

13 June 2024

## **Explanatory Note**

### **Canals Act, 1986 and 2018 (Bye Laws) 2024**

#### **Bye-Law 1 – Citation, Commencement and Revocation**

1. The Canals Act, 1986 (Bye-Laws) 1988 are revoked in their totality. A new Statutory Instrument is introduced, to be titled as Canals Act, 1986 and 2018 (Bye-Laws) 2024.

#### **Bye-Law 2 – Definitions and Interpretation**

2. The definitions and interpretation are consistent with Primary Legislation in Ireland.
3. Definitions for a “houseboat” and a “serviced houseboat mooring” are provided. The Canals Act 1986 was amended in 2018 to allow for “houseboat” permits to be issued by Waterways Ireland.
4. Bye-law 2(2) – Provides a list of organisations whose boats are exempted from the bye law provisions.

#### **Bye-Law 3**

5. Bye-Law 3 provides the conditions for issuing and revoking permits to boats on the canals.

#### **Bye-Law 4 - Construction and safety measures on boats**

6. Bye-Law 4 sets out the construction and safety measures that shall be met by boats on the canals.
7. Important safety and environmental standards are set out including:
  - a. Bye-Law 4(2)(h) - Toilets fitted onboard boats shall be fitted to prevent pollutant matter from discharging into the navigation.
  - b. Bye-Law 4(2)(i) and (j) - These amendments require that boats with an accommodation space have an approved Carbon Monoxide and Smoke alarm fitted onboard. Carbon Monoxide and smoke are potentially fatal issues particularly in the case of boats that use gas or solid fuel for heating.
  - c. Bye-Law 4(3) requires that all boats on the Canals shall comply with European Union Directive 2013/53/EU which was transposed into Irish legislation by SI 65 of 2017 (EU Recreational Craft and Personal

Watercraft Regulations 2017) and Statutory Instrument No 217 of 2017 - European Union (Recreational Craft and Personal Watercraft) (Procedures for Watercraft Identification) Regulations 2017 and Statutory Instrument No 288 of 2023 - European Union (Recreational Craft and Personal Watercraft) (Amendment) Regulations 2023. This is an important safety requirement.

- d. Bye-Law 4(4) requires that all Houseboats carrying high voltage electrical installation (i.e 220v or 110v) shall have such systems fitted and maintained to prevent leakage of electrical current. This will reduce the risk of electrocution to anyone in the vicinity, if someone was to fall overboard and or become electrocuted in the water due to electricity moving through the water. This provision will come into effect two years after the introduction of these bye laws.

**Bye-Law 5 - Equipment on boats.**

8. Bye-Law 5 sets out the safety equipment to be carried onboard boats on the canals.
9. Bye-Law 5(3), 5(4) and 5(5) requires that persons shall wear a suitable personal flotation device on boats, vessels and Personal Watercraft. These provisions are consistent with Pleasure Craft (Personal Flotation Devices and Operation) (Safety) Regulations 2005 (S.I. No. 921 of 2005) as amended by Pleasure Craft (Personal Flotation Devices and Operation) (Safety) (Amendment) Regulations 2012 (S.I. No. 349 of 2012) and further amended by S.I. 400 of 2018.

**Bye-Law 6 – Liquid petroleum gas on boats**

10. Bye-Law 6 sets out the safety requirements for the use of Liquid Petroleum Gas on boats, including the requirement that LPG systems are fitted in accordance with the International Standards Organisation (ISO) 10239:2014 Small Craft Liquefied Petroleum Gas (LPG) systems.

**Bye-Law 7 - Storage of flammable spirits on boats**

11. This Bye-Law details the safety requirements for the storage of flammable spirits on boats.

**Bye-Law 8 – Fire Extinguishers on Boats**

12. Bye-Law 7 sets out the number and type of fire extinguisher / fire protection equipment that shall be carried on a boat. For standardisation reasons, the same requirements apply for boats on the canals and Shannon Navigation.

**Bye-Law 9 - Domestic appliances on boats**

13. This Bye-Law details the safety protocols to be employed when using domestic appliances on boats.

**Bye-Law 10 – Batteries on boats**

14. This Bye-Law details the safety protocols to be employed when storing and using batteries boats.

**Bye-Law 11 – Maximum Dimensions of Boats**

15. Bye-Law 11 specifies the maximum dimensions of boats that can use the Royal Canal, Grand Canal, Barrow Line and Barrow navigation.

16. The dimensions are primarily based on the dimensions of the locks on the different sections of the navigations.

**Bye-Law 12 - Appointment of Master of Boat**

17. Bye-Law 12 details the requirements of the master of the boat.

18. Bye-Laws 12(2), 12(3), 12(4), 12(5) - These Bye Laws provisions are consistent with the provisions of Maritime Safety legislation (SI 921 of 2005) regarding age restrictions for those using various types of powered craft on the navigation.

**Bye-Law 13 – Care for other canal users and property**

19. Bye-Law 13 sets out the requirement for users of the canal to respect other users and canal property.

**Bye-Law 14 - Alcohol and drugs**

20. This Bye-Law prohibits the use of alcohol and drugs when in control of a boat on the canals.

**Bye-Law 15 – Prohibitions on navigation**

21. This Bye-Law states the reasons for the prohibition on navigation by Waterways Ireland including maintenance work on canals, organised events, an emergency, or no valid permit on the boat.

**Bye-Law 16 – Restriction on navigation by night**

22. This Bye-Law prohibits navigation on the canals at night except with the permission of Waterways Ireland.

**Bye-Law 17 – Navigation**

23. Bye-Law 17 provides the rules for boats when in the vicinity of each other on the canals. “With the stream” means boats proceeding from the summit levels towards the Shannon Navigation or Dublin and towards St Mullins on the Barrow. “Against the stream” means proceeding towards the summit level.

**Bye-Law 18 - Avoidance of danger to self and other canal users and speed on canals**

24. Bye-Law 18 sets out the behaviours and speeds limits to be observed by boats on passage on the canals, in the vicinity of work and when approaching locks.

**Bye-Law 19 – Boats under sail**

25. Bye-Law 19 sets out the rules to be observed by boats under sail on the canal.

**Bye-Law 20 – Operation of Locks**

26. The operation of locks is an important aspect to navigation on the canals. Bye-Law 20 provides the requirements of operators of locks.

27. Bye-Law 20(11) & 20(12) – The requirement to wear suitable flotation devices when operating lock gates and on the deck of a boat in the lock is designed to improve safety.
28. Bye-Law 20(13) – Prohibits persons remaining onboard canoes, paddleboards or other such craft while passing through locks is designed to improve water safety.

**Bye-Law 21 - Precedence of boats for berths**

29. This Bye-Law sets out the precedence of boats for berths in harbours.

**Bye-Law 22 - Mooring of boats and fixing of ropes**

30. Bye-Law 22 sets out the mooring time limits and mooring rules on the canals.
31. Bye-Law 22(1)(d) – The introduction of a 5-day rule in Shannon Harbour (Southern quay wall), Tullamore Harbour, Edenderry Harbour, Richmond Harbour (Western quay wall), Ballybrannigan Harbour, Mullingar Harbour, Longwood Harbour, Kilcock Harbour for more than a maximum of 5 days per month without the permission of Waterways Ireland is intended to facilitate water sports activities in these harbours while also making these harbours accessible to visiting boats.
32. Bye-Law 22(1)(e) introduces a mooring period day rule of not more than a total of 40 days in any six months period in Grand Canal Dock and Spencer Harbour which is intended to make these locations more accessible to visiting boats.
33. Bye-Law 22(1)(f) states that boats are not permitted to moor along the Dublin Metropolitan canals from the 12<sup>th</sup> Lock Grand Canal to Grand Canal Dock and from 12<sup>th</sup> Lock Royal Canal to Spencer Dock without permission from Waterways Ireland. This Bye-Law will facilitate the development of these canal areas for water-sports and recreational activities.
34. Bye-Law 22(1)(g) states that boats shall not moor between Digby Bridge (16<sup>th</sup> Lock) and the 12<sup>th</sup> Lock on the Grand Canal and between Kilcock Harbour (16<sup>th</sup> Lock) and the 12<sup>th</sup> Lock on the Royal Canal, within 1km of Bell Harbour Monasterevin on the Grand Canal Barrow Line for more than 10 days per calendar month without the permission of Waterways Ireland. The purpose of these restrictions is to manage the congestion of boats in the Greater Dublin area.

**Bye-Law 23 – Placing of buoys etc**

35. Bye-Law 23 provides the provisions regarding the placing of any buoy, perch, marker, mooring or mooring post on canal property without permission from Waterways Ireland.

**Bye-Law 24 – Going aground etc. of boats**

36. Bye-Law 24 provides the protocols when boats go aground or sink on the canals.

- Bye-Law 25 – Placing of objects on Canal Property**
37. Bye-Law 25 prohibits the placing of objects on canal property without permission from Waterways Ireland.
- Bye-Law 26 – Placing of caravans etc on canal property**
38. Bye-Law provides the provisions for the placing of caravans or any vehicle on canal property.
- Bye-Law 27 - Use of a structure, tent, caravan or vehicle as a dwelling**
39. Bye-Law 27 prohibits the use of a structure, tent, caravan or vehicle as a dwelling on canal property without permission from Waterways Ireland.
- Bye-Law 28 - Removal of boats etc. from canal property.**
40. Bye-Law 28 provides Waterways Ireland with the powers to remove boats and objects that are interfering with the use of canal property.
- Bye-Law 29 - Commercial operations on canal property**
41. Bye-Law 29 sets out the conditions for commercial operations on the canals. This Bye-Law is intended to strengthen the powers of Waterways Ireland to issue commercial operating licences and to specify licence conditions. These provisions are intended to improve marine safety.
42. Bye-Law 29(5) requires that all Passenger Ships & Passenger Boats operating on the canals require certification in accordance with the Merchant Shipping Act (1894-2022).
43. Bye-Law 29(6) requires that the masters of all Passenger Ships & Passenger Boats operating on the canals require a commercial endorsement in accordance with Irish Maritime legislation.
- Bye-Law 30 - Notice of Waterways Ireland’s intention to remove articles from canal property**
44. Bye-Law 30 states the notice that Ireland Waterway will provide to the owner of any boat, buoy, perch, marker, mooring, mooring post, tent, caravan, vehicle or object prior to removing it from canal property.
- Bye-Law 31 - Removal and disposal of articles from canal property.**
45. Bye-Law 31 provides the process for the removal and disposal of articles from canal property.
- Bye-Law 32 - Encroachments on canal property.**
46. Bye-Law 32 prohibits the placing of any encroachment on canal property without the consent of Waterways Ireland. This Bye-Law provides the process for the removal of encroachments from canal property and the recovery of costs incurred.
- Bye-Law 33 - Wandering or straying animals on canal property.**
47. Bye-Law 33 prohibits wandering or straying animals on canal property. This Bye-Law provides the process for the removal of wandering or straying animals from canal property and the recovery of costs incurred.

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

48. Bye-Law 34 provides Waterways Ireland with the powers to prohibit or restrict mechanically or electrically propelled vehicles from canal property.

**Bye-Law 35 – Protection of Wildlife, water quality, fisheries, invasive species, waste, heritage, events, diving and underwater activities, prohibited activities**

49. Bye-Law 35 provides provisions in relation to important aspects for the preservation of the canals for future generations. It also provides provisions for the use of canal greenways as a recreational facility.

50. Bye-Law 35(1) provides provisions for protection of wildlife.

51. Bye-Law 35(2) provides provisions for protection of Water Quality.

52. Bye-Law 35(3) states that angling on the canals shall comply with Inland Fisheries Act 2010 and relevant Inland Fisheries Ireland regulations.

53. Bye-Law 35(4) provides provisions for protection against spread of Invasive species.

54. Bye-Law 35(5) provides provisions for prevention of waste.

55. Bye-Law 35(6) provides provisions for protection of heritage.

56. Bye-Law 35(7) provides provisions for the holding of events on canal property.

57. Bye-Law 35(8) provides the requirements for diving and underwater activities.

58. Bye-Law 35(9) sets out the prohibited activities on canal property.

**Bye Law 36 – Tolls and Charges**

59. Bye Law 36 states that the Master shall pay the charges listed at Schedule 1.

**Bye-Law 37 - Waterways Ireland's non-liability for delays and stoppages**

60. Bye-Law 37 states that Waterways Ireland shall not be held liable for any delays or stoppages on the canals.

**Bye-Law 38 – Annual canals permit**

61. Bye-law 38(1) introduces an annual canals permit for boats on the canals.

62. Bye-Law 38(2) provides the purpose of the annual canals permit.

63. Bye-Law 38(3) states that boats holding a valid Shannon Navigation annual registration can navigate the Royal canal, Grand Canal, Barrow Line and Navigation without any additional fee or charge. A boat in possession of a valid Waterways Ireland annual Canals permit is not required to obtain a Shannon Navigation annual registration when cruising on the Shannon Navigation.

- 64. Bye-law 38(4) introduces a 60 consecutive day visitor' permit for the canals.
- 65. Bye-law 38(5) requires that boats applying for an annual canals permit must be in possession of Third-Party insurance. Proof of Insurance must be provided to Waterways Ireland.

**Bye-Law 39 – Annual houseboat permit.**

- 66. Bye-law 39(1) introduces an annual houseboat permit for the canals.
- 67. Bye-Laws 39(2) to 39(6) provides conditions for houseboats on the canals.
- 68. Bye-Law 39(7) provides the 5 types of houseboat permit that may be applied for by houseboat owners. The 5 types are: Urban / Suburban serviced / Suburban unserviced / Rural Serviced / Rural Unserved.
- 69. Bye-Law 39(8) states the application process for a houseboat permit. The key requirements for an annual houseboat permit are evidence of insurance and having passed an in-water inspection conducted by a certified marine surveyor certifying compliance with Canal Bye Laws safety requirements within the previous five years.
- 70. The cost of an annual houseboat permit is dependent on the location and services provided.
- 71. Houseboat permit charges are provided at Schedule 1.

**Bye-Law 40 - Use of Waterways Ireland drydocks**

- 72. Bye-Law 40 provides that the Master of a boat shall pay the charges listed for the use of a Waterways Ireland drydock. Waterways Ireland will set conditions as to the use of the drydock.
- 73. Bye-Law 40(3) provides that Heritage boats receive a 50% discount for 3-day inspections every 2 years. These older boats require frequent hull inspections and recoating of the hulls.

**Bye-Law 41 – Appeals**

- 74. Bye-Law 41 introduces an Appeals mechanism into the Canals Bye-Laws. This Bye-Law provides the process to Appeal to the District Court against decisions made by Waterways Ireland.
- 75. In addition to the Appeals mechanism described in this bye law, complaints against Waterways Ireland can be made to and investigated by the Ombudsman.

**Bye-Law 42 - Notices**

- 76. Bye-Law 42 provides the methodology for the serving of Notices in accordance with Section 7D of the Canals Act, 1986 and 2018.

**Bye-Law 43 – Authorised Officers**

77. This Bye-Law states that an authorised officer shall be an officer of Waterways Ireland appointed as an authorised officer under Section 7B (1) of the Canals Acts 1986 and 2018.

**Bye-Law 44 – Fixed Payment Notice**

78. Bye-Law 44 introduces a Fixed Payment Notice with the form set forth in Schedule 2.
79. The Appeal mechanism against a Fixed Payment Notice is described in Section 56 of the Maritime Safety Act 2005.

**Schedule 1 - Tolls and charges**

80. Schedule 1 lists the fees and charges for use of the canals.
81. The annual canals permit fee is at the same level as the Shannon Navigation annual registration fee.
82. A 60 consecutive day visitor’s permit is introduced at €40.
83. A fee of €25 per day for drydocks is charged.
84. Lock passages fees are removed.
85. Houseboat permit fees are based on location and services provided.
86. The Ancillary Charges are to cover Waterways Ireland costs.

**Schedule 2 – Form of Fixed Payment Notice**

87. The publishing of this form and the amount of the Fixed Payment Notice is required by Section 56 of the Maritime Safety Act 2005 which amended the Canals Act 1986.