



Cavan County Council
Comhairle Chontae an Chabháin

Cavan County Council

(Watercraft) Bye-Laws,
2008

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Bye Laws Made By

Cavan County Council, in exercise of the power conferred by Section 6 of the Maritime Safety Act 2005, in the interest of the safety of persons using the waters generally and to prevent nuisance to or injury to persons or damage to watercraft, make the following Bye-Laws for the purpose of regulating and controlling the operation of craft in waters in the functional area of Cavan County Council.

1. Title

These Bye-Laws may be cited as Cavan County Council (Watercraft) Bye-Laws 2008.

2. Interpretation

Throughout the Bye-Laws, unless the context otherwise requires, the following words and expressions have the meaning hereafter respectively assigned to them, that is to say:

- a. "the Act" means the Maritime Safety Act, 2005.
- b. "Authorised Person" has the meaning assigned to it by Section 17 of the Act.
- c. "Council" means Cavan County Council
- d. "craft" means personal water craft or recreational craft when equipped to be operated by a mechanical means of propulsion.
- e. "Employee of the Council" shall include any person employed by and duly authorised by the Council to administer and enforce these bye-laws.
- f. "fast power boat" means a power operated craft (other than a personal watercraft) capable of travelling at high speeds.
- g. "intoxicating liquor" includes spirits, wine, beer, porter, cider, perry and sweets and any fermented, distilled, alcoholic or spirituous liquor, which cannot be legally sold without a licence.
- h. "Jet-Ski" means any craft of the type commonly referred to as jet-ski and including any power operated pleasure craft propelled by water jet capable of travelling at high speed.
- i. "Local Authority" means Cavan County Council.
- j. "personal watercraft" has the meaning assigned to it by Section 5 of the Act and is deemed to include jet-ski.

3. Personal Watercraft And Fast Power Boats

I. A Personal Watercraft shall not be:-

- a. brought onto.
- b. moored or berthed on.
- c. kept on.
- d. used on.

the waters within the County of Cavan of:-

- a. any of the lakes named in Part One of the Schedule hereto or
- b. the parts of the lakes specified in Part Two of the Schedule hereto.

A person shall not cause or permit any personal watercraft to be on any of said waters.

II. A Fast Power Boat shall not be:-

- a. brought onto
- b. moored or berthed on
- c. kept on
- d. used on

any of the waters specified in Part One of the Schedule hereto, or that part of Brackley Lough as is shown coloured red on the attached map. A person shall not cause or permit any fast power boat to be on any of the said waters.

III. A person shall not cause or permit any boat/craft to be operated in any of the waters specified in Part One of the Schedule hereto at a speed greater than 5 knots (nautical miles per hour)

i. A person shall not cause or permit a craft, personal watercraft or fast power boat to be driven or operated on any waters in the County of Cavan in such manner or at such speed as to disturb or endanger other water users or so as to cause to them fear or anxiety, or intrude upon any legitimate activity in which they may be engaged.

II. A person shall not cause or permit a personal watercraft or fast power boat to be used on any waters within the County of Cavan in such manner as to disturb naturally occurring flora or fauna.

III. A person shall not cause or permit any boat/craft to be operated on any waters within the County of Cavan between the hours of sunset and sunrise at a speed in excess of 5 knots

- IV. A person shall not cause or permit any trailer used to transport any form of boat or watercraft to be left or parked in the vicinity of any waters within the County of Cavan or approaches thereto in such manner as to cause obstruction.
- V. Notwithstanding the provisions of sub-paragraphs (ii) and (iii) of Paragraph No. 3, of these Bye-Laws, that part of Lough Sheelin which on the attached map is shown surrounded by a blue verge line, may be used for specifically the commercial testing of power boats.

4. Alcoholic Beverages/Intoxicating Substances

A person in charge of a personal watercraft or fast power boat while on or in the vicinity of surface waters in County Cavan shall not:-

- I.
 - a. consume or attempt or purport to consume any intoxicating liquor
 - b. have in his/her possession or under his/her control any intoxicating liquor with the intention of consuming it or of supplying it to any other person during or prior to the use of such craft on the water
 - c. be under the influence of any intoxicating liquor while in charge of such personal watercraft or fast power boat on surface waters in County Cavan.
- II.
 - a. On a prosecution for an offence under this bye-law, a presumption shall operate (where the prosecution so elects) to the effect that any liquid found in any container material to the prosecution, shall be presumed to conform in all respects with the description of the liquid given on that container.
 - b. A container material to a prosecution under this bye-law, and which is found not to contain liquid, or is found to contain insufficient liquid to permit analysis shall (where the prosecution so elects) be presumed to have contained liquid which, at the time of the alleged offence, conformed in all material respects with the description of the liquid given on the container.
 - c. In a prosecution for an alleged offence under this bye-law, where evidence is given by an authorized person or Garda that the content of any container appeared to be Intoxicating Liquor, it shall be presumed until the contrary is proved that such content was in fact Intoxicating Liquor.

5. Commencement

These Bye-laws shall come into force on the 12th day of March 2008

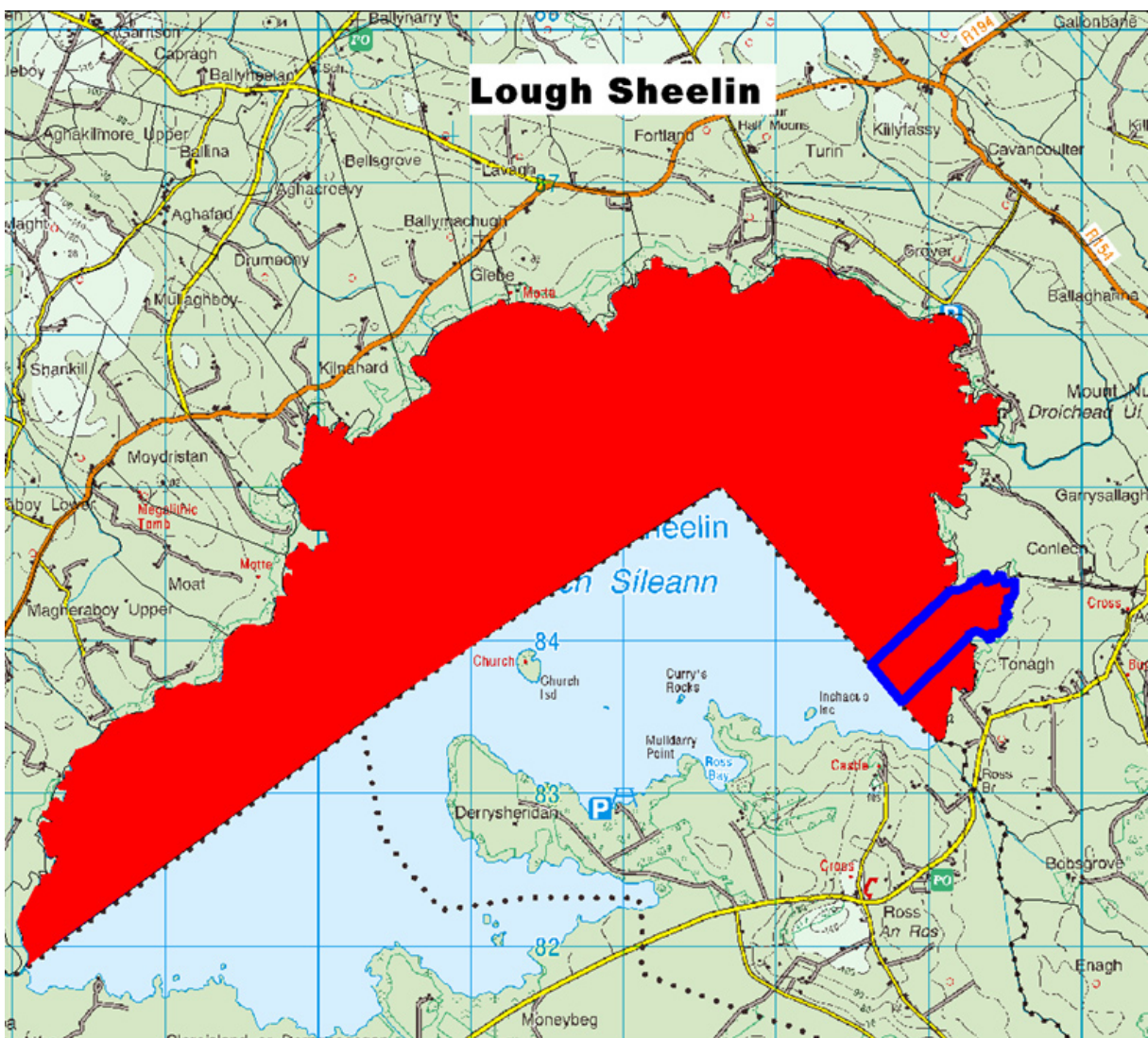
NOTE:- These Bye-Laws should be read in conjunction with the Maritime Safety Act, 2005. Section 6(2)(a) provides that a person who operates a craft in contravention of these Bye-Laws is guilty of an offence and is liable on summary conviction to a fine not exceeding €1,000 in the case of a first offence.

Schedule

Part One

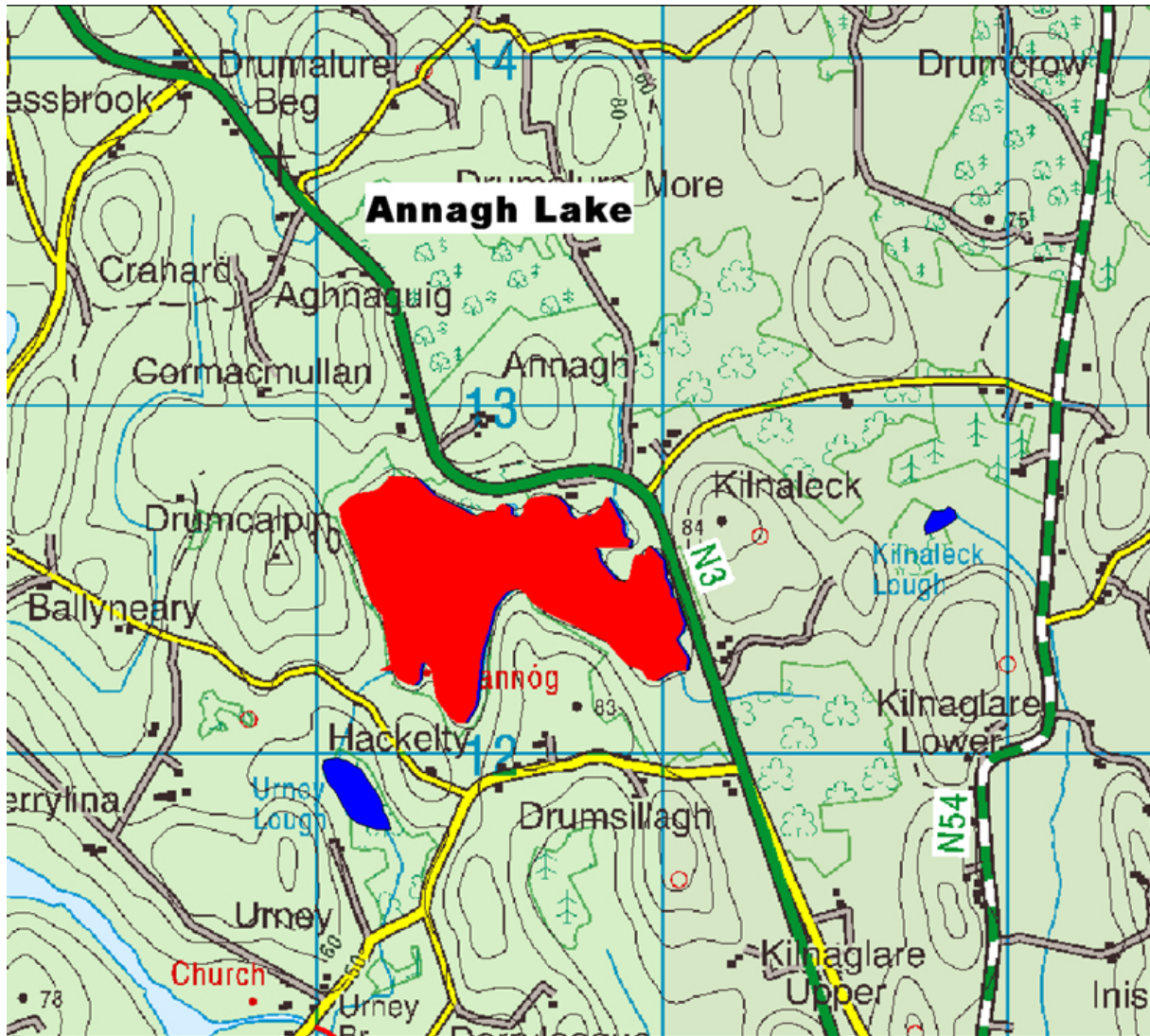
Lough Sheelin

The area shaded in red on the attached map titled Lough Sheelin comprising that part of the entire portion of the lake known as Lough Sheelin as is situate within the County of Cavan.



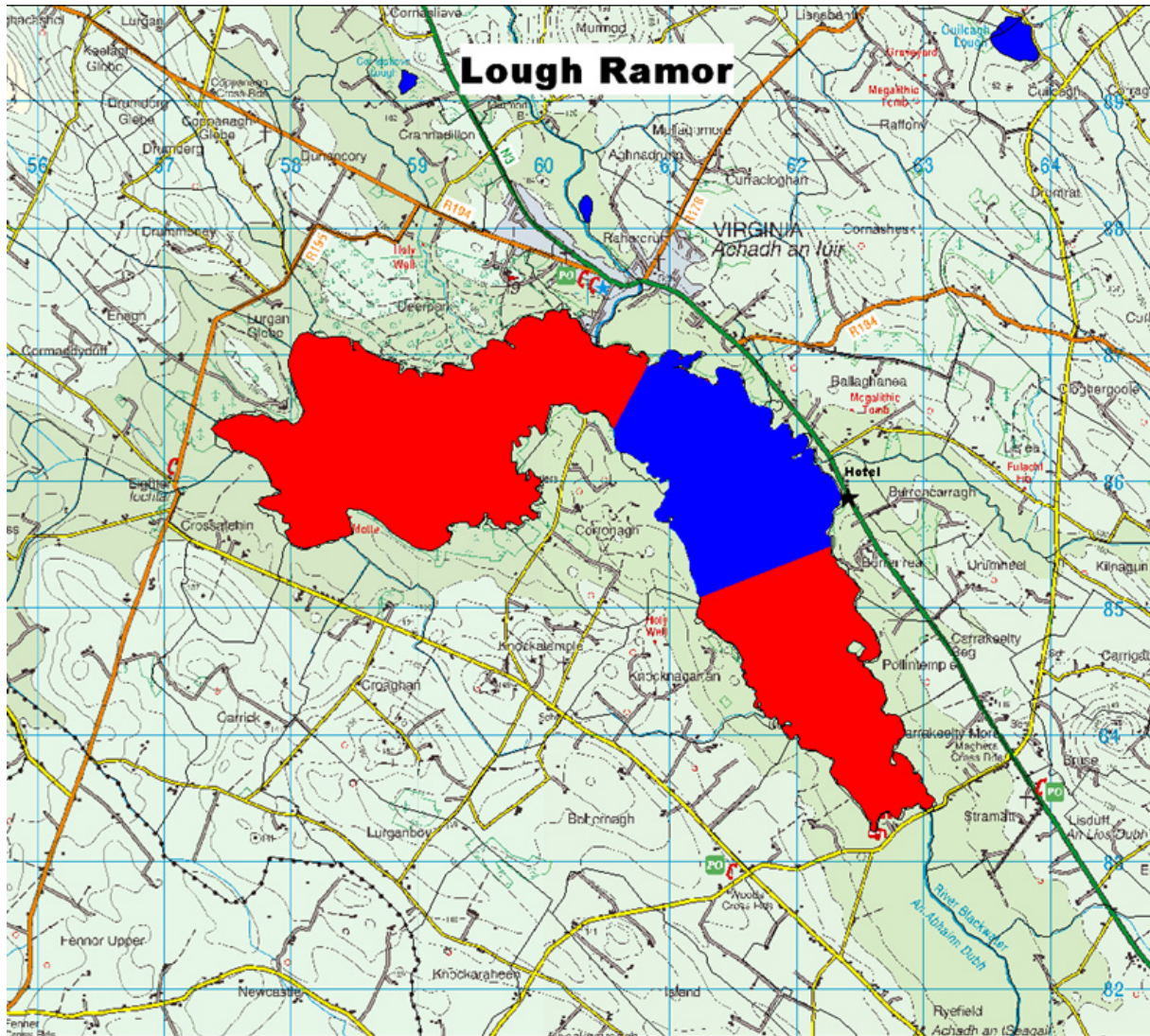
Annagh Lake

The area shaded in red on the attached map titled Annagh Lake comprising the entire of the lake known as Annagh Lake in the County of Cavan.



Lough Ramor

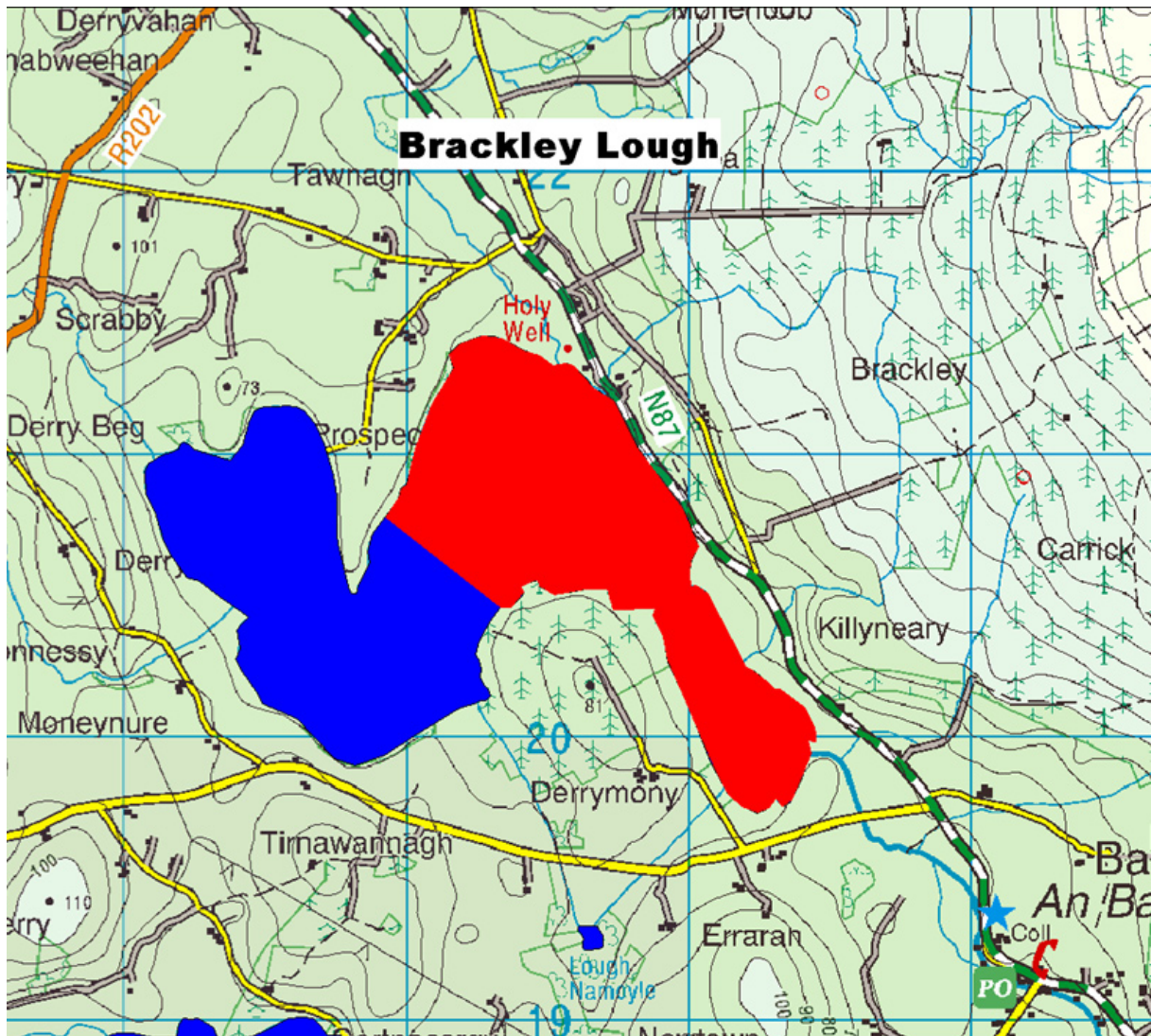
The areas shaded in red on the attached map titled Lough Ramor comprising parts of the lake known as Lough Ramor in the County of Cavan.



Part Two

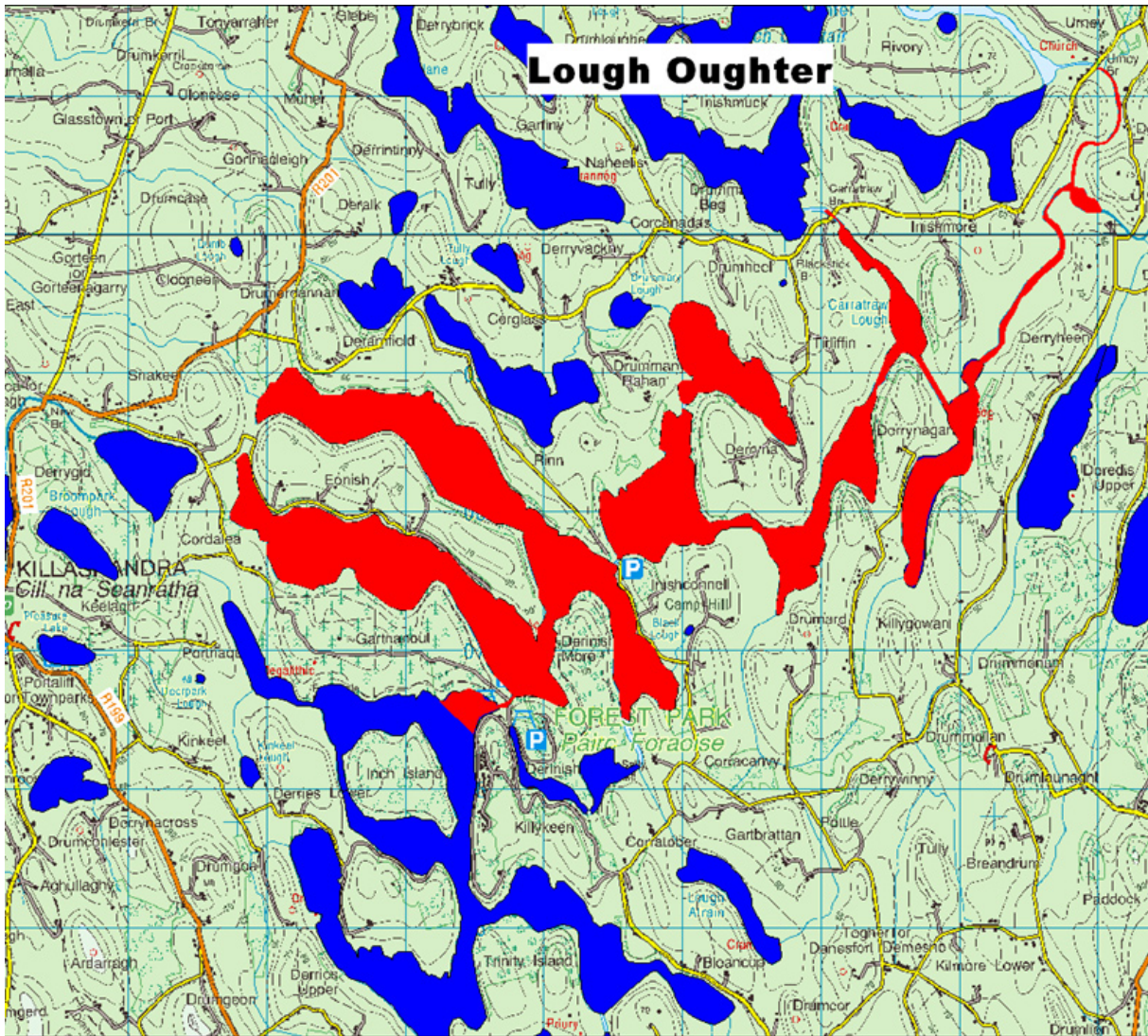
Brackley Lough

The area shaded in red on the attached map titled Brackley Lough comprising a portion of the lake known as Brackley Lough in the County of Cavan.



Lough Oughter

The areas shaded in red on the attached map titled Lough Oughter comprising parts of the lake known as Lough Oughter in the County of Cavan and that part of the adjoining River Erne extending from said lake down as far as Urney Bridge.



Lough Gowna

The areas shaded in red on the attached map titled Lough Gowna comprising parts of the lake known as Lough Gowna as is situate within the County of Cavan.

