



Shannon Navigation & Canal Bye-laws Public Consultation Report

Synopsis of responses to the Shannon Navigation Bye-laws
& Canal Bye-laws public consultation, together with
Waterways Ireland's response



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Public consultation on proposed revision of the Shannon Navigation Bye-laws and the Canals Bye-laws

1. Introduction

Waterways Ireland is a North South Implementation Body established under the British-Irish Agreement Act and is charged with the management, maintenance, development and restoration of almost 1,100km of inland navigable waterways and over 600km of Greenways and Blueways. The Canals under Waterways Ireland's remit (Royal Canal, Grand Canal, and Barrow Navigation) are managed under the provisions of the Canals Act 1986 with associated Canals Act, 1986 (Bye-laws), 1988 (Statutory Instrument 247/1988). The Shannon Navigation and Shannon Erne Waterway are managed under the provisions of the Shannon Navigation Act 1990 with associated Shannon Navigation Bye-laws introduced from 1992 to 1994.

Waterways Ireland proposes to revise the Shannon Navigation Bye-laws and Canals Bye-laws. The legal process to revise the Bye-laws includes a requirement for a 90-day public consultation. However, and in an effort to garner the widest possible participation in the consultation process Waterways Ireland undertook Phase 1 of the Public consultation process for 133 days - from 19th June 2023 to 27th October 2023.

2. Purpose of this Report

This report records the public consultation findings which will help shape the proposed Bye-laws for the Shannon Navigation and for the Canals. It describes how the public consultation was undertaken and summarises the responses received. Waterways Ireland is grateful to the many individuals and organisations who participated in the public consultation process.

Necessity to revise Bye-laws

The changing use of the waterways over the past 35 years alongside amendments to primary legislation has resulted in outdated Bye-laws.

The growth of houseboat communities on the canals network, the development of greenways and blueways, changes to environmental legislation, changes to Health and Safety legislation including the Maritime Safety Act 2005 means that Waterways Ireland must update its Bye-laws. The introduction of amendments to the Canals Act 1986 via the Heritage Act 2018 further necessitates a revision of the Canals Bye-laws.

Waterways Ireland is cognisant of the housing situation which has led to the growth of houseboat communities along our canals. Waterways Ireland wishes to regularise the houseboat situation by introducing Houseboat permits while also introducing safety and environmental standards.

On the Shannon navigation the principal consideration is enhancing safety and ensuring a high-class tourism product. It is also proposed to extend the Shannon Bye-laws to include several additional rivers and the Ulster Canal.

The Bye-law revisions will impact on a wide range of people across 18 local authority areas, including:

- Boaters and other inland waterway users.
- Liveaboard communities.
- Local communities.
- Greenways users.
- Local commercial / tourism operators.

3. The Consultation Process

Waterways Ireland advertised the public consultation widely in both National and Local Press, across social media channels and online.

There were five main ways in which the public could learn about the proposed changes and participate in the public consultation process.

- Public Meetings were held in 8 locations where Waterways Ireland staff provided information on the revisions around the different topic areas and invited participants to make comments and suggestions through the submission process. More than 600 people attended these meetings.
- Visiting the Website www.waterwaysireland.org and downloading the Draft Bye-laws and the explanatory notes and make comments and suggestions through the submission process.
- Visiting a public library across the Local Authority sector or a Waterways Ireland office where copies of the Draft Bye-laws and explanatory note were available for review and made comments and suggestions through the submission process.
- Waterways Ireland conducted a series of webinars on 19th June 2023 for elected representatives. Invitations were sent to 695 elected representatives prior to the webinars taking place.
- Waterways Ireland held 24 meetings with relevant stakeholder groups and Local Authorities. The list of meetings is shown in Annex A.

The submission process provided 3 mechanisms for engagement namely,

- by online survey using the link on the WI website,
- by email to corporate@waterwaysireland.org and/or
- by post to the Inspector of Navigation, The Docks, Athlone

Invitations to contribute to the public consultation process were sent to Equality and Disability Groups, local authorities, chambers of commerce, tourism bodies and stakeholder groups.

Throughout the public consultation Waterways Ireland adopted the values and principles for collaboration and partnership working with the community and voluntary sector.

The submissions received from the public, community, and voluntary sectors during Phase 1 of the public consultation process have informed the proposed changes to the draft Bye-laws as outlined in this report.

Waterways Ireland undertook to publish a Public Consultation report following closure of the public consultation period on 27 October 2023. Waterways Ireland undertook to consider and review all submissions and make necessary changes and amendments to the draft Bye-laws as appropriate. Thereafter Waterways Ireland undertook to publish the revised draft Bye-laws and hold a second phase of public consultation.

This report provides a synopsis of the submissions made, key issues raised and provides Waterways Ireland's response to these matters to include details of proposed changes to the draft Bye-laws. It is not intended to be a comprehensive report of every view expressed but rather a synopsis of the feedback provided by respondents.

Some submissions and the points raised within did not relate to the draft Bye-laws. Where appropriate, these will be forwarded to the relevant sections within Waterways Ireland for review and response as required.

4. Consultation Responses

Waterways Ireland received 933 submissions to the consultation process. Responses were received from both individuals and organisations representing user groups. Some submissions related to only the Canals or the Shannon whilst some relate to both. Table 1 shows a breakdown of submissions received,

Table 1 Breakdown of Submissions received.

Online Submissions-via survey	571
Email Submissions	360
Postal Submissions	2

Submissions were split as shown below between Canals and Shannon:

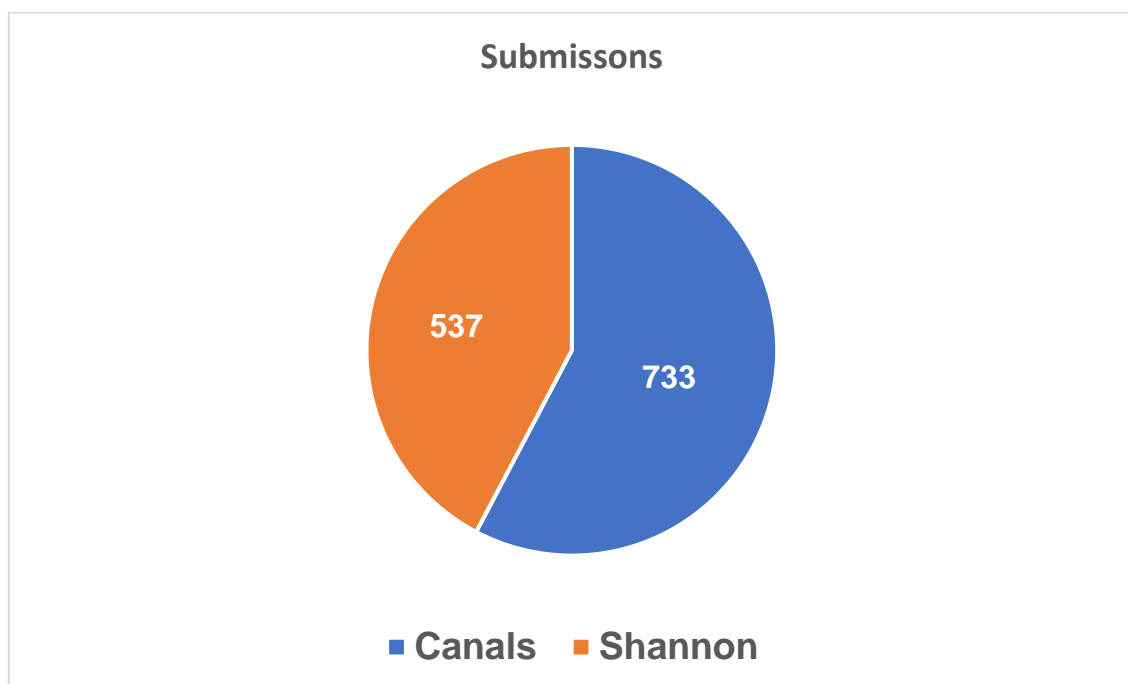


Figure 1 Breakdown of Submissions by Canals and Shannon

Numerous user groups were represented in submissions. A breakdown of those who indicated which user group they represented is shown below:

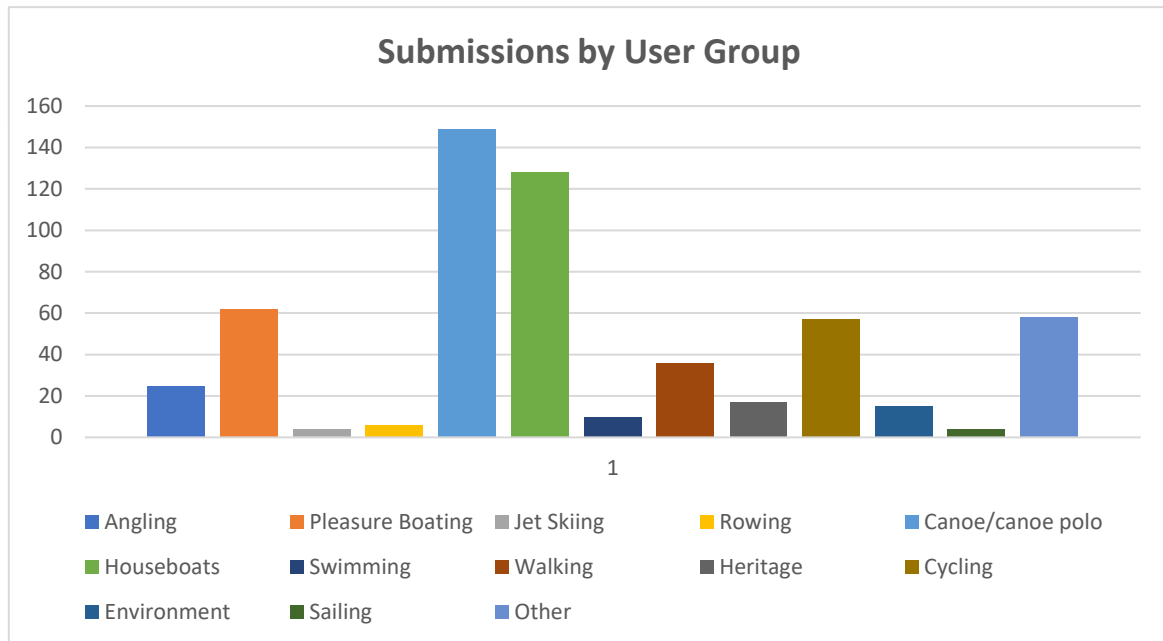


Figure 2 Submissions by user group

The majority of the 933 submissions received were from individuals with 863 falling in this category. The remaining 70 submissions were received from representative organisations, public bodies and commercial entities. The breakdown of responses received in these categories is shown below:

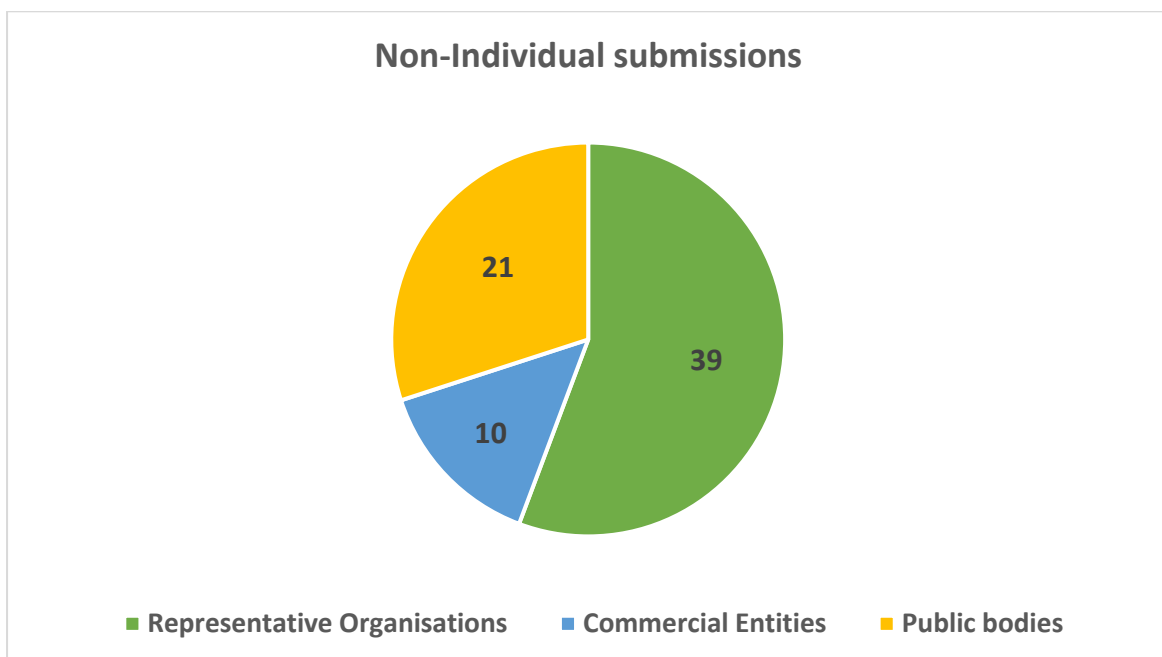


Figure 3 Non-individual submissions

In addition, more than 100 items of formal correspondence including Parliamentary Questions and Representations from politicians and stakeholders were received. Waterways Ireland also responded to a significant number of press queries, and participated in media interviews and provided information for press articles in both local and national media.

Further to this, 19 comments relating to the proposed Bye-law changes were received as part of Waterways Ireland recent public consultation process for the organisation's 10-year plan.

Points raised in the stakeholder meetings were also considered.

All responses have been reviewed and the comments have been categorised in line with the proposed Bye-law amendments to allow for a consistent analytical approach.

Not all respondents answered all questions or commented on all proposed changes. Some respondents declined to answer certain questions, instead preferring to make general comments or raise specific issues.

5. Key issues raised in responses - Canals

A. Views on the proposed changes in the draft Canals Bye-laws 2023 regulating the mooring periods and mooring provisions on navigation property.

The main proposed changes relating to mooring periods and mooring provisions are listed below:

Bye-Law provision removed:

No person shall moor a boat

- At the same place on the canals or within 500 metres of the same place for more than 5 days without the appropriate permit

Bye-Law provision added.

No person shall moor a boat:

- on a hard-edged mooring in Shannon Harbour and Richmond Harbour for more than a maximum of 5 days per calendar month from 01 April to 01 November without the permission of Waterways Ireland.
- in Grand Canal Dock and Spencer Dock without a valid Houseboat permit for more than 20 consecutive days without the permission of Waterways Ireland.
- A vessel in possession of an annual canals cruising permit shall not moor along the Dublin Metropolitan canals from the 12th Lock Grand Canal to Grand Canal Dock and from 12th Lock Royal Canal to Spencer Dock without the permission of Waterways Ireland.
- A vessel in possession of an annual canals permit shall not moor between the 16th Lock and the 12th Lock on the Grand Canal and between the 16th Lock and the 12th Lock on the Royal Canal, within 1km of Belle Harbour Monasterevin on the Grand Canal Barrow Line for more than 10 days per calendar month without the permission of Waterways Ireland.

Table 2 Synopsis of responses received regarding mooring periods-canal

Response	No. Responses
Agree with proposed changes	24
Disagree with proposed changes	17
Concerns re impact on water sports in Harbours	137
Wish 5-day rule to be extended	15
Against proposed zoning from Locks 12 to Locks 16	10
Against reduction in 5-day rule	5

Based on the feedback received, Waterways Ireland propose the following changes to the draft Bye-laws

Bye-law 22-Mooring of vessels & boats for berths.

Amendments:

22.(1) No person shall moor a vessel or boat-

- (d) on a hard-edged mooring 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 calendar month without the permission of Waterways Ireland.

Waterways Ireland has considered the large volume of responses received from established users of the named harbours for water sports to include canoeing, kayaking and water polo. To support the continued enjoyment of this user group, the list of harbours whereby mooring is restricted has been increased and the period in which this restriction is in place has been extended to reflect the year long nature of the activities. The retention of the 5-day rule at these harbours also ensures that they remain accessible to visiting boats.

Waterways Ireland acknowledges the submissions in relation to the mooring restrictions between the 12th and 16th locks on the Royal and Grand Canals but deem this necessary to manage the congestion of boats in the Greater Dublin area. The removal of the 5-day mooring rule in all other areas with the exception of the named harbours greatly enhances the options available for boaters who wish to stay beyond five days in the one location on the canal network.

B. Views on proposed changes to the charging regime and permit costs in the draft Canals Bye-laws 2023.

A summary of the proposed changes relating to the charging regime and permit costs are listed below. Note that fees relating to houseboats permits will be dealt with in section F.

Schedule Removed:

- Tolls and Charges Schedule was removed.

Schedule Added:

A revised Tolls and Charges schedule was added. The main changes are as follows:

- Introduction of an Annual Canals Permit at a cost of €200
- Increase of daily dry dock fee from £11 to €25
- Reduction of daily dry dock fee for heritage boats
- Removal of mooring fees
- Removal of lock passage fees
- Removal of fees to pass through General McMahon bridge
- Fees for ancillary services

Table 3 Synopsis of responses received on proposed permit costs-Canals

Response	No. Responses
Agree with proposed changes	24
Disagree with proposed changes	20
Proposed Fees are too high	83
Payment of permit fee should allow access to services	8
Angling/Fishing Boats should also be charged	7
Fees for Heritage boats using Drydocks should be reduced	4
All canal users should be charged	4
Visitor Permit at lower cost should be introduced	3
Graduated Fee structure should be considered	3
Fees should be reduced for those on benefits	3
Fees for additional boats should be lower	3
Boats involved in search and rescue/civil defence should not be charged	2

In respect of the charging regime and permit costs, the following amendments are proposed:

- Introduction of a Visiting boat permit costing €40. **This Bye-law provision is on foot of concerns raised that a €200 permit cost would act as a deterrent to visiting boats from other navigations.**
- A Bye-law in the Canal Bye-laws specifically dealing with the use of Waterways Irelands Dry Docks has been inserted. This includes Bye-law 40 (3) stipulating reduction of fees payable by owners of heritage boats using Waterways Irelands Dry docks. **This Bye-law provision is based on feedback from heritage boat owners requesting clearer confirmation that reductions to Dry dock fees would be made.**

In addition, the following list of exemptions from the requirement to hold an annual canal permit are now listed within the Bye-laws:

- an open or undecked punt, canoe, skiff, scull, rowing boat or other such fully open boat designed to be propelled primarily by oars or sail and not propelled by an engine of more than 30 horse-power (22.37KW).

Boats owned by the following:

- Waterways Ireland,
- An Garda Síochána,
- The Defence Forces and Civil Defence,
- The Revenue Commissioners,
- Inland Fisheries Ireland,
- The Irish Coast Guard,
- The Commissioners of Irish Lights,
- The Royal National Lifeboat Institution,

or any craft involved in bona fide law enforcement, emergency, rescue, recovery, and safety mission. **Legitimate concerns were raised by stakeholders involved in statutory functions and Search and Rescue operations that an annual canal permit would be prohibitive to their operations.**

- (c) Boats holding a current annual registration (having discharged the annual registration fee) with Waterways Ireland in respect of the Shannon Navigation under Bye-law 6 of the Shannon Navigation Bye-laws, 2024. **Visiting boats registered on the Shannon Navigation may use the canals without the need to hold a canal permit or visitor permit.**

In respect of comments relating to the proposed fees being too high, it should be noted that the Canal Bye-laws and associated fees chargeable have not been updated since 1988. A canal permit costing €200 per annum is seen as reasonable given the length of time passed since fees have been increased and the inclusion of lock passage charges within the canal permit.

Anglers on the canals are required to comply with the Inland Fisheries Act 2010 and relevant Inland Fisheries Ireland regulations. Waterways Ireland does not propose introducing any additional provisions regarding angling on the canals.

In addition, Waterways Ireland can confirm that any income raised on the Canals from Tolls and charges will be ring fenced and used to improve services on the Canals.

Once the Bye-laws have been enacted, Waterways Irelands annual accounts will include a section clearly showing income raised from Tolls and Charges and expenditure on the Canals network.

C. Views on the provisions in the Draft Canals Bye-laws 2023 to control and regulate the use of the canals and greenways by the public for recreation, angling and navigation purposes.

A summary of the proposed changes relating to control and regulation of canals and greenways for recreational purposes are listed below:

- Removal of exemption of use of a structure, tent, caravan or vehicle as a dwelling for those using canal property for a period of not more than one week at the same place.
- Addition of a section within the Protection of fisheries detailing obligations on anglers in relation to the conservation of pike and coarse fish.
- Prohibition of underwater activities and diving without permission from Waterways Ireland
- Specific Bye-law provisions added in relation to the control of dogs and dog fouling.

- Addition of Bye-law provisions relating to use of bicycle, tricycles or powered personal transporter in an unsafe manner or at a speed in excess of 15 kilometres per hour.
- Prohibition of riding or walking horses, ponies or equine animals on greenways without the permission of Waterways Ireland.

Table 4 Synopsis of responses received regarding regulation for recreation purposes-Canals

Response	No. Responses
Agree with proposed changes	18
Disagree with proposed changes	13
Against Cycling speed limits	178
Camping should be permitted	27
Agree with Cycling speed limits	7
Implement catch and release regulations	4
Horses should be permitted on towpaths	4
Electric vehicles should be prohibited	3
Cyclist should be required to use bells	3
Coarse fishing should be banned	2
Speed limits for motorised vehicles	1

The following changes are proposed:

- Addition of the word electrically (propelled vehicle) to Bye-Law 34. **This is in recognition of the emergence of electric powered vehicles.**
- Addition of Bye-law permitting the use of a structure, tent, caravan or vehicle as a dwelling on canal property for a period of not more than one week in any calendar month at the same place or within 5 kilometres of that place. **This has been added in acknowledgement of the many submissions from users of the canals who wish to temporarily camp whilst travelling the system. The restriction on the period of time will ensure that permanent**

dwelling on the canals by use of the listed structures remains prohibited.

- Removal of detailed obligations on anglers in respect of the conservation of pike and coarse fish. This has been replaced with a requirement for anglers to comply with the Inland Fisheries Act 2010 and relevant Inland Fisheries Ireland regulations. **This change has been made to avoid confusion with existing legislation governing angling and in acknowledgement that Inland Fisheries Ireland are the body responsible for legislating on these matters.**
- Removal of prohibition of diving without the permission of Waterways Ireland. This has been replaced with a Bye-law provision stating that diving operations will not impede the safe passage of boats in the Navigation. **This change has been made to acknowledge that the Bye-law may at times be onerous particularly in cases of emergency whereby the requirement to first seek permission may not be feasible.**
- Removal of Bye-law provision limiting speed of bicycles, tricycles and powered personal transporters to 15 kilometres per hour. **This Bye-law provision has been removed following a significant number of responses both at public meetings and via submissions to the consultation process around the feasibility of the proposal. The Bye-law requiring users of bicycles, tricycles and powered personal transporters not to behave in a manner that endangers or causes a nuisance to themselves, and other users has been extended to also cover blueways, towpaths and cycle paths. This Bye-law is deemed sufficient to ensure that users behave in a safe manner.**

Waterways Ireland acknowledges submissions received requesting horses/equine animals to be permitted on greenways / blueways / cycle paths. This has been prohibited to avoid safety conflicts with other users. Waterways Ireland has, however, included the option of requesting permission for this activity.

D. Views on the introduction of a Fixed Payment Notice for breaches of the Canal Bye-law.

The draft Bye-laws have the addition of a schedule illustration of a Fixed Payment Notice. The following were the main comments received in respect of Fixed Payment Notices.

Table 5 Synopsis of responses received regarding introduction of Fixed Penalty Notices-Canals

Response	No. Responses
Agree with proposed changes	50
Disagree with proposed changes	25
Appeals mechanism needed other than circuit court	47
What are means of serving notice	10
How long will efforts be made to contact boat owner	8
Who will enforce?	5
More clarity/written criteria needed for issuing of fines	4
Warning should be issued first before fine	4
Too high a fine for first offence	3

In response to the comments raised, Waterways Ireland states that:

- The Maritime Safety Act 2005 amended the Canals Act 1986 by introducing a Fixed Payment Notice for breaches of the Canals Bye-laws. The publishing of the form of the Fixed Payment Notice and associated amount is required by Section 56 of the Maritime Safety Act 2005 to enable Waterways Ireland to commence issuing Fixed Payment Notices.
- Waterways Ireland are unable to make changes to the Fixed Payment Notice process without a change to the Primary legislation i.e. The Canals Act 1986.

- Fixed Payment Notices will be administered by Authorised Officers in Waterways Ireland. The Officers in question will have clear means of identification when on duty. We hope that the need to issue Fixed Payment Notices will be rare and the focus on the Bye-laws will be on encouraging compliance so that all users can enjoy the Waterways.

E. Views on the increased safety and environmental requirements in relation to boats on the canals.

Waterways Ireland proposed significant changes in relation to safety and environmental requirements under the following areas:

- Protection of biodiversity, water quality, heritage, environment
- Holding Tanks
- Carbon monoxide and smoke alarms
- Fire extinguishers
- New boats with propulsion engines
- Personal Flotation Devices
- Use of Butane and Propane Gas
- Age restrictions on handling boats
- Discharge into canals
- Burning of fuels in stoves
- Lifting vessels out of the canal

Table 6 Synopsis of responses received regarding changes to Safety and Environmental requirements-Canals

Response	No. Responses
Agree with proposed changes	70
Disagree with proposed changes	5
Services are needed to comply	18
Not always possible to display ID/Importer plates	18
Requirements for working fire extinguisher adequate	12
Costs to comply prohibitive	11
Disagreement re safety procedures in locks	8
Not always possibly to retro fit holding tanks	6
Requirement for suitable anchor may not be necessary on canals	4
Insurance company requirements should be suffice regarding condition of boat	2
Who defines competent crew?	2
Those in rowing events should be exempt from PFD's	1
Permission to lift out canoes should not be needed	1

On foot of comments received, the following changes are proposed:

Boat Construction

- Every boat on the canals shall comply with the requirements of Statutory Instrument No 65 of 2017 - European Union (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. **All provisions relating to boat construction standards now fall under the EU Recreational Craft Regulations. These were transposed into Irish law in 2017. During a Bye-law consultation meeting with the Department of Transport and Marine Survey Office, Waterways Ireland was advised that a more effective method of ensuring safe boating standards was to require compliance with the EU Recreational Craft Directive.**

The below changes are proposed in respect of Personal Flotation Devices.

- The master of a boat (other than a personal watercraft) shall ensure that all persons wear a suitable personal flotation device while on board an open boat or while on the deck of decked boat, other than when the craft is made fast to the shore or at anchor.
- The master of any boat (other than a personal watercraft) shall ensure that a person who has not attained the age of 16 years wears a suitable personal flotation device while on board an open boat or while on the deck of a decked boat other than when it is made fast to the shore or at anchor. **These two provisions are to enhance water safety.**
- Every person on a personal watercraft shall always wear a suitable personal flotation device while on board or being towed in any manner by a personal watercraft or any type of boat. **This change is intended to enhance water safety.**
- The requirement to wear suitable personal flotation devices does not apply to rowers in boats which are:
 - (a) designed and specifically used for rowing in boat races and which are capable of being entered into regattas or other events recognised by the Irish Amateur Rowing Union, and
 - (b) of a design and type in respect of which events are held in the Olympic Games or other international rowing regattas.**This change is in acknowledgement that those participating in rowing competitions could be hindered by the requirement to wear Personal Flotation Devices.**
- The master of any boat using the waterway will ensure that a suitable Personal Flotation Device is readily available for each person aboard while under way. **This change is intended to enhance water safety.**

Fire Extinguishers on Boats

In respect of fire extinguishers on boats several amendments are proposed. Currently if a boat has an enclosed cabin, to be compliant, an automatic engine-room fire extinguishing system or a fire blanket for a cooking area is deemed equivalent to a dry powder extinguisher. Additionally, the requirement to have a fire extinguisher serviced annually has been removed with a requirement for it to be in good working order is suffice.

Personal Watercraft and pleasure craft - the following Bye-law provisions have been added or amended.

- A person under the age of 16 years shall not operate a personal watercraft (PWC) or a boat capable of a speed through the water equal to or greater than 17 knots.
- The owner of a personal watercraft (PWC) or a boat capable of a speed through the water equal to or greater than 17 knots shall not allow a person who has not attained the age of 16 years to operate or control the craft.
- A person who has not attained the age of 12 years shall not operate or control a boat powered by an engine with a rating of more than 5 horsepower or 3.7 kilowatts.
- The owner of a boat powered by an engine with a rating of more than 5 horsepower or 3.7 kilowatts shall not allow a person who has not attained the age of 12 years to operate or control the craft. **These Bye-law provisions have been amended to enhance water safety and to ensure consistency with maritime legislation in Ireland.**

Operation of Locks

The master, or person in charge, of a boat shall—

- as soon as possible after entry to a lock chamber, control the movement of the boat within the lock by using a line or lines connected to the posts, bollards or rings provided for that purpose; **This change is intended to better reflect how boats are controlled within a lock.**
- ensure that the person(s) operating the lock gates and racks is wearing a suitable flotation device. **This change is intended to improve water safety.**
- ensure that all persons on board wear a suitable Personal Flotation Device when approaching and transiting through any movable bridge or lock. **This change is intended to improve water safety.**
- ensure that no person remains onboard a kayak, canoe, paddle board or other such craft while it is passing through a lock. **This change is intended to improve water safety.**

Prohibited activities on canal property.

No person shall;

- bathe or swim in any lock on canal property. **This has been amended on foot of a submission from Water Safety Ireland who advise that swimming in locks is inherently dangerous and should not be permitted under any circumstances.**
- bathe or swim in any harbour or dock on canal property, except with the permission of Waterways Ireland **This change is intended to improve water safety.**
- transit through a lock or movable bridge on canal property without the wearing of a PFD. **This change is intended to improve water safety.**

- Lift any boat in or out of any canal without the prior permission of Waterways Ireland. Waterways Ireland will designate locations for boat lift out and lift in. Open boats, kayaks and canoes may be launched and recovered at slipways without permission **This is to clarify that permission is not needed for open boats, kayaks, and canoes at slipways.**
- Cause emissions from boat stoves in contravention of the Air Pollution Act 1987 as amended. **This change is included to align with existing Air Pollution legislation.**

F. Opinions on the provisions for houseboats in the various canal locations in the Canals Bye-laws 2023.

Waterways Ireland is proposing the regulation of houseboats in recognition of the increase in numbers of people who wish to reside permanently on their boats. The proposed Bye-laws cover the following:

- Requirements to get a permit
- Construction of houseboat
- Types of mooring locations
- Cost of each mooring location
- Renewal of permits

Table 7 Synopsis of responses received on the provisions for houseboats – Canals.

Response	No. Responses
Agree with proposed changes	12
Disagree with proposed changes	42
Proposals could make some people homeless	90
Unhappy with consultation process by Waterways Ireland and KPMG	38
Appeals process needed in respect of revoking of permits	38
Rights afforded to property owners are not replicated e.g., eligibility for grants/ability to sublet/ability to create an income	38
Pricing strategy of Scottish Canals is not a valid comparator	38
Better services needed to support houseboats	17
Services should be provided before fees are raised	17
Unhappy Waterways Ireland can dictate who can live on houseboat	13
More moorings are needed	11
Disagree with immediate family definition *	9
Concerns re-privacy/wardens able to enter dwelling	8
Proposed fees are too high	6
Definition of serviced mooring needed	5
Breakdown of charges by location needed	4
Unhappy with losing berth if boat sold	2
Difference between urban and suburban is unclear	1
Lower fees for those on benefits	1

On foot of the public consultation, the following changes are proposed:

- Definition of houseboat and serviced mooring provided – **These definitions were requested by respondents.**
- Reduction in fees for suburban serviced and unserviced houseboat moorings- **The proposed suburban zone will extend from the 12th lock to the 16th lock on the Royal Canal and Grand Canal (in simple language from the M50 to Kilcock on the Royal Canal and from the M50 to the west of Sallins on the Grand Canal). It is anticipated that these suburban zones will accommodate the greatest number of Houseboats on the canals. Waterways Ireland is endeavouring to facilitate the existing Houseboat communities in this zone by offering affordable Houseboat permits. The existing facilities in these zones are limited and the proposed fees reflect this.**

Waterways Ireland would also like to outline the following points which should address many of the comments made during the public consultation.

- In 2010, Grand Canal Dock was opened to houseboat dwellers. The existing Bye-laws do not provide for the regulation and charging for houseboat berths and as such, dwellers have availed of this facility for a considerable period of time for an unrealistic fee. Waterways Ireland recognises that for those in Grand Canal Dock, an annual charge of €4,000 - €7,500 appears to be a large increase. It is for this reason that a stepped approach over six years has been introduced. In addition, the demand for access to Grand Canal Dock in the heart of Dublin is high and the existing houseboat facilities are superior to other locations on the canals.
- Waterways Ireland does not believe the proposed changes will lead to homelessness. A houseboat berth at their current location will be offered to those boaters who are currently regulated by means of an Extended Mooring Permit (EMP). Should they not wish to take up the offer of a berth on the outlined terms, they will be facilitated at an alternative location subject to acceptance of the terms for that location.

- Waterways Ireland recognises the concerns raised in respect of Authorised Officers entering houseboats. The Heritage Act 2018 which amended the Canals Act 1986 allows Authorised Officers to board and inspect a boat but clearly excludes access to such parts of the boat that constitute a dwelling.
- Concerns were raised regarding the definition of immediate family in respect of who can live on a houseboat. Waterways Ireland has removed all reference to immediate family.
- Waterways Ireland acknowledges multiple responses requesting services to be provided before fees are raised. Going forward, all income derived from houseboat permits will be ringfenced and used to improve services for houseboat dwellers. Waterways Ireland have plans to improve services at houseboat location and to increase the number of moorings available for houseboats. It is likely that these plans will be subject to planning permission being received and as such cannot be published at this time.

6. Key issues raised in responses -Shannon Navigation

A. Views on the proposed changes in the Draft Shannon Navigation Bye-laws, 2023 regarding the 3-day mooring limit in key harbours.

The main proposed changes relating to mooring periods and mooring provisions are listed below:

Bye-law removed.

- A vessel or boat shall not berth at the same harbour, lay-by, wharf, quay, pier or other landing-place or other property of the Commissioners for more than 5 consecutive days or more than a total of 7 days in any one month without the permission of the Commissioners.

Bye-law added.

- A boat or vessel shall not berth at any harbour, lay-by, wharf, quay, pier or other landing-place or other property of Waterways Ireland at the following locations for more than 3 consecutive days or more than a total of 5 days in any one calendar month without the permission of the Waterways Ireland:
 - Belturbet,
 - Leitrim village,
 - Lough Key (Rockingham),
 - Carrick-on-Shannon,
 - Hodson Bay,
 - Castle Harbour Portumna,
 - Terryglass,
 - Killaloe.
- A boat or vessel shall not berth at any other harbour, lay-by, wharf, quay, pier or other landing-place or other property of Waterways Ireland for more than 5 consecutive days or more than a total of 7 days in any one calendar month without the permission of the Waterways Ireland.
- The mooring periods stated above shall apply to all months of the year.

Table 8 Synopsis of responses received regarding mooring periods-Shannon

Response	No. Responses
Agree with proposals	37
Disagree with proposals	75
Only implement in busy periods	8
Increase mooring period to 6/7 days	8
Rules must be enforced	7
Mechanism needed to request longer mooring period due to extenuating circumstances	7
Agree but 5 days in one month not sufficient	4

On foot of the public consultation, the following changes are proposed:

Waterways Ireland has reverted to the original Bye-law permitting registered boats to berth at the same harbour, lay-by, wharf, quay, pier or other landing-place or other property of Waterways Ireland for not more than 5 consecutive days or not more than a total of 7 days in any one month. **Waterways Ireland had considered the option of reducing certain harbours to a three-day mooring rule with a view to keeping boats moving on the navigation and allowing more boats the opportunity of mooring at the busiest harbours. Having consulted widely with boat owners, business groups and relevant organisations it was felt that the proposal would have a negative impact on boaters wishing to travel the system at weekends and on businesses located near the designated harbours.** Waterways Ireland recognises concerns raised requesting a mechanism to request longer mooring periods in extenuating circumstances. This will not form part of the Bye-laws but instead a process for requesting an extension will be published on Waterways Ireland website and communicated via Marine Notice once the Bye-laws have been enacted.

B. Views on proposed Annual Registration charge for vessels in the draft Shannon Navigation Bye-laws, 2023.

The draft Bye-laws include a new Bye-Law provision requiring the following:

A Shannon Navigation “annual registration” shall be required by all vessels to cruise and navigate the Shannon Navigation. Vessels with an in-date Shannon Navigation annual registration may navigate the Royal canal, Grand Canal, Barrow Line and Navigation without any additional fee or charge. A vessel in possession of an annual Canals permit or Houseboat permit (Royal Canal, Grand Canal, Barrow Line and Navigation) may navigate on the Shannon Navigation without requirement for a Shannon Navigation annual registration.

The “annual registration fee” as set below shall be paid.

<u>Amount of charge</u>	<u>Subject matter of charge</u>
€200	Shannon Navigation “annual registration” fee

Table 9 Synopsis of responses received regarding proposed permit costs- Shannon.

Response	No. Responses
Agree with proposals	41
Disagree with proposals	44
Fee should be less for 2 nd /tender boats	22
Less expensive visitor pass should be introduced	20
Search and rescue boats should be excluded	13
Users should only pay for services they use	12
Angling and fishing boats should also be charged	12
All users should be charged e.g. motor homes	11
Proposed fee too high	11
Fees should be scaled on boat size/type	10
No further increases for set period of time	4
Sailing boats should pay less	4
Fee should be one off not annual	2
Better facilities needed if fees raised	2
Heritage boats should pay reduced fee for dry dock	2
Dry dock fee should be the same as for canals	1

Waterways Ireland have removed reference to the term “vessel” from the proposed Shannon Navigation Bye-laws 2023. The Shannon Navigation Act 1990 provides the definition of a “boat” includes any barge, vessel or other watercraft. This definition provides consistency with the Canals Bye-laws.

On foot of this change, it is proposed to exempt the following types of boat from the requirement to register annually and pay the associated registration fee.

- an open or undecked punt, canoe, skiff, scull, rowing boat or other such fully open boat designed to be propelled primarily by oars or sail and not propelled by an engine of more than 30 horse-power (22.37KW).
- (ii) angling boats exclusively engaged in angling on the Shannon Navigation. The Shannon Navigation Act 1990 states that associated Bye-laws will not relate to angling on the Shannon Navigation.

Further to this, it is also stated that the Bye-laws do not apply to boats operated in the course of duty by the following:

- Waterways Ireland
- An Garda Síochána
- The Defence Forces and Civil Defence
- The Revenue Commissioners
- Inland Fisheries Ireland
- The Irish Coastguard
- The Commissioners of Irish Lights
- The Royal National Lifeboat Institution
- The Electricity Supply Board

Or any boat involved in law enforcement, emergency, rescue, recovery and safety mission.

In addition, on foot of responses received during the public consultation process, Waterways Ireland proposes the following amendments:

- Introduction of a 60-day visitor's pass.
- Permission for one powered open boat to be registered at no additional fee as a tender to a boat that holds a Shannon Navigation annual registration, both boats must be registered to the same owner.

C. Views on the provisions in the draft Shannon Navigation Bye-laws, 2023 to control and regulate the use of the Shannon Navigation by the public for recreation and navigation purposes.

A summary of the proposed changes relating to control and regulation of the Shannon Navigation for recreational purposes are listed below:

- Prohibition of underwater activities and diving without permission from Waterways Ireland
- Specific Bye-law provisions added in relation to the control of dogs and dog fouling
- Addition of Bye-law provisions relating to use of bicycle, tricycles or powered personal transporter in an unsafe manner or at a speed in excess of 15 kilometres per hour.
- Prohibition of riding or walking horses, ponies or equine animals on greenways without the permission of Waterways Ireland.

Table 10 Synopsis of responses received regarding the regulations for recreation and navigation purposes-Shannon

Response	No. Responses
Agree with proposals	37
Disagree with proposals	15
Disagree with cycling speed limit	37
How will swimming be regulated	14
Permission should not be required to dive	13
Mechanically powered vehicles should be prohibited or regularised	4
Designated swimming areas should be provided	3
Existing Bye-laws should be enforced	3
Seaplanes should be permitted but regulated	2
Camping should be permitted	2
Definition of Powered Personal Transporter needed	2
Introduce no wake zones rather than speed limits	2

The following changes are proposed:

- Removal of prohibition of diving without the permission of Waterways Ireland. This has been replaced with a provision stating that diving operations will not impede the safe passage of boats in the Navigation. **This change has been made to acknowledge that the Bye-law may at times be onerous particularly in cases of emergency whereby the requirement to seek permission may not be feasible.**
- Removal of Bye-law provision limiting speed of bicycles, tricycles and powered personal transporters to 15 kilometres per hour. **This Bye-law provision has been removed following significant responses both at public meetings and via submissions to the consultation process around the feasibility of the proposal. The provision requiring users of bicycles, tricycles and powered personal transporters not to behave in a manner that endangers or causes a nuisance to themselves, and other users has been extended to also cover blueways, towpaths and cycle paths. This provision is deemed sufficient to ensure that users behave in a safe manner.**
- Seaplanes will no longer require permission from Waterways Ireland to land on the Shannon Navigation. They must however comply with the Bye-laws while landed.

D. Views on the introduction of a Fixed Payment Notice for breaches of the Bye-laws.

The Draft Bye-laws have the addition of a schedule illustrating a Fixed Payment Notice.

Table 11 Synopsis of responses received regarding the introduction of Fixed Penalty Notices-Shannon

Response	No. Responses
Agree with proposals	51
Disagree with proposals	27
Appeals process needed	32
Enforcement is necessary	10
Warnings should be issued before fines	6
Legislation allows fees to be less than €150	4
Enforce existing Bye-laws	4
Fees should be scaled	3
Should only be used for serious offences	3

In response to the comments raised, Waterways Ireland states that:

- The Maritime Safety Act 2005 amended the Shannon Navigation Act 1990 by introducing a Fixed Payment Notice for breaches of the Shannon Navigation Bye-laws. The publishing of the form of the Fixed Payment Notice and associated amount is required by Section 57 of the Maritime Safety Act 2005 to enable Waterways Ireland to commence issuing Fixed Payment Notices.
- Waterways Ireland are unable to make changes to the maximum penalty or appeals process without a change to the Primary legislation i.e. The Shannon Navigation Act 1990.

- Fixed Payment Notices will be administered by Waterways Ireland's Inspectorate who are authorised officers. They will have clear means of identification when on duty. We hope that the need to issue Fixed Payment Notices will be rare and the focus on the Bye-laws will be on encouraging compliance so that all users can enjoy the Waterways.

E. Views on the increased safety and environmental requirements in relation to boats on the Shannon Navigation.

Waterways Ireland proposed significant changes in relation to safety and environmental requirements under the following areas:

- Protection of biodiversity, water quality, heritage, environment
- Operation of personal watercraft and high-powered boats
- Holding Tanks
- Carbon monoxide and smoke alarms
- Fire extinguishers
- New boats with propulsion engines
- Personal Flotation Devices
- Age restrictions on handling boats
- Discharge into navigation
- Burning of fuels in stoves

Table 12 Synopsis of responses received related to changes to safety and environmental requirements-Shannon

Response	No. Responses
Agree with proposals	57
Disagree with proposals	11
More pump outs/ services needed to comply	23
Disagree with annual servicing of fire extinguishers	14
Lead in time for compliance needed	6
Need for pyrotechnics not necessary	6
Existing boats should not have to retrospectively fit holding tanks	6
Woodburning stoves should be permitted	3
Rules should be enforced	3
Waste collection facilities should be provided by Waterways Ireland	3
Rowers in races should not have to wear personal flotation devices	2
International regulations regarding collisions at sea should apply	2

The following changes are proposed:

- A person who has not attained the age of 12 years shall not operate or control a boat powered by an engine with a rating of more than 5 horsepower or 3.7 kilowatts. **This Bye-law provision is intended to ensure consistency with canal Bye-laws and with existing maritime legislation.**
- The owner of a boat powered by an engine with a rating of more than 5 horsepower or 3.7 kilowatts shall not allow a person who has not attained the age of 12 years to operate or control the craft. **This Bye-law provision is intended to ensure consistency with canal Bye-laws and with existing maritime legislation.**

- A boat shall not be navigated at a speed in excess of 5 kilometres per hour, and shall generate no wake and no wash, when within 200 metres of a bridge, quay, jetty or wharf, when in a harbour or canal or when passing within 100 metres of a moored boat except as necessary for safe navigation in conditions of fast flow. **This change is in acknowledgement of the potential difficulty of steering larger boats at low speeds in a fast flow.**
- On passing through locks and bridges, the master of a boat shall ensure that all persons on board wear a suitable Personal Flotation Device when approaching and transiting through any movable bridge or lock and
- ensure that no person remains onboard a kayak, canoe, paddle board or other such craft while it is passing through a lock. **These two Bye-law provisions are in the interest of water safety.**
- Bye-law provision restricted burning fuels in vessels stoves has been amended to now ensure compliance with the Air pollution Act 1987 as amended. **This Bye-law provision is to ensure consistency with existing legislation.**
- The requirement to have pyrotechnics on board has been removed. **This requirement is deemed no longer necessary.**
- The master of any boat will ensure that a suitable Personal Flotation Device is readily available for each person aboard while under way. **This Bye-law provision is in the interest of water safety.**
- The requirement to wear a suitable personal flotation device does not now apply to rowers in boats which are:
 - designed and specifically used for rowing in boat races and which are capable of being entered into regattas or other events recognised by the Irish Amateur Rowing Union, and
 - (b) of a design and type in respect of which events are held in the Olympic Games or other international rowing regattas. **These Bye-law provisions acknowledge the unique safety standards for rowing boats.**
- The requirement to have a fire extinguisher serviced every year has been changed to be in good working order. **This change is in response to multiple comments received.**

- Bye-law 41 relating to CE standards, Watercraft Identification Plate, Importer's Plate, capacity has been replaced by the following European Union Recreational Craft Regulations:
- Every boat on the Shannon Navigation shall comply with the requirements of Statutory Instrument No 65 of 2017 - European Union (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. **All provisions relating to boat construction standards now fall under the EU Recreational Craft Regulations. These were transposed into Irish law in 2017. During a Bye-law consultation meeting with the Department of Transport and Marine Survey Office, Waterways Ireland was advised that a more effective method of ensuring safe boating standards was to require compliance with the EU Recreational Craft Directive.**
- All open boats fitted with an engine and Personal Watercraft must have an emergency stopping device (kill cord) fitted and attached to the operator while underway. **This Bye-law provision is intended to improve water safety.**

F. Opinion on the removal of the Winter Mooring provision from the Shannon Navigation Bye-laws.

Waterways Ireland proposed removing the provision of winter moorings which permitted boats to moor a vessel or boat in a harbour, or at a quay, wharf or other property of the commissioners in the Shannon Navigation at any time between the 1st day of November in any year and the 1st day of April in the following year.

Table 13 Synopsis of responses received in relation to the removal of the Winter Mooring provision-Shannon.

Response	No. Responses
Agree with proposals	17
Disagree with proposals	83
Services should be kept on during winter	12
Retain winter moorings with appropriate fee	10

Proposed Change

Waterways Ireland propose to retain winter moorings at a designated harbour, or at designated quays, designated wharfs or other designated property of Waterways Ireland, in excess of the mooring limits stated in Bye-law 17(3)(a) between the 1st day of November in any year and the 1st day of April in the following year. The fee for winter moorings has been set at €300.

Waterways Ireland has taken on board the views of stakeholders and acknowledge that there remains a demand for winter moorings. Permitting winter moorings in designated harbours will meet that demand. The fee has been set at €300 which is an increase on the existing fee of €63.50 which has been in place for over 30 years.

7. Next Steps

Having listened to the views of stakeholders in the public consultation process, substantive changes have been made to the Shannon Navigation and Canals draft Bye-laws. It is important that all stakeholders are given an opportunity to give their view on what is now proposed. Phase 2 of the Public Consultation will take place from 15th January 2024 to 26th February 2024.

The format of the process is outlined below:

The consultation covers the Shannon Navigation (including the Shannon-Erne Waterway) and the Royal and Grand canals and the Barrow Line & Navigation.

Information on proposed Bye-laws:

There are two ways in which you can learn about the proposed changes and participate in the public consultation:

- 1) Visit our Website at www.waterwaysireland.org and download the draft Bye-laws and the explanatory notes.
- 2) Visit a public library on the list on our website www.waterwaysireland.org and review the documents in person.

Public information evenings will take place as follows:

- 1) Tuesday 6th February 2024 – 6pm to 9pm – Hodson Bay Hotel
- 2) Wednesday 7th February 2024 – 6pm to 9pm – Mullingar Park Hotel

Feedback can be submitted as follows:

- 1) Through the online portal on our Website at www.waterwaysireland.org
- 2) Email your submission to corporate@waterwaysireland.org
- 3) Post submission to; Waterways Ireland Inspectorate, Dock Rd, Athlone, Co Westmeath N37 RW26.

Following the public consultation, Waterways Ireland will review the submissions, make any necessary changes to the Bye-laws and submit the revised Bye-laws to the Department of Housing, Local Government and Heritage for approval by the Minister.

The closing date for submissions to the public consultation is Friday 26th February 2024.

ANNEX A – List of Stakeholders meetings

List of meetings / briefings that took place prior to Phase 1 of the Public Consultation process.

Heritage Boat Association (HBA) Executive
Inland Waterways Association of Ireland (IWAI)
Department of Housing
IWAI Shannon Branches
Heritage Boat Association
Royal Canal Amenity Group
Irish Boat Rental Association
Shannon Historical Association
IWAI Belturbet Branch
IWAI Canals Branches
Department of Housing, Local Government and Heritage

List of meetings that took place during the Consultation process.

Marine Survey Office
Comhairle na Tuaithe
IWAI Erne Branch
Inland Waterways Association of Ireland
Royal Canal Amenity Group
Heritage Boat Association
Dublin City Councillors
Irish Boat Rental Association
Shannon Lakes and Rivers Group
Irish Residential Boat Owners Association
Grand Canal Dock Residents Committee
Longford County Council

List of public information events that took place during Phase 1:

Location	Address	Date	Time
North Shannon	The Bush Hotel, Main Street, Carrick on Shannon, Co Leitrim	26 June	6-9pm
South Shannon	Killaloe Spa Hotel, Kincora Harbour, Killaloe, Co Clare	27 June	6-9pm
Dublin	Maldron Hotel, 98-107 Pearse Street, Grand Canal Dock, Dublin 2	28 June	6-9pm
Barrow	Seven Oaks Hotel, Athy Road, Carlow, Co Carlow	3 July	6-9pm
Royal Canal	Mullingar Park Hotel, Dublin Road, Mullingar, Co Westmeath.	4 July	6-9pm
Grand Canal	Tullamore Court Hotel, O'Moore Street, Tullamore, Co Offaly	5 July	6-9pm
Mid Shannon	IWAI HQ, Dunrovin, Coosan, Athlone, Co Westmeath N37 Y6E5	10 Jul	6-9pm
Eastern Region	Mullingar Park Hotel, Dublin Road, Mullingar, Co Westmeath.	21 Sept	6-9pm

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