



Fodhlíthe Chomhairle Contae Chiarraí
le haghaidh Árthaí Áineasa agus
Dobharárthaí Pearsanta 2022

Kerry County Council Recreational Craft
and Personal Watercraft Bye-Laws
2022

Gaeilge	English
Fodhlíthe Chomhairle Contae Chiarraí le haghaidh Árthaí Áineasa agus Dobharárthaí Pearsanta 2022	Kerry County Council Recreational Craft and Personal Watercraft Bye-Laws 2022
I bhfeidhmiú a cumhachtaí faoi Chuid 2 den Acht um Shábháilteacht Mhuirí, 2005 agus gach cumhacht eile chuige sin, déanann Comhairle Contae Chiarraí (dá ngairtear ‘an Chomhairle’ anseo feasta), leis seo, na Fodhlíthe seo a leanas.	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.
<p>1. Teideal Tabharfar Fodhlíthe Chomhairle Contae Chiarraí le haghaidh Árthaí Áineasa agus Dobharárthaí Pearsanta 2022 ar na Fodhlíthe seo.</p> <p>2. Feidhmiú Beidh feidhm ag na Fodhlíthe seo maidir leis na trána agus uiscebhealaí intíre a shonraítear sna Sceidil agus sna Léarscáileanna a ghabhann leis na Fodhlíthe seo.</p> <p>3. Tosach Feidhme Tiocfaidh na Fodhlíthe seo i bhfeidhm an 20 Meitheamh 2022.</p>	<p>1. Title These Bye-Laws shall be known as the Kerry County Council Recreational Craft and Personal Watercraft Bye-Laws 2022.</p> <p>2. Application These Bye-Laws shall apply to the beaches and inland waterways specified in the Schedules and Maps to these Bye-Laws.</p> <p>3. Commencement These Bye-Laws shall come into force on the 20th June 2022.</p>
<p>4. Déantar Fodhlíthe Chomhairle Contae Chiarraí (Soithigh Áineasa agus Uisce árthaí Pearsanta) 2007, a rinneadh ar 01/07/2007, a chúlghairm le héifeacht ón 20 Meitheamh 2022.</p> <p>5. Léiriú Le linn na bhFodhlíthe seo, mura n-éilíonn an comhthéacs a mhalairt, tá leis na focail agus leis na habairtí a úsáidtear seo a leanas, an bhrí a shanntar leo, faoi seach, is é sin le rá:</p>	<p>4. Kerry County Council (Recreational Craft and Personal Watercraft) Bye-Laws 2007, made on 01/07/2007, are revoked with effect from the 20th June 2022.</p> <p>5. 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:</p>
<p>(a) Ciallaíonn ‘Duine Údaraithe’ gach fostaí na Comhairle nó aon duine atá ainmnithe i scríbhinn ag an Chomhairle chun críocha na bhFodhlíthe seo.</p> <p>(b) Ciallaíonn ‘Trá’ na cladaí agus gach imeall trá, bruach, aill, dumhach, agus gach cruach nádúrtha de ghaineamh agus/nó de chloch agus/nó de scaineagán atá ann chomh maith le gach limistéar atá tadhlaigh leo.</p> <p>(c) Ciallaíonn ‘an Chomhairle’ Comhairle Contae Chiarraí.</p> <p>(d) Ciallaíonn ‘Árthach’ gach dobharárthach pearsanta nó árthaí áineasa a fheidhmítear trí chóreacha tiomána go meicniúil.</p>	<p>(a) “Authorised Person” means any employee of the Council or any person designated in writing by the Council for the purposes of these Bye-laws.</p> <p>(b) “Beach” means the foreshore and every beach, bank, cliff, sand dune, every natural accumulation of sand and/or stones and/or shingle and every area contiguous thereto.</p> <p>(c) “Council” means the Council of the County of Kerry.</p> <p>(d) “Craft” means personal watercraft or recreational craft when operated by a mechanical means of propulsion.</p>

<p>(e) Ciallaíonn ‘Cladach’ grinneall na farraige agus na bruacha a bhaineann leo, síos ó líne barr láin de ghnáth-thaoide agus meántaoide de na farraigí agus de gach abhann taoide agus inbhear taoide agus de gach cainéal, cuas agus cuan na farraige nó na habhann nó an inbhir féin.</p>	<p>(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.</p>
<p>(f) Folaíonn ‘Uiscebhealaí Intíre’ inbhir, aibhneacha, lochanna agus uiscebhealaí intíre eile (idir nádúrtha agus cruthaithe go saorga agus/nó mionathrú déanta orthu).</p> <p>(g) Ciallaíonn ‘Dobharárthach Pearsanta’ gach bád nó ártach (nach ártach áineasa iad) atá níos lú ná 4 mheadar ar fad agus a bhfuil inneall dócháin inmheánaigh agus caidéal scairde uisce mar phríomhfhoinsé thiomána acu, agus atá deartha sa dóigh is go mbeidh an té in ann iad a thiomáint agus iad ina suí, ina seasamh nó ar a nglúine, in áit a bheith taobh istigh de chabhlacha ar bith.</p>	<p>(f) “Inland Waterways” includes estuaries, rivers, lakes and other inland waters (whether or not artificially created or modified).</p> <p>(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.</p>
<p>(h) Ciallaíonn ‘Ártach Áineasa’ aon ártach a fheidhmítear trí chóiracha tiomána go meicniúil agus nach bhfuil níos mó ná 24 meadar ar fad (de réir na caighdeáin ISO a leagtar amach ag EN ISO 8666:2002 – sonraí príomha maidir le hárthaí beaga) lena n-úsáid chun críocha spóirt agus fóillíochta.</p>	<p>(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.</p>
<p>(i) Ciallaíonn ‘Gaireas Tarrthála Fóirsteanach nó Seaicéad Tarrthála’ gaireas tarrthála nó seaicéad tarrthála pearsanta –</p> <ul style="list-style-type: none"> • Agus é leordhóthanach mar bhuacacht láidir don té a bheas a chaitheamh é in uisce a thiocfar chun cinn; • Agus é comhréireach leis an meáchan coirp don té atá a chaitheamh é; • Agus an chomhartha comhréireachta CE de na túslireacha ‘CE’ le fáil orthu agus iad san fhoirm shamplach mar a leagtar síos in Iarscríbhinn IV de Threoir 89/686/EEC ón Chomhairle AE ar an 21ú lá de mhí na Nollag, 1989 (arna leasú ag Treoir 93/68/EEC ón Chomhairle ar an 22ú lá de mhí Iúil, 1993 agus ag Treoir 96/58/EEC ó Pharlaimint na hEorpa agus ón Chomhairle ar an 3ú lá de mhí Mheán Fómhair, 1996) nó aon struchtúr leasaitheach ná aon struchtúr eile ina áit. 	<p>(i) “Suitable Personal Flotation Device or Lifejacket” means a personal flotation device or lifejacket –</p> <ul style="list-style-type: none"> • Sufficient to give a person using it a positive buoyancy in waters which are likely to be encountered; • Which is appropriate to the body weight of the person who is wearing it; • Which has on it the CE conformity marking consisting of the initials “CE” taking the form of the specimen set out in Annex IV to the European Union Council Directive 89/686/EEC of the 21st December 1989 (as amended by Council Directive 93/68/EEC of the 22nd July 1993 and Council Directive 96/58/EC of the European Parliament and the Council of the 3rd September 1996) or any amending or replacement format.
<p>6. (a) Déanfaidh duine de réir na dtreoracha uile a n-eiseofar chuige/chuici ó dhuine údaráithe nó aon chomhalta den Garda Síochána.</p>	<p>6. (a) A person shall comply with any and all directions given to him/her by an authorised person or member of an Garda Síochána.</p>

<p>(b) Ní chuirfidh duine bac, ná treampán ar dhuine údaraithe nó comhalta den Gharda Síochána maidir le forálacha na bhFodhlíthe seo a chur chun feidhme acu.</p>	<p>(b) A person shall not obstruct, hinder or interfere with an authorised person or member of an Garda Síochána in implementing the provisions of these bye-laws.</p>
<p>7. Árthaí Áineasa agus Dobharárthaí Pearsanta</p> <p>(a) Féadfaidh an Chomhairle, dá rogha féin, limistéir na dtránna a ainmniú ina bhféadfaidh daoine rochtain ar an fharraige nó imeacht ón fharraige a fháil agus iad ag úsáid árthaí áineasa ná dobharárthaí pearsanta.</p> <p>(b) Féadfaidh an Comhairle, dá rogha féin, limistéir d'aon uiscebhealaí intíre a ainmniú ina bhféadfaidh daoine rochtain ar an fharraige nó imeacht ón fharraige a fháil agus iad ag úsáid árthaí áineasa ná dobharárthaí pearsanta.</p> <p>(c) Tá gach lainseáil d'árthach áineasa agus do dhobharárthach pearsanta toirmisceithe ar na tránna uile a liostaítear i Sceideal a hAon de na fodhlíthe seo, ach amháin na limistéir a fhéadfar a bheith ainmnithe ag an Chomhairle chun na críche sin.</p> <p>(d) Tá úsáid na n-árthaí áineasa agus gach dobharárthach pearsanta laistigh de 300 meadar taobh na farraige d'imeall na n-uiscí ar na tránna a liostaítear i Sceideal a hAon toirmisceithe ar fad, seachas dá mbeadh beart tarrthála i gceist ná rochtain a fháil nó imeacht ón fharraige i limistéir ar bith ainmnithe dá dtagraítear in 7(a) thuas.</p> <p>(e) Tá gach lainseáil na n-árthaí áineasa, seachas na hárthaí áineasa sin a bhíonn in úsáid le haghaidh slatiascaireacht amháin, agus gach lainseáil na ndobharárthaí pearsanta toirmisceithe ar na huiscebhealaí intíre uile a liostaítear i Sceideal a Dó do na fodhlíthe seo, ach amháin na limistéir a fhéadfar a bheith ainmnithe ag an Chomhairle chun na críche sin.</p>	<p>7. Recreational Craft and Personal Watercraft</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(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 7(a) above.</p> <p>(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</p>
<p>(f) Gníomhóidh gach duine a bheas i mbun árthach áineasa ná dobharárthach pearsanta ar bhealach stuama ionas nach gcuirfear isteach nó nach gcuirfear aon duine i mbaol agus an duine sin ag úsáid trá éigin nó uiscebhealach intíre éigin nó iad ag snámh san uisce a ghabhann leo, agus nach gcuirfear isteach ar aon fhlóra agus fána a fhaightear go nádúrtha.</p> <p>(g) Beidh gach duine a thugann árthach áineasa nó dobharárthach pearsanta leo chuig an trá nó chuig an uiscebhealach intíre freagrach agus faoi dhliteanas maidir le haon damáiste a dhéanfar agus aon ghortú a tharlófar do mhaoín nó do dhuine éigin a d'fhéadfadh a bheith ann.</p>	<p>(f) Every person in charge of a recreational craft or personal watercraft shall act in such a manner as not to cause annoyance or danger to any person using a beach or inland waterway or swimming in the water or to disturb naturally occurring flora and fauna.</p> <p>(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.</p>

<p>(h) Beidh ar gach duine a thugann ártach áineasa nó doibharáthach pearsanta leo chuig an trá nó chuig an uiscebhealach intíre, an t-ártach a bhaint ón trá nó ón uiscebhealach intíre má ordáíonn duine údaraithe nó comhalta den Gharda Síochána dó nó dí é sin a dhéanamh.</p> <p>(i) Cloífidh oibreoirí na n-árthaí áineasa agus na ndoibharáthaí pearsanta le srianadh luais de 5 mhuirmhíle san uair ó líne an uisce suas go 300 meadar i dtreo na farraige ó gach trá agus ní oibreofar árthaí i gcóngar snámhóirí, seachas i gcás cúrsaí éigeandálaí.</p> <p>(j) Caithfidh an duine a bheas ag oibriú aon ártach áineasa ná doibharáthach pearsanta nó iadsan a bheas ag úsáid iad ar bhealach ar bith gaireas tarrthála ná seaicéad tarrthála fóirsteanach a chaitheamh. Ní chuirfidh an fhoráil seo srian ar fheidhmiú a gcumhachtaí reachtúla d'aon Ghníomhaireacht de chuid an Stáit.</p> <p>(Ní bheidh feidhm ag an Fhodhlí seo maidir le hárthaí a n-oibreofar i gcúrsa dualgais na n-eisceachtaí seo a leanas; an Chomhairle, an Garda Síochána, na Fórsaí Cosanta, an tSeirbhís Chabhlaigh, na Coimisinéirí Ioncaim, Cosaint Shíbhialta, Iascach Intíre Éireann, an tÚdarás um Chosaint Iascaigh Mhara, Garda Cóstá na hÉireann, Coimisinéirí Soilse na hÉireann, an Foras Ríoga Náisiúnta Bád Tarrthála nó aon Seirbhís Tarrthála Intíre Pobail ná aon ártach bona fide a úsáidfear d'fhorfheidhmiú an dlí, d'éigeandálaí nó do mhísin tarrthálacha.)</p>	<p>h) Every person bringing a recreational craft or personal watercraft onto the beach area or an inland waterway shall remove it from the beach area or waterway if so directed by an authorised person or member of an Garda Síochána.</p> <p>(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 shall not operate in proximity to bathers, except in the event of an emergency.</p> <p>(j) A person in charge of or using in any way a recreational craft or personal watercraft shall wear a suitable personal flotation device or lifejacket. This provision shall not restrict the exercise by any Agency of the State of its statutory powers.</p> <p>(This bye-law shall not apply to craft operated in the course of duty of the Council, an Garda Síochána, the Defence Forces, the Naval Service, the Revenue Commissioners, Civil Defence, Inland Fisheries Ireland, Sea Fisheries Protection Authority, the Irish Coast Guard, the Commissioners of Irish Lights, the Royal National Lifeboat Institute, a Community Inshore Rescue Service or any craft involved in bona fide law enforcement, emergency or rescue missions.)</p>
<p>8. Cionta</p> <p>(a) Féadfaidh gach Duine Údaraithe agus gach comhalta den Gharda Síochána gníomhaíocht iomchuí a dhéanamh chun na fodhlíthe seo a fhorfheidhmiú.</p> <p>(b) Beidh gach duine, a sháróidh foráil de na fodhlíthe seo agus gach duine a chuirfidh bac nó treampán nó iadsan a dhiúltóidh iarratas de chuid cibé duine údaraithe ná comhalta den Gharda Síochána a dhéanfar i gcúrsa chun comhlíonadh na bhforálacha de na fodhlíthe seo, ciontach i gcion agus dlífear air nó uirthi a chiontú go hachomair fineáil nach mó ná an méid iomchuí a shonraítear in alt 6 den Acht um Shábháilteacht Mhuirí, 2005 (nó aon alt ina dhiaidh sin nó alt leasaitheach) a chur air nó uirthi.</p>	<p>8. Offences</p> <p>(a) An Authorised Person or a member of the Garda Síochána may take appropriate action to enforce these Bye-laws.</p> <p>(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 or any subsequent or amending section.</p>

(c) I gcás ina bhfuil forais réasúnacha ag an duine údaraithe nó ag comhalta den Gharda Síochána chun a chreidiúint go sáraítear nó gur sáraíodh foráil ar bith de na fodhlíthe seo, féadfaidh sé/sí Fógra i dtaobh Íocaíochta Seasta a sheirbheáil ar cibé duine agus ina luafar daoibh nach dtionscnófar ionchúiseamh i leith an tsáraithe sin más amhlaidh go ndéanfar an íocaíocht iomchuí, mar a shonraítear in alt 16 (1)(b) den Acht um Shábháilteacht Mhuirí, 2005 (nó aon alt ina dhiaidh sin nó alt leasaitheach), don Chomhairle nach mó ná aon lá is fiche tar éis dháta seirbheála an fhógra.

(d) Féadfaidh an duine údaraithe nó an comhalta den Gharda Síochána a iarraidh ar an duine ar dealraitheach go bhfuil siad ag sárú nó gur sháraigh siad ceann ar bith d'fhorálacha na bhFodhlíthe seo go staonfaidh siad ó ghníomhaíochtaí dá leithead sin.

(e) Más é tuairim duine údaraithe nó comhalta den Gharda Síochána go bhfuil cion faoi na Fodhlíthe seo á dhéanamh nó déanta ag duine, féadfaidh an duine údaraithe nó an comhalta den Gharda Síochána ainm agus seoladh baile an duine a iarraidh agus i gcás go ndiúltófar an t-éileamh sin nó dá dtabharfadh an duine ainm nó seoladh baile a bheas lochtach nó míthreorach beidh an duine sin ciontach i gcion. Más é tuairim comhalta den Gharda Síochána go bhfuil cion faoin alt seo á dhéanamh nó déanta ag duine, féadfar é nó í an duine a ghabháil gan bharántas.

(f) Ní dhéanfaidh aon ní arna dhéanamh laistigh nó faoi fhoráil na bhFodhlíthe seo dochar nó a dhochródh ar shlí éigin cearta agus leasanna an stáit san imeall trá, nó feidhmiú ina taobh aon cheart poiblí, nó dochar a dhéanamh ar aon cheart, cumhacht nó pribhléid a bheas i leith de réir dlí ar dhuine ar bith laistigh, thar nó i leith an imill trá.

9. Sceidil

Measfar na limistéir aitheanta sna léarscáileanna ceangailte leis na fodhlíthe seo san áireamh sa mhéid dá dtagraítear sna tránna agus sna huiscebhealaí intíre a liostaítear ag na sceidil seo..

(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 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.

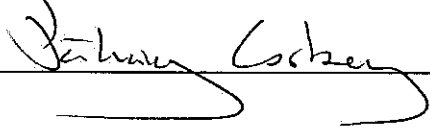
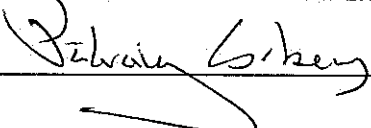
(d) An authorised person or member of an Garda Síochána may request any person who appears to be contravening or to have contravened a provision of these Bye-laws to refrain from such activity.

(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 or member of an Garda Síochána 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.

9. Schedules

Reference to the beaches and inland waterways listed in the attached schedules is deemed to include the areas identified in the attached maps to these Bye-laws.

<p>SCEIDEAL a hAON</p> <p>Baile an Sceilg</p> <p>Baile an Bhuinneánaigh Thuaidh</p> <p>Baile an Bhuinneánaigh Theas</p> <p>Baile Uí Thaidhg</p> <p>An Bheannach</p> <p>Doire Fhionáin</p> <p>An Fhianait</p> <p>Inse</p> <p>Na Cealla</p> <p>An Machaire Beag</p> <p>Ros Beithe</p> <p>Fionn Trá</p> <p>An Trá Bhán (Cathair Saidhbhín)</p>	<p>SCHEDULE ONE</p> <p>Ballinskelligs</p> <p>Ballybunion North</p> <p>Ballybunion South</p> <p>Ballyheigue</p> <p>Banna</p> <p>Derrynane</p> <p>Fenit</p> <p>Inch</p> <p>Kells Bay</p> <p>Maharabeg</p> <p>Rossbeigh</p> <p>Ventry</p> <p>White Strand (Caherciveen)</p>
<p>SCEIDEAL a DÓ</p> <p>Loch Coiteáin</p> <p>Loch Cárthaí</p> <p>Loch Luíoch</p> <p>Loch Gile</p>	<p>SCHEDULE TWO</p> <p>Lough Guitane</p> <p>Caragh Lake</p> <p>Lough Currane</p> <p>Lough Gill</p>
<p>Arna dhéanamh faoi Shéala Oifigiúil na Comhairle Contae Chiarraí</p> <p>ARNA DHÁTÚ AR 2 AN LÁ SEO DE Meitheamh 2022</p> <p>I LÁTHAIR nuair a ghreamaíodh Séala Oifigiúil na Comhairle Contae Chiarraí.</p> <p>MÉARA NÓ COMHALTA AINMNITHE</p> <p></p>	<p>Made under the Official Seal of Kerry County Council</p> <p>DATED THIS 2 DAY OF June 2022</p> <p>PRESENT when the Official Seal of the Kerry County Council was affixed.</p> <p>MAYOR OR NOMINATED MEMBER</p> <p></p>

