every Pilot shall observe these Bye-laws and shall obey all lawful orders given by the Company, the Harbour Master or the Deputy Harbour Master and shall observe and act in accordance with all bye-laws in force in relation to the Pilotage District.
- 6.4 Every Pilot shall be under the direct control of the Harbour Master and apart from the actual piloting of Vessels, every Pilot shall in so far as not inconsistent with these Bye-laws or any rules formulated by the Company in consultation with the Pilots, discharge all lawful directions of the Harbour Master.
- 6.5 Every Pilot shall be strictly sober and shall behave and conduct himself in a courteous and professional manner at all times and with due respect towards the Owner, Master and officers of every Vessel of which he has charge.
- 6.6 A Pilot shall not pilot any outward-bound Vessel beyond the limits of the Pilotage District.
- 6.7 A Pilot shall not absent himself from duty without the permission of the Harbour Master or the Deputy Harbour Master.
- 6.8 Every Pilot shall use his utmost skill and diligence to conduct every vessel which he may be piloting without damage to his own or any other vessel, duly observing the Collision Regulations, and the Company's Bye-laws. He shall not, except in exceptional circumstances, lay the vessel aground without a written order from the Owner or Master. He shall not leave any vessel until the pilotage service is completed.

- 6.9 Every Pilot, if any incident has happened to or been caused by any vessel of which he was pilot shall,
- (i) Immediately Inform the Harbour Master or Deputy Harbour Master
 - (ii) Without delay, report the facts, in writing to the Harbour Master, using the Incident Notification Form in Appendix F. Subject to any rule of law to the contrary, all such reports shall be treated as confidential by the Company and the Pilot.
- 6.10 Whenever a Pilot observes any alteration in any of the banks or channels, or that any of the buoys or beacons are not operating correctly, or are damaged or are out of place or observes any circumstance affecting the safety of navigation within the Pilotage District, he shall immediately advise the Harbour Master or Deputy Harbour Master of the facts and as soon as practicable send a statement thereof in writing to the Harbour Master.
- 6.11 Every Pilot when on duty shall carry with him his identification as supplied by the Company, a tide table, a Master/Pilot Information Exchange Aide Memoire, a VHF radio and any other aid to pilotage as may be specified from time to time by the Company.
- 6.12 Every Pilot on boarding a vessel shall report himself to the Master or person in charge of the vessel and produce his identification if demanded.
- 6.13 The fact that a Vessel is being navigated in a pilotage district in circumstances in which pilotage is compulsory for it shall not affect any liability of the Owner or Master of the Vessel for any loss or damage caused by the Vessel or by the manner in which it is navigated, as per Section 63 of the Act, which shall include damage caused to the Vessel itself.
- 6.14 In any event, the Owner and/or Master of the Vessel shall be responsible for the acts and/or defaults of a Pilot whilst under pilotage.
- 6.15 Every Pilot, before boarding a vessel shall acquaint himself with the latest traffic and navigational information for the Pilotage District. On boarding a vessel, he shall demand particulars of the vessel's draft and state of readiness of engines and navigational aids. A Pilot/Master Information Exchange must be completed. The Master must satisfy himself that the draft is safe for the Vessel to proceed and lay at any designated berth and/or depart from the same. Any deficiencies with the Vessel or concerns with the draft, which might impact on the safe navigation of the Vessel, must be reported to the Harbour Master prior to the commencement of the pilotage service.
- 6.16 In the case of a disagreement or dispute between the Master of a vessel and the Pilot on board, a Pilot shall refer such disagreement to the Harbour Master who shall advise the course of action to be taken without prejudice to 6.13 above.
- 6.17 Every Pilot shall take particular care that Masters of vessels do not cause or permit any pollution to be discharged into the waters of the Pilotage District. Should any discharges come to the Pilot's attention at any time, he shall report the same to the Harbour Master or Deputy Harbour Master as soon as possible.
- 6.18 Every Pilot when in charge of a vessel shall, instruct the Master of the vessel to maintain a radio listening watch on the port working channel, VHF Channel 14 or such other channel as may be used at the time.

- 6.19 If any Pilot shall happen to receive any Pilotage Charges or other moneys for services rendered, he shall immediately deliver an account of and pay the same to the Company.
- 6.20 Every Pilot shall, immediately after leaving any vessel which may have suffered damage or caused damage to any Harbour Premises, other vessel, or navigational aid, report the same in writing to the Harbour Master, and shall likewise report in writing all incidents which may have taken place during that time to such vessel, or to any other vessel, caused in any manner by the vessel of which he was in charge or by such other vessel.
- 6.21 A Pilot shall not, without reasonable cause, refuse to afford any extraordinary assistance required from him by the Master of any Vessel in distress.
- 6.22 Every Pilot shall comply with the Company's standard operating procedures as amended by the Company from time to time.
- 6.23 Every Pilot shall submit himself to the training and professional development requirements of the Company from time to time including, without prejudice to the generality of the foregoing, attendance at simulator courses, bridge team management courses, manned model courses, sea survival courses, security courses and oil pollution response courses.
- 6.24 Every Pilot shall acquaint himself and maintain a good working knowledge of towage operations for berthing and unberthing of vessels referred to in Port Bye-law 88 and attend such towage operations as determined by the Company from time to time.

7. Medical Fitness of Pilots

For details of medical fitness please refer to Appendix B, attached

8. Form of Pilot's Bond

The bond in the form set out in the Second Schedule hereto is hereby prescribed as being the form of bond referred to in Section 70(1) of the Harbours Act 1996 (as amended by Section 14 of the Harbours (Amendment) Act 2009). Any bond issued is without prejudice to the Company's limit of liability as provided under section 70 (3) of the Act.

9. Pilotage Charges

- 9.1 The Company shall be entitled in accordance with Section 64 of the Act to impose charges ("Pilotage Charges") in respect of the pilotage services that are provided by Pilots within the Pilotage District at such rates as the Company shall in its discretion determine from time to time and publish in a Schedule of Charges. All Schedules of Charges so determined and published by the Company may be varied from time to time at the discretion of the Company and evidenced by the publication of a subsequent Schedule or Schedules of Charges.
- 9.2 Without prejudice to its rights under the Acts the Company shall be entitled to exercise a lien over the Goods and/or Vessel in the ownership, possession or control of any Owner, Master or other person liable to pay Pilotage Charges who fails to pay any Pilotage Charges or any other sum from time to time payable by that Owner, Master or person in respect of any services and/or facilities of the Company provided to such Owner, Master or person.

9.3 Unless otherwise specified in writing by the Company, Pilotage Charges and other sums, charges, penalties, outgoings, costs, damages, expenses and reimbursements payable under these Bye-laws to the Company (whether in respect of contravention of these Bye-laws or otherwise) shall fall due for immediate payment upon issue of written demand to the person liable therefor under Section 65(1) of the Act.

9.4 If any person referred to in Section 65 of the Act (whether an Owner, Master, Consignee, Agent or otherwise) shall fail or refuse to pay to the Company, within 30 days of written demand, such Pilotage Charges, and other sums, charges, penalties, outgoings, costs, damages, expenses, or reimbursements, for which that person shall be liable to discharge, interest shall accrue thereon from the date of demand until the date of ultimate payment at the rate of 2% in excess of the rate from time to time prescribed by the Courts Act, 1981 (Interest on Judgment Debts) Order 2016 (SI 624/2016) to be paid on summary judgments or awards. In addition, such person shall also be liable to the Company for all properly incurred legal costs and expenses incurred by the Company in seeking and recovering payment by the Company of any Pilotage Charges or other such sums due to it.

10. Harbour Master and representatives of the Company

10.1 Subject to the provisions of the Acts, the Harbour Master and/or a duly authorised representative of the Company shall have responsibility for the enforcement of these Bye-laws and all notices or regulations made by the Company in relation to the Pilotage District.

10.2 Without prejudice to the Acts, where the Harbour Master or a duly authorised representative of the Company or a Pilot suspects that any of these Bye-laws may have been contravened by any person, such person may be required to supply his name and address and such other information as may be considered to be relevant by the Harbour Master or the duly authorised representative of the Company or the Pilot as the case may be.

10.3 Where the Harbour Master or a duly authorised representative of the Company or a Pilot reasonably believes that there has been a contravention of these Bye-laws by the Master of a vessel, the Harbour Master or the duly authorised representative of the Company or the Pilot as the case may be may require to be furnished with the name and address of the Master and Owner of the vessel and such other information as may be considered to be relevant by the Harbour Master or the duly authorised representative of the Company or the Pilot as the case may be. In addition, the Harbour Master or a duly authorised representative of the Company, may search the Vessel in question.

10.4 All persons, Vessels, Goods and baggage and moveable property of any description while entering or on the Harbour Premises, may be subject to search by the Harbour Master or a duly authorised representative of the Company as the case may be in accordance with procedures established by the Company, in connection with the implementation of the requirements of ISPS Code or any other security requirements which may be stipulated from time to time by the Company.

10.5 No person shall obstruct, or attempt to obstruct, the Harbour Master or any duly authorised representative of the Company or Pilot in the discharge of his lawful duty.

10.6 The Harbour Master and/or a duly authorised representative of the Company reserves the right in its absolute discretion to request any Pilot Exemption Certificated holder, Pilot or Pilot boat / Marine Operatives to present themselves for a drug and/or alcohol test on the grounds of health and safety at all times.

11. Penalties

- 11.1 Any person who contravenes or otherwise fails to comply with any of these Bye-laws or any condition, requirement or prohibition imposed by the Harbour Master in the exercise of the powers conferred upon him by these Bye-laws shall be guilty of an offence pursuant to Section 71(8) of the Act and, in addition, may be guilty of an offence pursuant to Sections 46, 47, 48, 49, 50, 52, 53, 60, 66, 73, 75, 76, 77 or 78 shall be liable, in the case of an offence pursuant to Section 71(8) of the Act or any other offence under the Act (other than an offence pursuant to Sections 46, 50, 52, 53, 60 or 77 of the Act) on summary conviction, to a fine not exceeding €5,000 pursuant to Section 6(2) of the Act (as amended by Section 58 of the Maritime Safety Act 2005) and, in the case of an offence under Sections 46, 50, 52, 53, 60 or 77 of the Act on summary conviction, to a fine not exceeding €5,000 or to imprisonment for a term not exceeding 6 months or both or, on conviction on indictment, to a fine not exceeding €1,000,000 or imprisonment for a term not exceeding 2 years or both pursuant to Section 6(1) of the Act (as amended by Section 58 of the Maritime Safety Act 2005).
- 11.2 Any Master of a vessel who refuses or fails to comply with any direction given by the Harbour Master in the exercise of the powers conferred on him by Section 46 of the Act shall be guilty of an offence pursuant to Section 46(4) of the Act and shall be liable, *inter alia*, on summary conviction, to a fine not exceeding €5,000 or to imprisonment for a term not exceeding 6 months or both, or on conviction on indictment to a fine not exceeding €1,000,000 or imprisonment for a term not exceeding 2 years or both.
- 11.3 Any person who obstructs or impedes the exercise of a power conferred on the Harbour Master by the Act or an instrument made thereunder shall be guilty of an offence pursuant to Section 50 of the Act and shall be liable, *inter alia*, on summary conviction, to a fine not exceeding €5,000 or to imprisonment for a term not exceeding 6 months or both, or on conviction on indictment to a fine not exceeding €1,000,000 or imprisonment for a term not exceeding 2 years or both.

12. Reporting

Any person who reasonably suspects that another person has contravened these Bye-laws or that an incident has occurred within the Pilotage District should notify the Harbour Master forthwith.

13. Investigations

The Harbour Master or a duly authorised representative of the Company may carry out such investigations, take such statements, make such enquiries and seek such information as may be considered by him to be necessary for the purposes of carrying out and discharging his functions as Harbour Master or duly authorised representative of the Company under these Bye-laws, including, but not limited to, any accident, fire, environmental or polluting incident or potentially polluting or contaminating incident arising within the Pilotage District or involving in his opinion any damage to property or injury to persons within or adjacent to the Pilotage District.

14. General

- (1) Pilots, or Certificated Officers who hold a Pilotage Exemption Certificate shall communicate positively with the Passage East car ferry and establish an agreed passing procedure in good time, inbound and outbound.
- (2) Notwithstanding anything else contained in these Bye-Laws, a Vessel (other than a Small Vessel) shall not be moved or navigated within the Pilotage District without (immediately prior to the move) obtaining permission from the Harbour Master to move:
 - (a) into or out of or within the Pilotage District;
 - (b) in or across the Fairway;
 - (c) into or out of or within any dock or basin within the Harbour; or
 - (d) from berth to berth or along a berth within the Harbour.
- (3) The Harbour Master may at his absolute discretion from time to time apply Bye-Law 14(2) by notice to all or any Small Vessel.
- (4) The Harbour Master may at his absolute discretion from time to time amend alter or change the format and requirements of the documents in appendix E

FIRST SCHEDULE

Pilot Warrant



PORT OF WATERFORD COMPANY

CLASS ...

PILOT WARRANT

[Photograph]

[Name] of is hereby warranted with effect from to discharge the duties of a pilot to [all classes of vessels or specify restrictions] in the Pilotage District of Port of Waterford Company as provided for in the Harbours Acts, 1996 to 2009 and the Pilotage Bye-Laws 2025 of Port of Waterford Company.

Signature of Pilot _____

Given under the Seal of Port of Waterford Company

Date _____

Director _____

Secretary _____

SECOND SCHEDULE

FORM OF PILOT'S BOND

Prescribed for the purposes of Section 70(1) of the Harbours Act 1996

THIS BOND is made on the day of 20...

BETWEEN

- (1) The Pilot of the Pilotage District of Port of Waterford Company whose name and address is set out in the Schedule hereto ("the Pilot"); and
- (2) Port of Waterford Company whose registered office is at 3rd Floor, Marine Point, Slieverue, Waterford ("the Company").

WHEREAS

- A. The Pilot is desirous of giving a bond to the Company in a form prescribed by Bye-laws made by the Company under Section 71 of the Harbours Act 1996 for the purpose of, and with a view to, availing himself of the provisions of Section 70 of the Harbours Act 1996 (as amended by Section 14 of the Harbours (Amendment) Act 2009).
- B. The within written Bond is in conformity with the form of bond prescribed by Bye-laws of the Company made by the Company under Section 71 of the Harbours Act 1996 for the purposes of giving effect to Section 70 of the Harbours Act 1996 (as amended by Section 14 of the Harbours (Amendment) Act 2009).

NOW THIS DEED WITNESSETH AS FOLLOWS:

- 1. The Pilot hereby unconditionally undertakes, binds and obliges himself to the Company in the sum of two thousand five hundred Euro (€2,500) or such lesser sum for which the Pilot shall be liable in respect of any neglect or want of skill on his part in rendering a pilotage service.
- 2. Payment of the amount referred to in Clause 1 shall be made in Euro, free and clear of all deductions or withholdings of any kind, except for those required by law, such payment to be made not later than 30 days following written demand by the Company therefor to the Pilot.
- 3. This Bond shall be governed and construed in accordance with the Laws of Ireland and the parties hereto submit to the non-exclusive jurisdiction of the Courts of Ireland.
- 4. The provisions of the Interpretation Act 2005 shall apply to the interpretation of this Bond.

Name of Pilot

Address of Pilot

IN WITNESS WHEREOF the Pilot and the Company have executed this Bond as a Deed the day and year first above written

SIGNED and **DELIVERED** as a **DEED** by
the above named

in the presence of:-

Signature of Witness

Name of Witness

Address of Witness

Occupation of Witness

PRESENT when the Common Seal
of **PORT OF WATERFORD COMPANY**
was affixed hereto:-

.....
Director

.....
Director/Secretary

THIRD SCHEDULE
PORT OF WATERFORD COMPANY
PILOTAGE DISTRICT

PEC No.



3rd Floor, Marine Point, Belview Port, Slieverue, Waterford, Ireland.

Pilot Exemption Certificate

This is to certify that

Has been examined on Pilotage knowledge for the Port of Waterford. He has been found to be a fit and competent person to pilot the “ _____ ”, and any similar vessel, in that portion of the Waterford Pilotage District from Belview Port to seaward. This Certificate will remain in force, (unless otherwise suspended or revoked), until the _____ of _____ 20____ at which time it will be subject to renewal.

Captain Darren Doyle
Harbour Master
Port of Waterford,
Ireland.

Date:

NOTICE TO HOLDER OF CERTIFICATE

The holder of this certificate will receive therewith: -

- (1) A copy of the Port of Waterford Company Pilotage Bye-Laws 2025 and must make himself acquainted with the duties devolving on him as prescribed therein and the penalties attaching to contravention thereof.
- (2) A copy of current Pilotage Notices

Particular attention is directed to the following: -

- (1) The necessity for the annual renewal of a pilotage certificate.
- (2) Sub-sections (4) and (5) of Section 72 of the Harbours Act, 1996 enabling certificates to be extended to other Vessels to which the holder may be transferred and belong to the same owner.

FOURTH SCHEDULE

THE FAIRWAY

1. The outward limit of the Pilotage District is an imaginary arc with radius of 6.44 kilometres drawn seaward from a point midway between Falskirt Rock and Hook Point.

From the Outward Limit of the Pilotage District the fairway from sea to the Duncannon Bar commences inside this arc and is bounded on the Eastern side by an imaginary straight line drawn from 3 cables off Hook Point to the number 1 buoy and on the western side by the 10 metre contour line abreast of Dunmore East Light House, thence by the 5 metre contour line abreast of Creadan Head and thence by an imaginary straight line to the number 2 buoy.

2. **From the Outer Bar to Duncannon Fort** the fairway is bounded on the Eastern side by an imaginary straight line drawn from the number 1 Buoy to the 5 metre contour line off Duncannon Fort Lighthouse and on the western side by an imaginary straight line drawn from the number 2 Buoy to the number 4 buoy and on to the Drumroe Bank buoy showing a red flashing light.
3. **From Duncannon Fort to Passage East** the fairway is bounded on the Eastern side by the 5 metre contour line and on the Western side by the Drumroe bank buoy and Passage Spit Light beacon showing a flashing red and white light.
4. **From Passage East to Seedes Bank Buoy** the fairway is bounded on the Eastern side by the 5 metre contour line and the Seedes bank South buoy showing a green flashing light and on the Western side by the 5 metre contour line.
5. **From Seedes Bank Buoy to Sheagh Light Beacon** the fairway is bounded on the Eastern side by the 5 metre contour line marked by the Carters patch South and North buoys and on the Western side by the 5 metre contour line.
6. **From Sheagh Light Beacon to Flourmill Light Beacon** the fairway is bounded by the 5m contours. The maintained channels at upper and lower Cheekpoint bars are within the fairway.
7. **From Glasshouse Lighthouse to Guidebank** the fairway is bounded on the western side by the 5 metre contour line, including the berth face at Belview and O'Brien's Quay and on the Eastern side by an imaginary straight line drawn from the Bingleadies buoy to the Bolton rock buoy showing a flashing red light and thence following the 5 metre contour line to the entrance to the Queens Channel.
8. **From Guidebank to the Western End of Little Island through the Queens Channel** the fairway is bounded on the Northern side by a line of green conical buoys and on the Southern side by a line of red can shaped buoys. All conical shaped buoys show a flashing green light and all can shaped buoys show a red flashing light.

9. **From Little Island to the Cove Light Beacon** the fairway is bounded on the Northern side by the 5 metre contour line and on the Southern side by the 5 metre contour line.
10. **From Cove Light Beacon to the Neptune Marina** the fairway is bounded on the Northern side by the 5 metre contour line and on the Southern side by the 5 metre contour line.
11. **From the Neptune Marina to the Rice Bridge in the City of Waterford** the fairway is bounded by imaginary lines drawn 20 metres off from the face lines of the pontoons, marinas and wharves on the North and South sides of the river.
12. **From Rice Bridge in the City of Waterford to Grannagh Paper Mills Jetty** the fairway is bounded on the Northern side by the 3 metre line and on the Southern side by the 3 metre line.

**PRESENT when the Seal
of the Port of Waterford Company
was affixed hereto**

Dated this 14th of April 2025

.....
Director **Director / Secretary**

APPENDIX A – PORT OF WATERFORD PILOTAGE BYELAWS

VESSELS EXEMPTED FROM COMPULSARY PILOTAGE

1. (I) Vessels owned by the State;
 - (II) Small Vessels;
 - (III) Fishing vessels of not more than 40 metres in length;
 - (iv) Vessels the property of or engaged by the Commissioners of Irish Lights, while engaged in carrying out their duties for the care and maintenance of lighthouses and aids to navigation including buoys in the State;
 - (v) Vessels the property of or engaged by the Company;
 - (vi) Tugs, dredgers, hoppers, barges, inland waterway ferries and other similar vessels subject to the prior approval of the Harbour Master;
 - (vii) Sail training vessels less than 50 metres
 - (viii) A Vessel navigated within the Pilotage District by the Master holding a valid Pilotage Exemption Certificate who must be on the bridge of the Vessel at all times. Whilst underway within the Pilotage District, the bridge will be manned at all times by not less than three people being (1) the Master holding a valid Pilotage Exemption Certificate, (2) a qualified watch keeper and (3) a lookout /helmsman. The vessel must be in hand steering at all times between Duncannon Channel and its nominated berth.

- 2 The Harbour Master may, in his absolute discretion, require any Exempted Vessel whilst entering, leaving or making use of the Pilotage District to be under the pilotage of a Pilot, if, in the opinion of the Harbour Master, such service is required for safety and/or navigational purposes

APPENDIX B – PORT OF WATERFORD PILOTAGE BYELAWS

B1 – QUALIFICATION OF CANDIDATES FOR PILOT POSITIONS

Candidates will ideally possess a valid Certificate of Competency as Master/Chief Officer (500 to 3000 GT, no area restrictions) as prescribed in the STCW 95 Reg. II/2. Candidates holding a lesser Certificate of Competency may be considered at the sole discretion of the Harbour Master.

Each candidate must also furnish proof, to the satisfaction of the Harbour Master, that he/she has adequate, relevant navigation experience.

Must be of sober habits and good character.

Must satisfy the medical fitness requirements as stated in B3 below

The successful applicant must permanently reside within close proximity of the Pilot station at Dunmore East, Co. Waterford.

Applicants must have a legal entitlement to work in Ireland and proficiency in speaking, comprehending, reading and writing English.

B2 - EXAMINATION OF PILOT CANDIDATES

Every Pilot candidate must

- (a) Furnish proof that he has completed the requirements as laid out in the Pilot Training Schedule as set out in Appendix D
- (b) Present himself for a written and oral examination before the Harbour Master or a person nominated by the Harbour Master and give a correct and seamanlike description of the channels, fairways, harbours, docks, wharves and piers of the Pilotage District, the rise and set of the tides, the depths and character of soundings, the anchorages, the distances and courses between any two places, the banks, rocks, shoals and other dangers, and the land marks, beacons, perches, buoys and lights within or in any manner connected with the Pilotage District. He shall also satisfy the Harbour Master and the other examiners (if any) that he has a competent knowledge of the management and behaviour of all classes of vessels, mooring, unmooring and getting underway, as well as situations of close quarters, restricted and hampered vessel movements. He must have a satisfactory knowledge of the various types of tugs operating in the port and their limitations. Be familiar with the different types of steering and propulsion systems on ships. He must be experienced in the operation of up-to-date aids to navigation e.g., VHF, Radar, AIS, Electronic charts and G.P.S. etc. He must also have a competent knowledge of the Collision Regulations, the Bye-laws, Notice to Mariners, Pilotage Notices and regulations of the Company, and the International Code of Signals.

B3 - MEDICAL FITNESS OF PILOTS AND PILOT CANDIDATES

Reference, Section 58A Harbours Act 1996 to 2009, as amended in the Merchant Shipping Act 2010

- (1) It is the duty of a company, as a result of medical examination, to assess whether the physical health of a person who is employed or applies to be employed by the company on its staff as a pilot, within its pilotage district is such as to enable the person to perform satisfactorily the duties of a pilot. The company in this regard must satisfy itself that the medical fitness of the person, particularly regarding eyesight, hearing and physical fitness, meets the standards required for certification of Masters and Officers in charge of a navigational watch under the International Convention on Standards of Training Certification and Watchkeeping for Seafarers 1978 done at London on 7 July 1978, as amended, and such other requirements as the company thinks appropriate.
- (2) A person employed as a pilot must, for the purposes of assessment under subsection (1) by the company in whose pilotage district he acts as a pilot, undergo medical examination at intervals specified by the company but not later than in each period of 2 years.
- (3) Where a company considers that the physical health of a person it employs, as a pilot within its pilotage district is not sufficient to enable the person to satisfactorily perform the duties of a pilot, the company may suspend or cease the employment, or refuse the application for employment, of the person as a pilot.
- (4) Where a company suspends the employment of a person as a pilot the suspension ceases to have effect when the person is able to satisfy the company concerned of his or her physical fitness to satisfactorily perform the duties of a pilot.

APPENDIX C – PORT OF WATERFORD PILOTAGE BYELAWS

PILOTAGE EXEMPTION CERTIFICATES (P.E.C.)

C1- QUALIFICATIONS

An applicant for a Pilotage Exemption Certificate shall be the holder of, not less than, a subsisting certificate of competency for a Master of the Vessel intending to navigate the Pilotage District, and shall comply with the conditions laid down in Section 72 of the Act 1996 as amended by Section 46 of the Harbours (Amendment) Act 2015, and any other conditions as may be determined by the Marine Survey Office and/or the Harbour Master.

C2 - GENERAL REQUIREMENTS

1. an applicant for a Pilotage Exemption Certificate shall produce a certificate as to good conduct and sober habits from his employer and, if required by the Harbour Master, from all other employers for whom the applicant has served during the twelve months prior to his application;
2. an applicant for a Pilotage Exemption Certificate shall not be examined for or granted a Pilotage Exemption Certificate unless he has, within the 12 months prior to application made at least twenty voyages into and twenty voyages out of the Pilotage District, as a person bona fide acting in charge of a Vessel.
3. Every applicant for a Pilotage Exemption Certificate shall present himself for a written and oral examination before the Harbour Master or a person nominated by the Harbour Master and give a correct and seamanlike description of the channels, fairways, harbours, docks, wharves and piers of the Pilotage District, the rise and set of the tides, the depths and character of soundings, the anchorages, the distances and courses between any two places, the banks, rocks, shoals and other dangers, and the land marks, beacons, perches, buoys and lights within or in any manner connected with the Pilotage District. He shall also satisfy the Harbour Master and the other examiners (if any) that he has a competent knowledge of the management and behaviour of the classes of vessels, for which the Certificate applies, mooring, unmooring and getting underway, as well as situations of close quarters, restricted and hampered vessel movements. He shall also have a competent knowledge of the Collision Regulations, all relevant bye-laws in force within the Pilotage District, the regulations of the Harbour, Notices to Mariners, Pilotage Notices, operational knowledge relating to the Harbour, including Port Radio procedures and knowledge of the use of tugs and a sufficient command of the English language.

4. Without prejudice to the generality of the foregoing every applicant for a Pilotage Exemption Certificate shall furnish to the Company (a) a seafarers medical fitness certificate from an approved medical practitioner confirming that the applicant is of good health and is fit to carry out his duties as a seafarer within the meaning of the Merchant Shipping (Medical Examinations) Regulations 2014 and confirming that the applicant has a sufficient standard of eyesight for his role in navigating the vessel; (b) a certificate of competency; and (c) a passport, such certificates in paragraphs (a) and (b) having an expiry date of at least 3 months beyond the date of submission of the application for a Pilotage Exemption Certificate.
5. Pilotage Exemption Certificate shall not be granted to any person in respect of a tanker carrying hazardous cargoes in bulk, whether loaded or light.
6. Every applicant for a Pilotage Exemption Certificate shall have completed a bridge team resource management course prior to any pilot exemption examination taking place.
7. The Harbour Master or duly authorised officer of the Company may complete an inspection voyage onboard, before a Pilotage Exemption Certificate is issued to any person.
8. The Harbour Master or duly authorised officer of the Company may, at their absolute sole discretion, suspend a Pilotage Exemption Certificate at any time with immediate effect. Notice of such suspension may be given orally to the person holding the Pilotage Exemption Certificate and also to the relevant Vessel's local ship agent. The suspension will be confirmed in writing within 3 days by service on the Vessel's local ship agent.

C3. FEES

Every person applying for examination for a Pilotage Exemption Certificate shall pay the fee stipulated in the Company's schedule of pilotage charges. Upon the issue, renewal or amendment of a Pilotage Exemption Certificate, fees as per the Company's schedule of pilotage charges shall be paid to the Company by the person to whom the Pilotage Exemption Certificate is issued.

C4. Form of a Pilotage Exemption Certificate

A Pilotage Exemption Certificate shall be in the form specified in the Third Schedule to these Bye-Laws.

C5. Renewal of a Pilotage Exemption Certificate

- (1) Pilotage Exemption Certificates shall be capable of being renewed at the discretion of the Company, in which case they shall be renewed on the first day of January of each year of renewal or such other date as the Company in its absolute discretion may agree.
- (2) The renewal of a Pilotage Exemption Certificate is contingent on the holder of the certificate producing documentary evidence to support his having completed fifteen voyages into and fifteen voyages out of the Pilotage District in the preceding twelve months ending prior to the date of renewal or such lesser number of voyages as may be acceptable to the Harbour Master in his absolute discretion.
- (3) Failure to produce such supporting documentation will result in the non-renewal of the Pilotage Exemption Certificate for the following year and the requirement for the holder to apply for re-examination.
- (4) The Harbour Master or duly authorised officer of the Company may complete an inspection voyage onboard, before a Pilotage Exemption Certificate renewal.

C6. Certificated Officer

Every Certificated Officer shall observe and act in accordance with the Acts and these Bye-Laws and shall obey all lawful orders given by the Harbour Master and shall observe and act in accordance with all Notices to Mariners and all bye-laws applicable within the Harbour.

C7. Complaints against a Certificated Officer

Every Certificated Officer shall, upon being required to do so by a notice signed by the Harbour Master, attend before the Harbour Master or a board of enquiry to answer any complaint or charge that may be made against him.

C8 Reporting of Incidents

1. If any incident, accident or damage happens to or is caused by or involves a vessel in the charge of a Certificated Officer, the Certificated Officer shall without delay, report the facts in writing to the Harbour Master using the Incident Notification Form in Appendix F.
2. A Certificated Officer who witnesses the discharge into the waters of the Harbour, of any oil, oily water mix or any other form of waste, shall report the same to Port Radio as soon as possible.

C9 Reporting of Certificate Number

A Certificated Officer in charge of a Vessel shall report his certificate number to Port Radio, or the Harbour Master, before he enters, leaves or navigates within the Pilotage District. The Harbour Master shall be entitled to refuse to permit a vessel to enter the Pilotage District or require a vessel to be subject to pilotage under and in accordance with Bye-law 3.1 in the event that he considers that a Certificated Officer shall not have discharged his obligation under this Bye-law. Any deficiencies, which might affect the safe navigation of the vessel, shall also be reported to Port Radio as soon as possible.

C10. Reporting of Alterations of Banks

Whenever a Certificated Officer observes any alteration in any of the banks or channels, or that any of the buoys or beacons are not operating correctly, or are damaged or are out of place or observes any circumstance affecting the safety of navigation within the Pilotage District, he shall forthwith advise the Harbour Master of the facts and as soon as practicable send a statement thereof in writing to the Harbour Master.

C11 Suspension and Revocation of a Pilotage Exemption Certificate

The Company and / or the Harbour Master may suspend, revoke, or refuse to renew the Pilotage Exemption Certificate of a Certificated Officer who has contravened these Bye-Laws. The Harbour Master may, at his sole discretion, suspend a Pilotage Exemption Certificate whilst an investigation is being carried out by the Harbour Master in relation to the foregoing, should he consider necessary.

C12 Restrictions

- (1) A Certificated Officer may not pilot any vessel within the Pilotage District other than a vessel to which his Pilotage Exemption Certificate applies.
- (2) A Certificated Officer may not add to or in any way alter his Pilotage Exemption Certificate or make or alter any endorsement thereon
- (3) Pilotage is compulsory for a Vessel, including a Vessel exempt from Pilotage, if a tug is to be used by the Vessel.

APPENDIX D – PORT OF WATERFORD PILOTAGE BYELAWS

Pilot Grade (Class) and Training

Classes of Pilots

Pilots are divided into three classes, these are: -

- | | | |
|-----|----------------|---|
| (a) | Class 1 Pilots | Who are warranted to pilot any vessel. |
| (b) | Class 2 Pilots | Who are warranted to pilot vessels up to 150 metres LOA |
| (c) | Class 3 Pilots | Who are warranted to pilot vessels up to 100 metres LOA |

The Harbour Master may, at his discretion and, having regard to the circumstances and the specification of any vessel, and in consultation with the licenced pilots, authorise a Class 2 pilot to pilot a vessel with an LOA greater than that specified in his Warrant. Provided always, that the Harbour Master shall not authorise any such pilot to pilot a vessel in excess of 10 metres over and above the stated maximum length of his Warrant.

The Harbour Master may also, at his discretion and, having regard to the circumstances and the specification of any vessel, and in consultation with the licenced pilots, authorise a Class 3 Pilot to pilot a vessel with an LOA greater than that specified in his Warrant. Provided always, that the Harbour Master shall not authorise any such pilot to pilot a vessel in excess of 20 metres over and above the stated maximum length of his Warrant.

Pilot Training

Trainee Pilots are required to accompany warranted Pilots on at least one hundred and fifty trips of which at least 50% must be during the hours of darkness.

It is expected that in normal circumstances, these trips should be completed in approximately three to four months. The number of trips to be completed may be reviewed, at any stage during training, by the Harbour Master depending on the progress of the trainee.

The trainee pilot will also be required to complete; an ECDIS course; a Human Element, Leadership and Management (Management level) course, and a Pilot's Bridge Resource Management course. The trainee may also be required to complete a Manned Model course and any other relevant course that the Harbour Master deems necessary.

Upon the completion of the required trips and required courses, the trainee pilot will be subject to examination, as outlined in Appendix B, by the Harbour Master and a senior Pilot.

Upon successful completion of the above examination, the Pilot's Warrant will be issued at the next meeting of the Board. Once this Warrant has been issued the newly warranted Pilot must perform twelve Pilotage movements accompanied by another warranted Pilot.

In the event that the Trainee is not successful in the examination, the position will be reviewed by the Harbour Master who will decide whether the candidate should be allowed to continue training for a further defined period.

Notes regarding training;

- The 150 trips should include at least 4 arrivals and 4 departures (50% in darkness) at each berth currently in use in the port and at the changeover for ships arriving and departing to and from New Ross. At the sole discretion of the Harbour Master, a reduction in the number of visits to berths that are not in regular use may be accepted.
- Trainees should accompany Pilots on vessels with an LOA > 100 m, using tugs, on at least 6 occasions
- Trainees are also required to do 10 trips on the various tugs utilised by in port at as varied berths as possible
- The trainee pilot will maintain a log of his trips as outlined in Appendix E
- It is encouraged that as many warranted Pilots, on as varied a ship type as possible are accompanied during the training period from trainee to Class I. This is in order to get as much varied experience and opinions as possible.

- At the sole discretion of the Harbour Master, pilots who are upgrading from Class 3 to Class 2 or from Class 2 to Class 1, may be required to pilot particular vessel types under the supervision of a senior pilot before an upgrade is granted if in the opinion of the Harbour Master such additional trips are required for safety and/or navigational purposes.

Class 3 to Class 2

Prior to his application to the Company for classification as a Class 2 pilot, the applicant must accompany a Class 1 or Class 2 pilot on at least 30 trips (15/15 day/night) on vessels with an LOA greater than 100m, with each berth being visited at least twice. Of the 30 trips, at least 15 shall be carried out using one or more tugs.

The candidate must have at least one year's experience as a Class 3 pilot.

Class 2 to Class 1

Prior to his application to the Company for classification as a Class 1 pilot, the applicant must accompany a Class 1 pilot on at least 20 trips on vessels with an LOA greater than 150 metres, with each berth being visited at least twice. At the sole discretion of the Harbour Master, a reduction in the number of visits to berths may be accepted. The candidate must have at least one year's experience as a Class 2 pilot. This period may be reduced or increased at the sole discretion of the Harbour Master.

The candidate may also be required to complete an Advanced Manned Model course and any other relevant course that the Harbour Master deems necessary.

Simulation

At the sole discretion of the Harbour Master, pilots who are upgrading from Class 3 to Class 2 or from Class 2 to Class 1, or a Class 1 pilot, may be required to undergo simulator training if in the opinion of the Harbour Master such training is required for safety and/or navigational purposes.

APPENDIX E - PORT OF WATERFORD PILOTAGE BYELAWS

Training Logs

Trainee Pilot Logbook

Calafort Phort Láirge
Port of Waterford



Trainee Pilot logbook

Vessel Details:

Vessel Name		IMO Number	
LOA		Draught	
Beam		Deadweight	
Propellor Type		Rudder Type	
Bowthruster Power		Sternthruster Power	

Movement Plan:

Arrival or Departure		Berth	
High Water Time		Boarding Time	
Swing?		No. of tugs	
Senior Pilot			

Transit:

Enter details of Transit
(e.g., weather and visibility en route, minimum UKC expected, traffic encountered, vessel defect/unusual handling, any deviations from passage plan etc...)

Manoeuvre:

Enter details of Manoeuvre:
(e.g., weather conditions at the berth, where was the vessel swung, where tugs were made fast, other vessels/obstructions on berth, vessel defect/unusual handling, any deviations from berthing/unberthing plan etc...)

Lessons Learned:

What went well / What could have gone better

APPENDIX F – INCIDENT NOTIFICATION FORM



Incident Notification Form

Time / Date of occurrence:	
Time / Date report is made:	
Location:	
Pilot's Name*:	
Vessel Name:	
Vessel Name:	
Master's Name:	
PEC Number*:	
Agent*:	
Type of incident: e.g., Collision; Grounding; Flooding; Machinery Failure; Fire; Pollution; Cargo / Property Damage; Injury; Mooring / Tug related; Near Miss; any other incident	
Outline description:	
Environmental conditions: Wind / Sea / Swell / Current	

* As appropriate

Annex G – Local Notice to Mariners No. 03 of 2022 regarding the conduct of fishing vessels within Port Limits



Notice to Mariners No. 03 of 2022

Waterford Estuary Chart No. 2046

To all fishing vessel owners, operators, and fishery organisations.

Conduct of Fishing Vessels within Port Limits

Masters/Skippers/Owners/Crew of fishing vessels, and those engaged in fishing, within the limits of Port of Waterford shall at all times comply with the requirements of:

- Marine Notices as issued by the Department of Transport
- Notices to Mariners as issued by Port of Waterford
- Port of Waterford bye-laws, and
- Any other instruction given by the Harbour Master

Masters/Skippers and Owners of fishing vessels are also advised that:

- **Fishing gear, pots, nets, lines etc. are not to be laid in the marked navigation channel as indicated in Appendix 1, or in any such position where they are likely to become an obstruction or danger to any vessel.**
- When laid, all fishing gear shall be clearly visible, marked with an appropriate buoy. If possible, they should be lit to aid visibility.
- Fishing gear shall not be laid in close proximity to navigation buoys.
- Any fishing gear found to be a danger to navigation may be moved or removed without notice. Costs of removal will be for the owner's account.

* * *

Furthermore, attention is drawn to following excerpts from the International Regulations for Preventing Collisions at Sea (COLREGS), as amended:

Rule 5 – Lookout:

Every vessel shall at all times maintain a proper lookout by sight and hearing as well as by all available means appropriate to the prevailing circumstances and conditions so as to make a full appraisal of the situation and of the risk of collision.

In construing and complying with Rule 5, Masters/Skippers of fishing vessels fitted with radar and AIS shall ensure that they are fully operational and properly monitored at all times. A listening watch shall be maintained on VHF 14 and 16 at all times.

Rule 9 – Narrow Channels:

(a) A vessel proceeding along the course of a narrow channel or fairway shall keep as near to the outer limit of the channel or fairway, which lies on her starboard side as is safe and practicable.

(b) A vessel of less than 20 metres in length or a sailing vessel shall not impede the passage of a vessel which can safely navigate only within a narrow channel or fairway.

(c) A vessel engaged in fishing shall not impede the passage of any other vessel navigating within a narrow channel or fairway.

(d) A vessel shall not cross a narrow channel or fairway if such crossing impedes the passage of a vessel which can safely navigate only within such channel or fairway.

In construing and complying with Rule 9, fishing vessels shall not engage in fishing in the marked navigation channel, as indicated on the chartlet in Appendix 1, if such activity is likely to impede the passage of any other vessel.

* * *

Masters/Skippers are also reminded to ensure that the appropriate navigation lights are displayed as required by the COLREGS.

The Master/Skipper of the fishing vessel has the ultimate responsibility for the safety of the vessel and its crew at all times. Due care shall be taken to ensure that the vessel's stability is not negatively impacted by its catch.

Captain Darren Doyle
Harbour Master

Appendix 1 – Navigation Channel

Chartlets are not to be used for navigation.



