

**KERRY COUNTY COUNCIL**  
**Recreational Craft and Personal Watercraft**  
**Bye-Laws 2007**

**The County Council of the County of Kerry (hereinafter called “the Council”) in exercise of its powers under Part 2 of the Maritime Safety Act, 2005 and every other power in that behalf it enabling hereby makes the following Bye-Laws.**

1. These Bye-Laws shall be known as Kerry County Council (Recreational Craft and Personal Watercraft) Bye-Laws 2007.
2. These Bye-Laws shall apply to the beaches and inland waterways specified in the Schedules and Maps to these Bye-Laws.
3. These Bye-Laws shall come into force on the 1st day of July, 2007.
4. **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) “Authorised Person” means any employee of the Council or any person designated by the Council for the purposes of these Bye-laws.
- (b) “Beach” means the foreshore and every beach, bank, cliff, sands, sand dune and every area contiguous thereto together with the foreshore waters for a distance of 300 metres seaward from the low water mark.
- (c) “Council” means the Council of the County of Kerry.
- (d) “Craft” means personal watercraft or recreational craft when operated by a mechanical means of propulsion.
- (e) “Foreshore” means the bed and shore, below the line of high water of ordinary or medium tides, of the sea and of every tidal river and tidal estuary and of every channel, creek, and bay of the sea or of any such river or estuary.
- (f) “Inland Waterways” includes estuaries, rivers, lakes and other inland waters (whether or not artificially created or modified).
- (g) “Personal Watercraft” means a craft (other than a recreational craft) of less than 4 metres in length which uses an internal

combustion engine having a water jet pump as its primary source of propulsion, and which is designed to be operated by a person or persons sitting, standing or kneeling on, rather than within the confines of, a hull.

- (h) "Recreational Craft" means a mechanically powered craft of not more than 24 metres in length (measured in accordance with the ISO standard EN ISO 8666:2002 – small craft-principal data) intended for sports and leisure purposes.

**5.**

- (a) A person shall comply with any and all directions given to him/her by an authorised person.
- (b) A person shall not obstruct, hinder or interfere with an authorised person in implementing the provisions of these bye-laws.

**6. Recreational Craft and Personal Watercraft**

- (a) The Council may, at its discretion, designate areas of the beach where access to or egress from the sea may be obtained by persons using recreational craft and personal watercraft.
- (b) The Council may, at its discretion, designate areas of any inland waterway where access to or egress from the waterway may be obtained by persons using recreational craft and personal watercraft.
- (c) The launching of recreational craft and personal watercraft is prohibited on all beaches listed in **Schedule One** of these bye-laws, save at areas which may be designated by the Council for this purpose.
- (d) The use of recreational craft and personal watercraft within 300 metres seaward of the waters edge of the beaches listed in **Schedule One** is prohibited, except for the purpose of rescue or while obtaining access to or egress from the sea at a designated area as referred to at 6(a) above.
- (e) The launching of recreational craft, with the exception of recreational craft used exclusively for angling purposes, and personal watercraft is prohibited on all inland waterways listed in **Schedule Two** of these bye-laws, save at areas which may be designated by the Council for this purpose.
- (f) Every person in charge of a recreational craft or personal watercraft shall act in such a manner as not to cause annoyance to any person using a beach or inland waterway or swimming in the sea or to disturb naturally occurring flora and fauna.

- (g) Every person bringing a recreation craft or personal watercraft onto the beach area or an inland waterway shall be responsible and liable for any damage or injury to property or persons which may be caused by it.
- (h) Every person bringing a recreational craft or personal watercraft onto the beach area or an inland waterway must remove it from the beach area or waterway if so directed by an authorised person.
- (i) Operators of recreational craft and personal watercraft shall observe a speed restriction of 5 Knots from the water line to 300m to seaward from all beaches and should not operate in proximity to bathers, except in the event of an emergency.

This provision shall not restrict the exercise by any Agency of the State of its statutory powers.

(This bye-law shall not apply to craft operated in the course of duty of the Council, an Garda Síochána, the Defence Forces, the Revenue Commissioners, the Central Fisheries Board or a Regional Fisheries Board, the Irish Coast Guard, the Commissioners of Irish Lights or the Royal National Lifeboat Institute, Community Inshore Rescue Boats or any craft involved in bona fide law enforcement, emergency or rescue missions.)

## **7. Offences**

- (a) An Authorised Person or a member of the Garda Síochána may take appropriate action to enforce these Bye-laws.
- (b) Any person who contravenes a provision of these Bye-Laws or who obstructs or impedes or refuses to comply with a request of an authorised person or member of the Garda Síochána made in the course of enforcing compliance with the provisions of these Bye-Laws shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding the relevant amount specified in Section 6 of the Maritime Safety Act, 2005.
- (c) Where an authorised person or member of an Garda Síochána has reasonable grounds for believing that a person is or has contravened a provision of these Bye-Laws, he/she may serve a Fixed Payment Notice (on-the-spot fine) on such person stating that prosecution of such contravention shall not be instituted if the appropriate payment, as specified in Section 16(1)(b) of the Maritime Safety Act, 2005, or any subsequent or amending Section, is made to the Council within twenty-one days of the date of service of the Notice.

- (d) An authorised person may request any person who appears to be contravening or to have contravened a provision of these Bye-laws to refrain from such activity and may remove any person failing to comply with such request.
- (e) Where an authorised person or a member of the Garda Síochána is of the opinion that a person is committing or has committed an offence to which these Bye-laws relate, the authorised person may demand the name and address of such person and if that demand is refused or the person gives a name and address which is faulty or misleading that person shall be guilty of an offence. Where a Member of the Garda Síochána is of the opinion that a person is committing or has committed an offence to which this section relates, that Member may arrest the person without warrant.
- (f) Nothing contained in or done under any of the provisions of these Bye-laws shall in any respect prejudice or injuriously affect the rights and interests of the state in the foreshore, or prevent the exercise thereon of any public rights, or prejudice or injuriously affect any right, power, or privilege legally exercisable by any person in, over or in respect of the foreshore.

#### **SCHEDULE ONE**

Ballinskelligs	Inch
Ballybunion North	Kells
Ballybunion South	Maharabeg
Ballyheigue	Rossbeigh
Banna	Ventry
Derrynane	White Strand (Caherciveen)
Fenit	

#### **SCHEDULE TWO**

Lough Guitane

Made under the Official Seal of Kerry County Council

**DATED THIS                      DAY OF                      , 2007**

**PRESENT** when the Official Seal of the Kerry County Council was affixed.

**MAYOR OR NOMINATED MEMBER** \_\_\_\_\_