

Changes to Legislation: as of 14 June 2024, there are changes to this Act which have not been implemented by the Revised Acts editorial team, see highlighted entries [here](#). Note that some amendments may not be in force until commenced by a commencement order or other provision.



Number 29 of 1952

MERCHANT SHIPPING (SAFETY CONVENTION) ACT 1952

REVISED

Updated to 9 October 2023

This Revised Act is an administrative consolidation of the *Merchant Shipping (Safety Convention) Act 1952*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975 (3/1975)* to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including the *Historic and Archaeological Heritage and Miscellaneous Provisions Act 2023 (26/2023)*, enacted 20 July 2023, and all statutory instruments up to and including the *Merchant Shipping (Dangerous Goods) Rules 2023 (S.I. No. 488 of 2023)*, made 9 October 2023, were considered in the preparation of this Revised Act.

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Number 29 of 1952.

MERCHANT SHIPPING (SAFETY CONVENTION) ACT 1952

REVISED

Updated to 9 October 2023

ARRANGEMENT OF SECTIONS

PART I.

PRELIMINARY AND GENERAL.

Section

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2. Commencement.
3. Interpretation and construction.
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5. Power of the Minister to prescribe fees.
6. Collection and disposal of fees.
7. Laying of orders, rules and regulations before Oireachtas.
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9. Transitional provisions.

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- 28. Certificates of Convention ships not registered in the State.
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- 43. Definition of "passenger " and "passenger steamer ".
- 44. Removing persons in case of danger.
- 45. Power of Minister to exempt from safety requirements.
- 46. Exemption of certain ships from certain provisions of this Act.
- 47. Consequential amendments of Merchant Shipping Acts.

[No. 29.]

*Merchant Shipping (Safety
Convention) Act 1952*

[1952.]

FIRST SCHEDULE.

ENACTMENTS REPEALED.

SECOND SCHEDULE.

TRANSITIONAL PROVISIONS.

ACTS REFERRED TO

Merchant Shipping (Safety and Load Line Conventions)
Act, 1933

No. 42 of 1933

Wireless Telegraphy Act, 1926

No. 45 of 1926



Number 29 of 1952.

MERCHANT SHIPPING (SAFETY CONVENTION) ACT 1952

REVISED

Updated to 9 October 2023

AN ACT TO ENABLE EFFECT TO BE GIVEN TO AN INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, SIGNED IN LONDON ON THE 10TH DAY OF JUNE, 1948; TO AMEND THE PROVISIONS OF THE MERCHANT SHIPPING ACTS, 1894 TO 1947, RELATING TO THE CONSTRUCTION OF PASSENGER STEAMERS, TO LIFE-SAVING APPLIANCES, WIRELESS AND RADIO NAVIGATIONAL AIDS AND TO OTHER MATTERS AFFECTED BY THE SAID CONVENTION; AND TO MAKE PROVISION FOR THE CHARGING OF FEES. [17th December, 1952.]

BE IT ENACTED BY THE OIREACTHAS AS FOLLOWS:—

Annotations

Modifications (not altering text)

- C1** References construed and application of Act extended (25.01.1983) by *Merchant Shipping Act 1981* (33/1981), s. 2(2)(a), (b), S.I. No. 15 of 1983.

Modifications of Act of 1952 and Act of 1966 for purposes of Convention of 1974.

2.—(1) The provisions of this section shall have effect for the purposes of enabling effect to be given to the Convention of 1974 (which replaces the International Convention for the Safety of Life at Sea signed in London on behalf of the Government on the 17th day of June, 1960).

(2) The Act of 1952 shall have effect as if—

(a) for the references therein to the Safety Convention there were substituted references to the Convention of 1974; and

(b) references therein to that Act, except in sections 1 and 2, included references to this Act.

- C2** Application of Act extended (14.05.1967) by *Merchant Shipping Act 1966* (20/1966), s. 2(2), S.I. No. 54 of 1967.

Application of Act of 1952 to the Convention.

2.—For the purpose of enabling effect to be given to the Convention (which replaces the Safety Convention), the Act of 1952 shall have effect as if—

(a) for references therein to the Safety Convention there were substituted references to the Convention; and

(b) references therein to that Act, except in sections 1 and 2, included references to this Act.

PART I.

PRELIMINARY AND GENERAL.

Short title and
collective
citation.

1. — (1) This Act may be cited as the Merchant Shipping (Safety Convention) Act, 1952.

(2) The Merchant Shipping Acts, 1894 to 1947, and this Act may be cited together as the Merchant Shipping Acts, 1894 to 1952.

Commencement.

2. — This Act shall come into operation on such day as the Government shall by order appoint.

Interpretation
and construction
accepted Safety
Convention
certificate.

3. — (1) In this Act—

“ accepted Safety Convention certificate ” has the meaning assigned to it by [section 28](#) of this Act;

“ the Act of 1933 ” means the [Merchant Shipping \(Safety and Load Line Conventions\) Act, 1933](#) (No. 42 of 1933);

“ collision regulations ” means regulations made under Section 418 of the Principal Act;

“ construction rules ” means rules made under [section 10](#) of this Act;

“ country to which the Safety Convention applies ” means—

(a) a country the government of which has been declared under [section 4](#) of this Act to have accepted the Safety Convention, and has not been so declared to have denounced that Convention;

(b) a territory to which it has been so declared that the Safety Convention extends, not being a territory to which it has been so declared that that Convention has ceased to extend;

“ declaration of survey ” means a declaration made under section 272 of the Principal Act;

“ international voyage ” means a voyage from a port in one country to a port in another country, either of those countries being a country to which the Safety Convention applies, and “ short international voyage ” means an international voyage—

(a) in the course of which a ship is not more than two hundred nautical miles from a port or place in which the passengers and crew could be placed in safety and

(b) which does not exceed six hundred nautical miles in length between the last port of call in the country in which the voyage begins and the final port of destination, but, for the purpose of the definitions contained in this paragraph—

(i) no account shall be taken of any deviation by a ship from her intended voyage due solely to stress of weather or any other circumstance that neither the master nor the owner nor the charterer (if any) of the ship could have prevented or forestalled; and

(ii) every colony, overseas territory, protectorate or other territory for whose international relations a government that has accepted the Safety Convention is responsible, or for which the United Nations are the administering authority, shall be deemed to be a separate country;

F1[...]

F2[" Irish ship " means a ship, other than a ship of war, known as such under section 9 of the Mercantile Marine Act 1955;

" master ", in relation to a ship, means the person having, for the time being, the command or charge of the ship;

" Merchant Shipping Acts " means Merchant Shipping Acts 1894 to 2010;

" Minister " means Minister for Transport;

" navigation and tracking rules " means rules made under section 18

" owner ", in relation to a ship, means the person registered in the State, as its owner or, if no person is so registered, the person who owns the ship, and includes any part owner, charterer, manager or operator of the ship]

" the Principal Act " means the Merchant Shipping Act, 1894;

" radio navigational aid " means radio apparatus on board a ship being apparatus designed for the purpose of determining the position or direction of ships or other objects;

" radio rules " means rules made under [section 15](#) of this Act;

F3[...]

" rules for life-saving appliances " means rules made under section 427 of the Principal Act as amended by [section 11](#) of this Act;

F4[" Safety Convention " means the International Convention for the Safety of Life at Sea signed in London on behalf of the Government on 1 November 1974 together with the Protocol to the International Convention for the Safety of Life at Sea signed in London on behalf of the Government on 17 February 1978 and the Protocol to the International Convention for the Safety of Life at Sea signed in London on behalf of the Government on 11 November 1988 and any amendments made to it up to and including those adopted by the 99th session of the Maritime Safety Committee of the International Maritime Organisation held between 16 and 25 May 2018 and which have entered into force in respect of the State pursuant to Article VIII prior to the passing of the Merchant Shipping (Investigation of Marine Casualties) (Amendment) Act 2022;]

" Safety Convention ship " means a ship registered in a country to which the Safety Convention applies and the expression " Safety Convention passenger steamer " shall be construed accordingly.

(2) Except so far as the context otherwise requires, any reference in this Act to any other enactment shall be construed as a reference to that enactment as amended, extended or applied by or under any other enactment including this Act.

(3) Except so far as the context otherwise requires, this Act shall be construed as one with the Merchant Shipping Acts, 1894 to 1947, and, without prejudice to the generality of this provision, references in those Acts to the Merchant Shipping Acts shall be construed as including references to this Act.

(4) If any amendment of the Safety Convention comes into force, references in this Act to the Safety Convention shall, unless the context otherwise requires, be construed as references to the Safety Convention as amended.

Annotations

Amendments:

F1 Repealed (14.05.1967) by *Merchant Shipping Act 1966* (20/1966), s. 20(4)(c), S.I. No. 54 of 1967.

- F2** Inserted (03.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 6(1)(a), commenced on enactment.
- F3** Deleted (03.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 6(1)(b), commenced on enactment.
- F4** Substituted (16.05.2022) by *Merchant Shipping (Investigation of Marine Casualties) (Amendment) Act 2022* (8/2022), s. 15, commenced on enactment.
- F5** Substituted by *Merchant Shipping (Registration of Ships) Act 2014* (43/2014), s. 68 and sch. 4, not commenced as of date of revision

Modifications (not altering text)

- C3** Prospective affecting provision: definition of "Irish Ship" substituted by *Merchant Shipping (Registration of Ships) Act 2014* (43/2014), s. 68 and sch. 4, not commenced as of date of revision.
- F5**["Irish ship" means a ship, other than a ship of war, known as such under section 33 of the Merchant Shipping (Registration of Ships) Act 2014;]
- C4** Application of definition restricted (14.05.1967) by *Merchant Shipping Act 1966* (20/1966), s. 3(5)(c), S.I. No. 54 of 1967.

Cargo ship construction and survey rules.

3.— ...

(5) In relation to surveys required by the cargo ship construction and survey rules which are carried out otherwise than by a surveyor of ships appointed under the Merchant Shipping Acts—
...

(c) the definition of "declaration of survey" in section 3 of the Act of 1952 shall not apply.

...

Editorial Notes

- E1** Previous affecting provision: definition of Safety Convention substituted (25.12.2014) by *Merchant Shipping (Registration of Ships) Act 2014* (43/2014), s. 69, commenced on enactment; substituted as per F-note above.
- E2** Previous affecting provision: definition of Safety Convention substituted (03.07.2010) by *Merchant Shipping Act 2010* (14/2010) s. 6(1)(c), commenced on enactment; substituted as per E-note above.
- E3** Previous affecting provision: references to Safety Convention construed (25.01.1983) by *Merchant Shipping Act 1981* (33/1981), s. 2(2)(a), S.I. No. 15 of 1983; definition substituted as per E-note above.

Countries to which Safety Convention applies.

4. — The Minister, if satisfied—

(a) that the government of any country has accepted, or denounced, the Safety Convention; or

(b) that the Safety Convention extends, or has ceased to extend, to any territory, may by order make a declaration to that effect.

Annotations

Editorial Notes

- E4** Power pursuant to section exercised (16.07.2013) by *Merchant Shipping (Safety Convention) (Countries of Application) Order 2013* (S.I. No. 270 of 1913).

- E5** Power pursuant to section exercised (25.07.1972) by *Merchant Shipping (Safety Convention) (Countries of Application) Order 1972* (S.I. No. 179 of 1972).
- E6** Power pursuant to section exercised (4.11.1969) by *Merchant Shipping (Safety Convention) (Countries of Acceptance) (No. 2) Order 1969* (S.I. No. 211 of 1969).
- E7** Power pursuant to section exercised (29.01.1969) by *Merchant Shipping (Safety Convention) (Countries of Application) Order 1969* (S.I. No. 13 of 1969).
- E8** Power pursuant to section exercised (20.08.1968) by *Merchant Shipping (Safety Convention) (Countries of Acceptance) (No. 3) Order 1968* (S.I. No. 178 of 1968).
- E9** Power pursuant to section exercised (24.04.1968) by *Merchant Shipping (Safety Convention) (Countries of Acceptance) (No. 2) Order 1968* (S.I. No. 94 of 1968).
- E10** Power pursuant to section exercised (19.02.1968) by *Merchant Shipping (Safety Convention) (Countries of Application) Order 1968* (S.I. No. 34 of 1968).
- E11** Power pursuant to section exercised (3.05.1967) by *Merchant Shipping (Safety Convention) (Countries of Application) Order 1967* (S.I. No. 112 of 1967).
- E12** Power pursuant to section exercised (1.07.1964) by *Merchant Shipping (Safety Convention) (Countries of Application) Order 1964* (S.I. No. 161 of 1964).
- E13** Power pursuant to section exercised (2.12.1963) by *Merchant Shipping (Safety Convention) (Countries of Application) Order 1963* (S.I. No. 239 of 1963).
- E14** Power pursuant to section exercised (9.08.1961) by *Merchant Shipping (Safety Convention) (Countries of Application) Order 1961* (S.I. No. 167 of 1961).
- E15** Power pursuant to section exercised (1.01.1960) by *Merchant Shipping (Safety Convention) (Countries of Application) Order 1960* (S.I. No. 10 of 1960).
- E16** Power pursuant to section exercised (17.11.1958) by *Merchant Shipping (Safety Convention) (Countries of Application) Order 1955* (S.I. No. 224 of 1958).
- E17** Power pursuant to section exercised (15.10.1955) by *Merchant Shipping (Safety Convention) (Countries of Application) Order 1955* (S.I. No. 197 of 1955).
- E18** Power pursuant to section exercised (17.06.1954) by *Merchant Shipping (Safety Convention) (Countries of Application) Order 1954* (S.I. No. 130 of 1954).
- E19** Power pursuant to section exercised (12.11.1953) by *Merchant Shipping (Safety Convention) (Countries of Application) Order 1953* (S.I. No. 343 of 1953).
- E20** Previous affecting provision: power pursuant to section exercised (16.07.2013) by *Merchant Shipping (Safety Convention) (Countries of Acceptance) Order 1992* (S.I. No. 553 of 2008); revoked (22.10.1992) by *Merchant Shipping (Safety Convention) (Countries of Acceptance) Order 2013* (S.I. No. 270 of 2013), art. 3.
- E21** Previous affecting provision: power pursuant to section exercised (22.10.1992) by *Merchant Shipping (Safety Convention) (Countries of Acceptance) Order 1992* (S.I. No. 307 of 1992); revoked (16.12.2008) by *Merchant Shipping (Safety Convention) (Countries of Acceptance) Order 2008* (S.I. No. 553 of 2008), art. 2.
- E22** Previous affecting provision: power pursuant to section exercised (2.09.1985) by *Merchant Shipping (Safety Convention) (Countries of Acceptance) Order 1985* (S.I. No. 272 of 1985); revoked (22.10.1992) by *Merchant Shipping (Safety Convention) (Countries of Acceptance) Order 1992* (S.I. No. 307 of 1992), art. 2.
- E23** Previous affecting provision: power pursuant to section exercised (18.10.1983) by *Merchant Shipping (Safety Convention) (Countries of Acceptance) Order 1983* (S.I. No. 320 of 1983); revoked (2.09.1985) by *Merchant Shipping (Safety Convention) (Countries of Acceptance) Order 1985* (S.I. No. 272 of 1985), art. 2.

Power of the Minister to prescribe fees.

5. — (1) The Minister may, with the consent of the Minister for Finance, prescribe by order (in this Act referred to as a fees order) the fees to be charged for inspections made and certificates issued under this Act.

(2) The Minister may, with the consent of the Minister for Finance, at any time by order revoke or amend a fees order or an order made under this subsection.

Annotations

Modifications (not altering text)

C5 Functions transferred and references to “Department of Finance” and “Minister for Finance” construed (29.07.2011) by *Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2011* (S.I. No. 418 of 2011), arts. 2, 3, 5 and sch. 1 part 2, in effect as per art. 1(2), subject to transitional provisions in arts. 6-9.

2. (1) The administration and business in connection with the performance of any functions transferred by this Order are transferred to the Department of Public Expenditure and Reform.

(2) References to the Department of Finance contained in any Act or instrument made thereunder and relating to the administration and business transferred by paragraph (1) shall, on and after the commencement of this Order, be construed as references to the Department of Public Expenditure and Reform.

3. The functions conferred on the Minister for Finance by or under the provisions of —

- (a) the enactments specified in Schedule 1, and
- (b) the statutory instruments specified in Schedule 2,

are transferred to the Minister for Public Expenditure and Reform.

...

5. References to the Minister for Finance contained in any Act or instrument under an Act and relating to any functions transferred by this Order shall, from the commencement of this Order, be construed as references to the Minister for Public Expenditure and Reform.

...

Schedule 1

Enactments

...

Part 2

1922 to 2011 Enactments

Number and Year (1)	Short Title (2)	Provision (3)
...
No. 29 of 1952	Merchant Shipping (Safety Convention) Act 1952	Sections 5 and 6
...

C6 Application of section extended, restricted (14.05.1967) by *Merchant Shipping Act 1966* (20/1966), ss. 3(4), 4(6)(b), S.I. No. 54 of 1967.

Cargo ship construction and survey rules.

3.— ...

(4) The matters with regard to which fees may be prescribed by order under section 5 of the Act of 1952 shall include surveys required by the cargo ship construction and survey rules, and the provisions applied by section 27 (2) of that Act (which relate to the delivery of declarations of

survey and appeals to the court of survey) shall apply to such surveys whether or not they are made for the purpose of the issue of any certificate.

...

Cargo ship safety construction certificates and exemption certificates.

4.— ...

(6) In relation to a certificate issued or extended under this section by a person authorised by the Minister—

(a) the provisions applied by section 27 (8) of the Act of 1952 (which relate to the transmission, cancellation, surrender, posting-up and falsification of certificates issued by the Minister), except section 276 of the Principal Act (transmission of certificates), and

(b) section 5 of the Act of 1952 (fees);

shall apply as they apply in relation to certificates issued by the Minister, but so much of section 6 of the Act of 1952 as requires fees to be paid into or disposed of for the benefit of the Exchequer shall not apply.

...

Editorial Notes

- E24** Power pursuant to section exercised (6.09.2012) by *Merchant Shipping (Fees) (Amendment) Order 2012* (S.I. No. 336 of 2012).
- E25** Power pursuant to section exercised (15.12.2010) by *Merchant Shipping (Fees) Order 1998* (S.I. No. 594 of 2010), in effect as per art. 1(2).
- E26** Previous affecting provision: power pursuant to section exercised (14.12.1998) by *Merchant Shipping (Fees) Order 1998* (S.I. No. 475 of 1998), in effect as per art. 1(1); revoked (15.12.2010) by *Merchant Shipping (Fees) Order 2010* (S.I. No. 594 of 2010), art. 12, in effect as per art. 1(2).
- E27** Previous affecting provision: power pursuant to section exercised (1.07.1992) by *Merchant Shipping (Fees) Order 1992* (S.I. No. 156 of 1992), in effect as per art. 1(1); revoked (14.12.1998) by *Merchant Shipping (Fees) Order 1998* (S.I. No. 475 of 1998), art. 4, in effect as per art. 1(1).
- E28** Previous affecting provision: power pursuant to section exercised (1.01.1988) by *Merchant Shipping (Fees) Order 1987* (S.I. No. 347 of 1987), in effect as per art. 1(1); revoked (1.07.1992) by *Merchant Shipping (Fees) Order 1992* (S.I. No. 156 of 1992), art. 4, in effect as per art. 1(1).
- E29** Previous affecting provision: power pursuant to section exercised (31.12.1983) by *Merchant Shipping (Fees) Order 1983* (S.I. No. 402 of 1983); revoked (1.01.1988) by *Merchant Shipping (Fees) Order 1987* (S.I. No. 347 of 1989), art. 4, in effect as per art. 1(1).
- E30** Previous affecting provision: power pursuant to section exercised (9.09.1968) by *Merchant Shipping (Fees) Order 1968* (S.I. No. 185 of 1968); revoked (2.02.1981) by *Merchant Shipping (Fees) Order 1981* (S.I. No. 42 of 1981), art. 4, in effect as per art. 1(2).
- E31** Previous affecting provision: power pursuant to section exercised (1.06.1967) by *Merchant Shipping (Cargo Ship Survey Fees) Order 1967* (S.I. No. 150 of 1967); revoked (9.09.1968) by *Merchant Shipping (Fees) Order 1968* (S.I. No. 185 of 1968), art. 4, in effect as per art. 1(2).
- E32** Previous affecting provision: power pursuant to section exercised (29.12.1966) by *Merchant Shipping (Fees) (Amendment) Order 1966* (S.I. No. 265 of 1966), in effect as per art. 1(2); rendered obsolete by revocation of *Merchant Shipping (Fees) Order 1963* (S.I. No. 266 of 1963) (9.09.1968) by *Merchant Shipping (Fees) Order 1968* (S.I. No. 185 of 1968), art. 4, in effect as per art. 1(2).
- E33** Previous affecting provision: power pursuant to section exercised (1.01.1964) by *Merchant Shipping (Fees) Order 1963* (S.I. No. 266 of 1963), in effect as per art. 1(2); revoked (9.09.1968) by *Merchant Shipping (Fees) Order 1968* (S.I. No. 185 of 1968), art. 4, in effect as per art. 1(2).

Collection and disposal of fees.

6. — (1) All fees payable under a fees order shall be collected and taken in such manner as the Minister for Finance shall from time to time direct and shall be paid into or disposed of for the benefit of the Exchequer in accordance with the directions of the said Minister.

(2) The Public Offices Fees Act, 1879, shall not apply in respect of any fees payable under a fees order.

Annotations

Modifications (not altering text)

C7 Functions transferred and references to “Department of Finance” and “Minister for Finance” construed (29.07.2011) by *Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2011* (S.I. No. 418 of 2011), arts. 2, 3, 5 and sch. 1 part 2, in effect as per art. 1(2), subject to transitional provisions in arts. 6-9.

2. (1) The administration and business in connection with the performance of any functions transferred by this Order are transferred to the Department of Public Expenditure and Reform.

(2) References to the Department of Finance contained in any Act or instrument made thereunder and relating to the administration and business transferred by paragraph (1) shall, on and after the commencement of this Order, be construed as references to the Department of Public Expenditure and Reform.

3. The functions conferred on the Minister for Finance by or under the provisions of —

- (a) the enactments specified in Schedule 1, and
- (b) the statutory instruments specified in Schedule 2,

are transferred to the Minister for Public Expenditure and Reform.

...

5. References to the Minister for Finance contained in any Act or instrument under an Act and relating to any functions transferred by this Order shall, from the commencement of this Order, be construed as references to the Minister for Public Expenditure and Reform.

...

Schedule 1

Enactments

...

Part 2

1922 to 2011 Enactments

Number and Year (1)	Short Title (2)	Provision (3)
...
No. 29 of 1952	Merchant Shipping (Safety Convention) Act 1952	Sections 5 and 6
...

C8 Application of section restricted, extended (14.05.1967) by *Merchant Shipping Act 1966* (20/1966), s. 4(6), S.I. No. 54 of 1967.

Cargo ship construction and survey rules.

3.— ...

(5) In relation to surveys required by the cargo ship construction and survey rules which are carried out otherwise than by a surveyor of ships appointed under the Merchant Shipping Acts—

(a) so much of section 6 of the Act of 1952 as requires fees to be paid into or disposed of for the benefit of the Exchequer shall not apply; and

(b) the provisions applied by section 27 (2) of the Act of 1952 shall apply with such modifications as may be prescribed by the cargo ship construction and survey rules; and

...

Cargo ship safety construction certificates and exemption certificates.

4.— ...

(6) In relation to a certificate issued or extended under this section by a person authorised by the Minister—

(a) the provisions applied by section 27 (8) of the Act of 1952 (which relate to the transmission, cancellation, surrender, posting-up and falsification of certificates issued by the Minister), except section 276 of the Principal Act (transmission of certificates), and

(b) section 5 of the Act of 1952 (fees);

shall apply as they apply in relation to certificates issued by the Minister, but so much of section 6 of the Act of 1952 as requires fees to be paid into or disposed of for the benefit of the Exchequer shall not apply.

...

Laying of orders,
rules and
regulations
before
Oireachtas.

7. — Every order, rule and regulation made by the Minister by virtue of this Act shall be laid before each House of the Oireachtas as soon as may be after they are made and if a resolution is passed by either House within the next twenty-one days upon which that House has sat after such instrument has been laid before it annulling the instrument the instrument shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder.

Repeals.

8. — The enactments mentioned in the **First Schedule** to this Act are hereby repealed to the extent specified in the third column of that Schedule.

Transitional
provisions.

9. — The provisions of the **Second Schedule** to this Act shall have effect for the purpose of the transition from the law in force before the commencement of this Act to the provisions of this Act.

Annotations

Editorial Notes

E34 Power pursuant to section exercised (19.11.1953) by *Merchant Shipping (Safety Convention) (Transitional Provisions) Regulations 1953* (S.I. No. 344 of 1953), in effect as per art. 7.

PART II.

SAFETY OF LIFE AT SEA.

Construction and Equipment.

Construction
rules.

F6[10. — (1) The Minister may make rules ("construction rules") prescribing the—

(a) requirements that the hull, superstructure, subdivision and stability, electrical installations, equipment and machinery of and fuel used in passenger steamers registered in the State, or other passenger steamers while in the territorial seas or elsewhere in the State, must comply with, and

(b) requiring such steamers to be surveyed to such extent and in such manner and at such intervals, as may be prescribed.

(2) In making construction rules the Minister may categorise passenger steamers into different classes, where appropriate, having regard to one or more of the following:

(a) the size, shape, speed or configuration of such steamers;

(b) the service for which such steamers are to be employed;

(c) the nature and duration of voyages to be undertaken;

(d) the number of passengers or other persons, or both, that such steamers are designed to carry on board;

(e) such other matter or matters that the Minister considers appropriate to take into account in the circumstances;

(f) the type of cargo carried, including dangerous goods;

(g) the age and date of construction of steamers.

(3) Different construction rules may be made in respect of different classes of passenger steamers and in relation to different classes of passenger steamers for different circumstances and for different areas of operation.

(4) Construction rules shall include such requirements as appear to the Minister to be necessary to implement the provisions of the Safety Convention prescribing the requirements that the hull, superstructure, subdivision and stability, electrical installations, equipment and machinery of and fuel used in passenger steamers must comply with, except so far as those provisions are implemented by rules for life-saving appliances, radio rules, navigation and tracking rules, collision regulations or fire protection rules.

(5) Construction rules may require the provision in ships to which this section applies—

(a) of plans exhibited as provided by or under the rules, and of other information, relating to the boundaries of watertight compartments, the openings in them, the means of closing such openings and the arrangements for correcting any list due to flooding, and

(b) of information necessary for the guidance of the master in maintaining sufficient stability to enable the ship to withstand damage.

(6) Any survey carried out on a steamer to which this section applies in accordance with rules made under subsection (1)(b) is a survey for the purpose of sections 271(1) and 272 of the Principal Act.

(7) The powers conferred on the Minister by this section are in addition to the powers conferred by any other enactment enabling him or her to prescribe the requirements that passenger steamers must comply with.

(8) In this section, other than subsection (1)(b) "passenger steamer" includes a "passenger ship" within the meaning of section 2(1) of the Act of 1992.]

Annotations

Amendments:

F6 Substituted (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 7(1), commenced on enactment.

Modifications (not altering text)

C9 Application of rules made under section restricted (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), ss. 43(2)(a)(i), commenced on enactment.

Application (Chapter 4).

43.— ...

(2) The following do not apply to a ship to which this Chapter applies, namely—

(a) rules made under—

(i) section 10, 15, or 18 of the Act of 1952,

...

C10 Application of section restricted (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 51(3)(b), commenced on enactment.

Application (Chapter 5).

51.— ...

(3) The following provisions of the Merchant Shipping Acts do not apply to a vessel's tender, namely— ...

(b) section 10, 15, 18 or 20 of the Act of 1952,

...

Editorial Notes

E35 Power pursuant to section exercised (20.07.2023) by *Merchant Shipping (Fire Protection) Rules 2023* (S.I. No. 379 of 2023).

E36 Power pursuant to section exercised (7.03.2023) by *Merchant Shipping (Passenger Ships) (Amendment) Rules 2023* (S.I. No. 109 of 2023).

E37 Power pursuant to section exercised (8.02.2022) by *Merchant Shipping (Passenger Ships) (Amendment) Rules 2022* (S.I. No. 49 of 2022).

E38 Power pursuant to subs. (4) exercised (9.06.2021) by *Merchant Shipping (Solas V - Navigation Bridge Visibility) (Construction) Rules 2021* (S.I. No. 280 of 2021).

E39 Power pursuant to section exercised (15.12.2020) by *Merchant Shipping (Passenger Ships) Rules 2020* (S.I. No. 640 of 2020).

E40 Minister with Minister for Finance may prescribe fees for surveys carried out in accordance with regulations made under subs. (1)(b) as provided (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 90(1)(b), commenced on enactment.

E41 Power pursuant to subs. (1) exercised (10.11.2004) by *Merchant Shipping (Ro-Ro Passenger Ship Survivability) (Amendment) Rules 2004* (S.I. No. 709 of 2004).

E42 Power pursuant to subs. (1) exercised (31.10.1998) by *Merchant Shipping (Ro-Ro Passenger Ship Survivability) Rules 1998* (S.I. No. 429 of 1998).

E43 Power pursuant to subs. (1) exercised (14.02.1995) by *Merchant Shipping (Ro-Ro Passenger Ship Survivability) (Amendment) Rules 1995* (S.I. No. 40 of 1995).

E44 Power pursuant to subs. (1) exercised (1.11.1994) by *Merchant Shipping (Ro-Ro Passenger Ship Survivability) Rules, 1994* (S.I. No. 251 of 1994), in effect as per rule 1.

E45 Power pursuant to section exercised (1.07.1994) by *Merchant Shipping (Passenger Ship Construction and Survey) (Amendment No. 2) Rules 1994* (S.I. No. 131 of 1994), in effect as per rule 1.

E46 Power pursuant to section exercised (16.09.1985) by *Merchant Shipping (Passenger Ship Construction and Survey) Rules 1985* (S.I. No. 274 of 1985), in effect as per rule 1(1).

- E47** Power pursuant to section exercised (1.12.1983) by *Merchant Shipping (Passenger Ship Construction) Rules 1983* (S.I. No. 300 of 1983), in effect as per rule 1(1).
- E48** Previous affecting provision: application of subs. (1) extended (1.08.1992) by *Merchant Shipping Act 1992* (2/1992), s. 29, S.I. No. 205 of 1992; repealed (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 7(2), commenced on enactment.
- E49** Previous affecting provision: power pursuant to section exercised (23.04.1990) by *Merchant Shipping (Fire Protection) (Amendment) Rules 1990* (S.I. No. 86 of 1990), in effect as per rule 1; revoked (20.07.2023) by *Merchant Shipping (Fire Protection) Rules 2023* (S.I. No. 379 of 2023), rule 155(b).
- E50** Previous affecting provision: power pursuant to section exercised (1.05.1989) by *Merchant Shipping (Passenger Ship Construction) (Amendment) Rules 1989* (S.I. No. 97 of 1989), in effect as per rule 1(2); revoked (1.04.1994) by *Merchant Shipping (Passenger Ship Construction and Survey) (Amendment) Rules 1994* (S.I. No. 12 of 1994), rule 3, in effect as per rule 1.
- E51** Previous affecting provision: power pursuant to section exercised (16.09.1985) by *Merchant Shipping (Fire Protection) Rules 1985* (S.I. No. 279 of 1985), in effect as per rule 1(1); revoked (20.07.2023) by *Merchant Shipping (Fire Protection) Rules 2023* (S.I. No. 379 of 2023), rule 155(a).
- E52** Previous affecting provision: power pursuant to section exercised (16.09.1985) by *Merchant Shipping (Passenger Ship Construction) (Amendment) Rules 1985* (S.I. No. 273 of 1985), in effect as per rule 1; revoked (1.05.1989) by *Merchant Shipping (Passenger Ship Construction) (Amendment) Rules 1989* (S.I. No. 97 of 1989), rule 4, in effect as per rule 1(2).
- E53** Previous affecting provision: subss. 10(1), (2) construed (25.01.1983) by *Merchant Shipping Act 1981* (33/1981), s. 2(4)(a), S.I. No. 15 of 1983; section substituted as per F-note above.
- E54** Previous affecting provision: application of section extended (14.05.1967) by *Merchant Shipping Act 1966* (20/1966), s. 9(a), (b), S.I. No. 54 of 1967; repealed (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 7(2), commenced on enactment.
- E55** Previous affecting provision: power pursuant to section exercised (14.05.1967) by *Merchant Shipping (Passenger Ship Construction) Rules 1967* (S.I. No. 98 of 1967), rule 1(3), in effect as per rule 1(2); revoked (1.12.1983) by *Merchant Shipping (Passenger Ship Construction) Rules 1983* (S.I. No. 300 of 1983), rule 1(4), in effect as per rule 1(1), subject to transitional provision in rule 1(3).
- E56** Previous affecting provision: power pursuant to section exercised (19.11.1953) by *Merchant Shipping (Construction) Rules 1953* (S.I. No. 339 of 1953), in effect as per art. 1(5); revoked (14.05.1967) by *Merchant Shipping (Passenger Ship Construction) Rules 1967* (S.I. No. 98 of 1967), rule 1(3), in effect as per rule 1(1).

Rules for life-
saving appliances.

11. — F7[...]

Annotations

Amendments:

- F7** Repealed (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 82(10)(b), commenced on enactment.

Amendment of
section 430 of
Principal Act.

12. — F8[...]

Annotations**Amendments:**

- F8** Repealed (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 82(10)(b), commenced on enactment.

Amendment of
Principal Act.

13. — F9[...]

Annotations**Amendments:**

- F9** Repealed (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 82(10)(b), commenced on enactment.

Amendment of
section 9 of the
Merchant
Shipping Act,
1906.

14. — F10[...]

Annotations**Amendments:**

- F10** Repealed (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 85(5)(b), commenced on enactment.

Radio rules.

F11[15. — (1) The Minister, after consultation with the Minister for Communications, Energy and Natural Resources, may make rules ("radio rules") requiring—

- (a) ships to which this section applies to be provided with a radio installation, other than a radio navigational aid, of such a nature as may be prescribed by the rules,
- (b) to maintain such a radio service and to carry such number of persons, of such grades and possessing such qualifications, as may be prescribed, and
- (c) such ships to be surveyed to such extent and in such manner and at such intervals, as may be prescribed.

(2) Radio rules may contain provisions for preventing so far as practicable electrical interference with the radio installation by other apparatus on board.

(3) Any survey carried out on a ship to which this section applies in accordance with rules made under subsection (1)(c) is a survey for the purposes of section 271(1) and 272 (as applied by section 27(2) of the Act of 1952 and section 3(4) of the Act of 1966) of the Principal Act.

(4) This section applies to all ships registered in the State and to other sea-going ships while they are within any port in the State.

(5) In making radio rules the Minister may categorise ships into different classes, where appropriate, having regard to one or more of the following:

- (a) the service for which such ships are to be employed;

(b) the nature and duration of voyages to be undertaken;

(c) the number of passengers or other persons, or both, that such ships are designed to carry on board;

(d) such other matter or matters that the Minister considers appropriate to take into account in the circumstances.

(6) Different radio rules may be made in respect of different classes of ships and in relation to different classes of ships for different circumstances and different areas of operation.

(7) Radio rules shall include such requirements as appear to the Minister to be necessary to implement the provisions of the Safety Convention relating to radiocommunications.

(8) Radio rules may prescribe requirements for such portable radio apparatus as boats, survival craft or life-rafts may be required to carry by the rules for life-saving appliances.

(9) Without prejudice to the generality of the preceding provisions of this section, radio rules may—

(a) prescribe the duties of radio personnel, including the duty of keeping a radio log-book;

(b) apply to any radio log-book required to be kept under the rules any of the provisions of section 242 of the Principal Act (which provides for the delivery of the official log-book to the superintendent) and of section 256 of that Act (which provides among other things for the custody of the official log-book);

(c) require the master of a ship to cause to be entered in the official log-book such particulars relating to the operation of the radio installation, and the maintenance of the radio service, as may be specified in the rules;

(d) require the notification to the Minister of such details as the Minister may require in relation to radio installations.

(10) If the master of a ship fails to cause an entry to be made in the log-book of the ship in contravention of rules made under paragraph (c), or if any person contravenes any rules made under paragraph (a), of subsection (9), he or she commits an offence and is liable on summary conviction to a fine not exceeding €1,000.

(11) If radio rules are contravened in any other respect in relation to any ship, the owner or master of the ship commits an offence and is liable—

(a) on summary conviction, to a fine not exceeding €5,000, or

(b) on conviction on indictment, to a fine not exceeding €100,000.

(12) A surveyor of ships may board and inspect—

(a) any ship, for the purpose of seeing that it is properly provided with a radio installation and radio personnel, and

(b) any boat or life-raft on board the ship, for the purposes of seeing that it carries the required portable radio apparatus, in conformity with radio rules.

(13) If a surveyor of ships in making an inspection under subsection (12) finds that—

(a) the ship is not provided with radio installation or personnel, or

(b) a boat, survival craft or life-raft on board does not carry portable radio apparatus, in conformity with radio rules he or she shall give to the owner or master notice in writing pointing out the deficiency.

(14) A surveyor of ships may board and inspect any ship for the purposes of seeing that a deficiency has been remedied in accordance with a notice under subsection (13).

(15) A surveyor of ships may for the purposes of an inspection make such tests (either on the ship or ashore or at dock) ask such questions, inspect such documents or records and have access to such installation or other apparatus as he or she considers appropriate for that purpose.

(16) If a ship, in respect of which a notice has been given to its owner or master under subsection (13) which requires the deficiency to be remedied before the ship proceeds to sea, proceeds or attempts to proceed to sea without the deficiency being remedied as required in the notice, then the master or owner (as the case may be) commits an offence and is liable—

(a) on summary conviction, to a fine not exceeding €5,000, or

(b) on conviction on indictment, to a fine not exceeding €100,000.]

Annotations

Amendments:

F11 Substituted (3.07.2010) by *Merchant Shipping Act 2010 (14/2010)*, s. 8(1), commenced on enactment. A fine of €1,000 translates into a class D fine, not greater than €1,000, as provided (4.01.2011) by *Fines Act 2010 (8/2010)*, ss. 3, 7(3) and table ref. no. 1, S.I. No. 662 of 2010.

A fine of €5,000 translates into a class A fine, not greater than €5,000, as provided (4.01.2011) by *Fines Act 2010 (8/2010)*, ss. 3, 4(3) and table ref. no. 1, S.I. No. 662 of 2010.

Modifications (not altering text)

C11 Application of section restricted (3.07.2010) by *Merchant Shipping Act 2010 (14/2010)*, s. 43(2)(a)(i), commenced on enactment.

Application (Chapter 4).

43.— ...

(2) The following do not apply to a ship to which this Chapter applies, namely—

(a) rules made under—

(i) section 10, 15, or 18 of the Act of 1952,

...

C12 Application of section restricted (3.07.2010) by *Merchant Shipping Act 2010 (14/2010)*, s. 51(3)(b), commenced on enactment.

Application (Chapter 5).

51.— ...

(3) The following provisions of the Merchant Shipping Acts do not apply to a vessel's tender, namely— ...

(b) section 10, 15, 18 or 20 of the Act of 1952,

...

C13 Consequence of non compliance with order under section provided (3.07.2010) by *Merchant Shipping Act 2010 (14/2010)*, s. 88, commenced on enactment..

Prohibition on obstruction of surveyor of ships.

88.— A person who obstructs or impedes or, without reasonable excuse, fails to comply with a request of a surveyor of ships in exercising a power conferred on the surveyor under section 15 or 18 of the Act of 1952, section 8 of the Act of 1966 or section 14, 23, 32, 40, 48, 55, 62, 82 or 84 or

authorised person under section 87 commits an offence and is liable on summary conviction to a fine not exceeding €5,000.

- C14** Procedure for non compliance with notice under subs. (13) prescribed (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 89(1)(a), commenced on enactment.

Application to Circuit Court — compliance order and appeals.

89. —(1) A surveyor of ships may, where a notice is not being complied with—

(a) under section 15(13) or 18(9) of the Act of 1952, section 8(2) of the Act of 1966 or section 14 (10), 23 (2), 32 (2), 40 (2), 48 (2), 82 (9)(b), 84 (10) or 87 (5)(b) in respect of a ship or vessel, make an application to the judge of the Circuit Court in whose Circuit the port in which the ship or vessel is or was berthed or docked at the time of making the application is located, or

(b) under section 83 (5), in respect of a service station, make an application to the judge of the Circuit Court in whose circuit the service station is situated,

for an order to comply with the notice.

Editorial Notes

- E57** Power pursuant to section exercised (7.03.2023) by *Merchant Shipping (Passenger Ships) (Amendment) Rules 2023* (S.I. No. 109 of 2023).
- E58** Power pursuant to section exercised (4.05.2022) by *Merchant Shipping (Radio Installations Survey) Rules 2022* (S.I. No. 222 of 2022).
- E59** Power pursuant to section exercised (8.02.2022) by *Merchant Shipping (Passenger Ships) (Amendment) Rules 2022* (S.I. No. 49 of 2022).
- E60** Power pursuant to section exercised (9.11.2018) by *Merchant Shipping (Radio) Rules 2018* (S.I. No. 452 of 2018).
- E61** Minister with Minister for Finance may prescribe fees for surveys carried out in accordance with regulations made under subs. (1)(b) as provided (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 90(1)(b), commenced on enactment.
- E62** Previous affecting provision: power pursuant to section exercised (30.12.1998) by *Merchant Shipping (Radio) (Amendment) Rules 1998* (S.I. No. 554 of 1998); revoked (18.10.2007) by *Merchant Shipping (Training and Certification) Regulations 2007* (S.I. No. 703 of 2007), reg. 3 and sch. 2.
- E63** Previous affecting provision: power pursuant to section exercised (1.02.1992, deemed) by *Merchant Shipping (Radio) Rules 1992* (S.I. No. 224 of 1992), in effect as per rule (1); revoked (9.11.2018) by *Merchant Shipping (Radio) Rules 2018* (S.I. No. 452 of 2018), rule 21(1), subject to transitional provision in para. (2).
- E64** Previous affecting provision: power pursuant to section exercised (1.02.1992) by *Merchant Shipping (Radio Installations) Rules 1992* (S.I. No. 28 of 1992), in effect as per rule 1(1); revoked (1.02.1992, deemed) by *Merchant Shipping (Radio) Rules 1992* (S.I. No. 224 of 1992), rule 1(2), in effect as per rule (1).
- E65** Previous affecting provision: power pursuant to section exercised (16.09.1985) by *Merchant Shipping (Radio Installations) (Amendment No. 2) Rules 1985* (S.I. No. 281 of 1985), in effect as per rule 1; revoked (1.02.1992) by *Merchant Shipping (Radio Installations) Rules 1992* (S.I. No. 28 of 1992), rule 1(2), in effect as per rule 1(1).
- E66** Previous affecting provision: subs. (15)(4) repealed (2.09.1985) *Merchant Shipping Act 1952 (Section 15) (Amendment) Order 1985* (S.I. No. 271 of 1985) reg. 2; section substituted as per F-note above.
- E67** Previous affecting provision: power pursuant to section exercised (19.10.1984) by *Merchant Shipping (Radio Installations) (Amendment) Rules 1984* (S.I. No. 192 of 1984), in effect as per rule 1; revoked (30.12.1998) by *Merchant Shipping (Radio) (Amendment) Rules 1998* (S.I. No. 554 of 1998), rule 3.

- E68** Previous affecting provision: power pursuant to section exercised (1.12.1983) by *Merchant Shipping (Radio Installations Survey) Rules 1983* (S.I. No. 313 of 1983), in effect as per rule 1(1); revoked (4.05.2022) by *Merchant Shipping (Radio Installations Survey) Rules 2022* (S.I. No. 222 of 2022), rule 7.
- E69** Previous affecting provision: power pursuant to section exercised (1.12.1983) by *Merchant Shipping (Radio Installations) Rules 1983* (S.I. No. 308 of 1983), rule 1(3), in effect as per rule 1(1); revoked (1.02.1992) by *Merchant Shipping (Radio Installations) Rules 1992* (S.I. No. 28 of 1992), rule 1(2), in effect as per rule 1(1).
- E70** Previous affecting provision: application of subss. (7), (8) extended (14.05.1967) by *Merchant Shipping Act 1966* (20/1966), s. 11(2), S.I. No. 54 of 1967; repealed (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 8(3), commenced on enactment.
- E71** Previous affecting provision: subs. (15)(4) substituted (14.05.1967) by *Merchant Shipping Act 1966* (20/1966), s. 12, S.I. No. 54 of 1967; substituted as per E-note above.
- E72** Previous affecting provision: power pursuant to section exercised (14.05.1967) by *Merchant Shipping (Radio) Rules 1967* (S.I. No. 103 of 1967), in effect as per rule 1(2); revoked (1.12.1983) by *Merchant Shipping (Radio Installations) Rules 1983* (S.I. No. 308 of 1983), rule 1(3), in effect as per rule 1(1).
- E73** Previous affecting provision: power pursuant to section exercised (19.11.1953) by *Merchant Shipping (Radio) Rules 1953* (S.I. No. 340 of 1953), in effect as per rule 1(5); revoked (14.05.1967) by *Merchant Shipping (Radio) Rules 1967* (S.I. No. 103 of 1967), rule 1(3), in effect as per rule 1(2).

Radio surveyors. **16.** — (1) A person appointed to be a surveyor of ships under section 724 of the Principal Act may be appointed as a radio surveyor.

(2) The functions of the Minister under the said section 724 with respect to surveyors of ships shall not be exercised with respect to radio surveyors except with the approval of the F12[[Minister for Communications, Energy and Natural Resources](#)].

(3) Wireless telegraphy surveyors appointed under section 724 of the Principal Act as amended by section 8 of the Act of 1933 shall be radio surveyors.

Annotations

Amendments:

- F12** Substituted (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 8(2)(a), commenced on enactment.

Survey of
passenger
steamers by radio
surveyors.

17. — (1) The survey of a passenger steamer required by the Principal Act shall, in respect of a sea-going steamer which is not exempt from the obligations imposed by the radio rules, include a survey by a radio surveyor, and accordingly subsection (1) of section 272 of that Act shall be amended by inserting after the words “engineer surveyor of ships” the words “ and, in the case of a sea-going passenger steamer required to be provided with a F13[[radiocommunications installation](#)], by a radio surveyor ”.

(2) Section 275 of the Principal Act (which provides for appeals to a court of survey by persons aggrieved by the declaration of survey of a ship or engineer surveyor) shall be amended by inserting the words “ or radio surveyor ” after the words “engineer surveyor” in both places where they occur.

Annotations**Amendments:**

- F13** Substituted (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 8(2)(b), commenced on enactment.
- F14** Repealed by *Merchant Shipping Act 1992* (2/1992), s. 4 and sch., not commenced as of date of revision.

Editorial Notes

- E74** Prospective affecting provision: subs. (1) repealed by *Merchant Shipping Act 1992* (2/1992), s. 4 and sch., not commenced as of date of revision.

17.—(1) F14[...]

Rules for
direction-finders.

F15[18. — (1) The Minister may make rules ("navigation and tracking rules") requiring ships to which this section applies to be provided with navigation and tracking systems and equipment of such a nature as may be prescribed by the rules including requirements relating to their position and method of fitting and to maintain such systems as may be so prescribed.

(2) This section applies to all ships registered in the State and to other ships while they are within any port in the State.

(3) In making navigation and tracking rules the Minister may categorise ships into different classes, where appropriate, having regard to one or more of the following:

- (a) the size, shape, speed or configuration of such ships;
- (b) the service for which such ships are to be employed;
- (c) the nature and duration of voyages to be undertaken;
- (d) the number of passengers or other persons, or both, that such ships are designed to carry on board;
- (e) such other matter or matters that the Minister considers appropriate to take into account in the circumstances.

(4) Different rules may be made in respect of different classes of ships and in relation to different classes of ships for different circumstances and different areas of operation.

(5) Navigation and tracking rules shall include such requirements as appear to the Minister to be necessary to implement the provisions of the Safety Convention relating to navigation and tracking systems and equipment.

(6) Without prejudice to the generality of the preceding provisions of this section, navigation and tracking rules may require notification to the Minister of the identity, the position, the date and time, and other relevant details regarding a ship on which such systems and equipment are positioned.

(7) If navigation and tracking rules are contravened in any respect in relation to any ship, the owner or master of the ship commits an offence and is liable—

- (a) on summary conviction, to a fine not exceeding €5,000, or
- (b) on conviction on indictment, to a fine not exceeding €100,000.

(8) A surveyor of ships may board and inspect—

(a) any ship, for the purpose of seeing that it is properly provided with the required systems, and

(b) any boat, survival craft or life-raft on board the ship, for the purposes of seeing that it carries the required systems, in conformity with navigation and tracking rules.

(9) If a surveyor of ships in making an inspection under subsection (8) finds that the ship is not provided with navigation and tracking systems and equipment in conformity with the navigation and tracking rules, he or she shall give to the owner or master notice in writing pointing out the deficiency.

(10) A surveyor of ships may board and inspect any ship for the purposes of seeing that a deficiency is remedied in accordance with a notice under subsection (9).

(11) A surveyor of ships may for the purposes of an inspection make such tests (either on the ship or ashore or at dock), ask such questions, inspect such documents or records and have access to such systems or equipment as he or she considers appropriate for that purpose.

(12) If a ship, in respect of which a notice has been given to its owner or master under subsection (9), which requires the deficiency to be remedied before the ship proceeds to sea, proceeds or attempts to proceed to sea without the deficiency being remedied as required in the notice, then the master or owner (as the case may be) commits an offence and is liable—

(a) on summary conviction, to a fine not exceeding €5,000, or

(b) on conviction on indictment, to a fine not exceeding €100,000.]

Annotations

Amendments:

- F15** Substituted (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 9(1), commenced on enactment. A fine of €5,000 translates into a class A fine, not greater than €5,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3, 4(3) and table ref. no. 1, S.I. No. 662 of 2010.

Modifications (not altering text)

- C15** Application of section restricted (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), ss. 43(2)(a)(i), 51(30)(b), commenced on enactment.

Application (Chapter 4).

43.— ...

(2) The following do not apply to a ship to which this Chapter applies, namely—

(a) rules made under—

(i) section 10, 15, or 18 of the Act of 1952,

...

Application (Chapter 5).

51.— ...

(3) The following provisions of the Merchant Shipping Acts do not apply to a vessel's tender, namely— ...

(b) section 10, 15, 18 or 20 of the Act of 1952,

...

- C16** Consequence of non compliance with order under section provided (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 88, commenced on enactment.

Prohibition on obstruction of surveyor of ships.

88. — A person who obstructs or impedes or, without reasonable excuse, fails to comply with a request of a surveyor of ships in exercising a power conferred on the surveyor under section 15 or 18 of the Act of 1952, section 8 of the Act of 1966 or section 14, 23, 32, 40, 48, 55, 62, 82 or 84 or authorised person under section 87 commits an offence and is liable on summary conviction to a fine not exceeding €5,000.

- C17** Procedure for non compliance with notice under subs. (9) prescribed (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 89(1)(a), commenced on enactment.

Application to Circuit Court — compliance order and appeals.

89. —(1) A surveyor of ships may, where a notice is not being complied with—

(a) under section 15(13) or 18(9) of the Act of 1952, section 8(2) of the Act of 1966 or section 14 (10), 23 (2), 32 (2), 40 (2), 48 (2), 82 (9)(b), 84 (10) or 87 (5)(b) in respect of a ship or vessel, make an application to the judge of the Circuit Court in whose Circuit the port in which the ship or vessel is or was berthed or docked at the time of making the application is located, or

(b) under section 83 (5), in respect of a service station, make an application to the judge of the Circuit Court in whose circuit the service station is situated,

for an order to comply with the notice.

Editorial Notes

- E75** Power pursuant to section exercised (8.12.2020) by *Merchant Shipping (Navigation and Tracking) (Heading Systems and Testing of Steering Gear) Rules 2020* (S.I. No. 589 of 2020), in effect as per rule 1(1).
- E76** Power pursuant to section exercised (3.05.1994) by *Merchant Shipping (Cargo Ship Safety Equipment Survey) (Amendment) Rules 1994* (S.I. No. 29 of 1994), in effect as per rule 1(1).
- E77** Power pursuant to section exercised (1.12.1983) by *Merchant Shipping (Cargo Ship Safety Equipment Survey) Rules 1983* (S.I. No. 312 of 1983), in effect as per rule 1(1).
- E78** Previous affecting provision: subs. 18(2) construed (25.01.1983) by *Merchant Shipping Act 1981* (33/1981), s. 10, S.I. No. 15 of 1983; repealed (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 9(4), commenced on enactment.
- E79** Previous affecting provision: power pursuant to section exercised (12.11.1953) by *Merchant Shipping (Direction-Finders) Rules 1953* (S.I. No. 342 of 1953); revoked (14.05.1967) by *Merchant Shipping (Direction-Finders) Rules 1967* (S.I. No. 104 of 1967), rule 1(2), in effect as per rule 1(3), subject to transitional provision in rule 1(4).

Further provisions as to radio navigational aids.

19. — F16[...]**Annotations****Amendments:**

- F16** Repealed (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 9(2), commenced on enactment.

Editorial Notes

- E80** Previous affecting provision: power pursuant to section exercised (3.05.1994) by *Merchant Shipping (Cargo Ship Safety Equipment Survey) (Amendment) Rules 1994* (S.I. No. 29 of 1994), in effect as per rule 1(1); section repealed as per F-note above.

- E81** Previous affecting provision: power pursuant to subs. (1)(A) exercised (23.04.1990) by *Merchant Shipping (Navigational Equipment) (Amendment) Rules 1990* (S.I. No. 84 of 1990), in effect as per rule 1; section repealed as per F-note above.
- E82** Previous affecting provision: power pursuant to subs. (1)(A) exercised (16.09.1985) by *Merchant Shipping (Navigational Equipment) Rules 1985* (S.I. No. 280 of 1985), in effect as per rule 1; section repealed as per F-note above.
- E83** Previous affecting provision: power pursuant to subs. (1A) exercised (1.12.1983) by *Merchant Shipping (Automatic Pilot and Testing of Steering Gear) Rules 1983* (S.I. No. 317 of 1983), in effect as per rule 1; revoked (8.12.2020) by *Merchant Shipping (Navigation and Tracking) (Heading Systems and Testing of Steering Gear) Rules 2020* (S.I. No. 589 of 2020), rule 8.
- E84** Previous affecting provision: power pursuant to section exercised (1.12.1983) by *Merchant Shipping (Cargo Ship Safety Equipment Survey) Rules 1983* (S.I. No. 312 of 1983), in effect as per rule 1(1); section repealed as per F-note above.
- E85** Previous affecting provision: power pursuant to subs. (1A) exercised (1.12.1983) by *Merchant Shipping (Navigational Equipment) Rules 1983* (S.I. No. 309 of 1983), in effect as per rule 1(1); revoked (16.09.1985) by *Merchant Shipping (Navigational Equipment) Rules 1985* (S.I. No. 280 of 1985), rule 2(3), in effect as per rule 1.
- E86** Previous affecting provision: subss. (1)(a) substituted and (1A) inserted (25.01.1983) by *Merchant Shipping Act 1981* (33/1981), s. 11(a), (b), S.I. No. 15 of 1983; repealed (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 9(4), commenced on enactment.

Certificates.

Issue for
passenger
steamers of
safety certificates
and exemption
certificates.

20. — (1) If the Minister, on receipt of declarations of survey in respect of a passenger steamer registered in the State, is satisfied that the steamer complies with the construction rules, rules for life-saving appliances, F17[fire protection rules,] radio rules and F18[navigation and tracking rules] applicable to the steamer and to such international voyages as she is to be engaged on, and that she is properly provided with the lights, shapes and means of making fog-signals required by the collision regulations, he shall, on the application of the owner, issue in respect of the steamer a certificate (in this Act referred to as a general safety certificate) showing that the steamer complies with the requirements of the Safety Convention applicable as aforesaid.

(2) If the voyages on which the steamer is to be engaged are short international voyages and she complies only with such of those rules as are applicable to those voyages, the certificate shall show that the steamer complies with the requirements of the Safety Convention applicable to her as a steamer plying on short international voyages, and any such certificate is hereafter in this Act referred to as a short voyage safety certificate.

(3) If the Minister, on receipt of declarations of survey in respect of any such passenger steamer as aforesaid is satisfied that the steamer is exempt, by virtue of any exercise by him of a power in that behalf conferred on him by this Act or conferred on him by the rules in question, from any of the requirements of the construction rules, rules for life-saving appliances, radio rules or F19[navigation and tracking rules] applicable to the steamer and to such international voyages as she is to be engaged on, whether short voyages or otherwise, that she complies with the rest of those requirements and that she is properly provided with the lights, shapes and means of making fog-signals required by the collision regulations, he shall, on the application of the owner, issue in respect of the steamer—

- (a) an exemption certificate stating which of the requirements of the Safety Convention applicable as aforesaid the steamer is exempt from and that the exemption is conditional on the steamer plying only on the voyages and being

engaged only in the trades and complying with the other conditions (if any) specified in the certificate, and

(b) a certificate showing that the steamer complies with the rest of those requirements;

and any certificate issued under paragraph (b) of this subsection is hereafter in this Act referred to as a qualified safety certificate or a qualified short voyage safety certificate, as the case may be.

Annotations

Amendments:

- F17** Inserted (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 11(a), commenced on enactment.
- F18** Substituted (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 9(3)(a), commenced on enactment.
- F19** Substituted (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 9(3)(a), commenced on enactment.

Modifications (not altering text)

- C18** Application of section restricted (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), ss. 43(2)(a)(i), 51(3)(b), commenced on enactment.

Application (Chapter 4).

43.— ...

(2) The following do not apply to a ship to which this Chapter applies, namely—

(a) rules made under—

(i) section 10, 15, or 18 of the Act of 1952,

...

Application (Chapter 5).

51.— ...

(3) The following provisions of the Merchant Shipping Acts do not apply to a vessel's tender, namely— ...

(b) section 10, 15, 18 or 20 of the Act of 1952,

...

- C19** Power of Minister to issue exemption certificate extended (14.05.1967) by *Merchant Shipping Act 1966* (20/1966), s. 14, S.I. No. 54 of 1967.

Issue of exemption certificates where Convention country issues corresponding qualified certificates.

14.—Where the Minister, under section 27 (9) of the Act of 1952, requests the government of a country to which the Convention applies to issue in respect of a ship such certificates as he is authorised to issue under section 20 (3), section 22 (2) or section 23 (2) of that Act or under paragraph (a) of section 4 (2) of this Act, and that government is willing to issue, in pursuance of that request, a qualified certificate thereunder but is not willing to issue the corresponding exemption certificate, the Minister may issue that exemption certificate in respect of the ship.

Modification of
safety certificates
as respects life-
saving appliances.

21. — (1) If, on any international voyage, a passenger steamer registered in the State in respect of which a general safety certificate, a short voyage safety certificate, a qualified safety certificate or a qualified short voyage safety certificate is in force has on board a total number of persons less than the number stated in that certificate to be the number for which the life-saving appliances on the steamer provide, the

Minister may, at the request of the master of the steamer, issue a memorandum stating the total number of persons carried on the steamer on that voyage, and the consequent modifications which may be made for the purpose of that voyage in the particulars with respect to life-saving appliances stated in the certificate, and that memorandum shall be annexed to the certificate.

(2) Every such memorandum shall be returned to the Minister at the end of the voyage to which it relates and, if it is not so returned, the master of the steamer shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding F20[€500].

Annotations

Amendments:

F20 Substituted (3.07.2010) by *Merchant Shipping Act 2010 (14/2010)*, s. 11(b), commenced on enactment. A fine of €500 translates into a class E fine not greater than €500 as provided (4.01.2011) by *Fines Act 2010 (8/2010)*, ss. 3, 8(3) and table ref. no. 1, S.I. No. 662 of 2010.

Issue for cargo ships of safety equipment certificates and exemption certificates.

22. — (1) If the Minister, on receipt of declarations of survey in respect of a ship registered in the State, not being a passenger steamer, is satisfied that the ship complies with the rules for life-saving appliances applicable F21[and fire protection rules] to the ship and to such international voyages as she is to be engaged on and that she is properly provided with the lights, shapes and means of making fog-signals required by the collision regulations, he shall, on the application of the owner, issue in respect of the ship a certificate (in this Act referred to as a safety equipment certificate) showing that the ship complies with such of the requirements of the Safety Convention relating to those matters as are applicable as aforesaid.

(2) If the Minister, on the receipt of declarations of survey in respect of any such ship as aforesaid, is satisfied that the ship is exempt, by virtue of any exercise by him of a power in that behalf conferred on him by this Act or conferred on him by the rules for life-saving appliances F21[and fire protection rules], from any of the requirements of those rules applicable to the ship and to such international voyages as she is to be engaged on, and that she complies with the rest of those requirements and is properly provided with the lights, shapes and means of making fog-signals required by the collision regulations, he shall, on the application of the owner, issue in respect of the ship—

(a) an exemption certificate stating which of the requirements of the Safety Convention, being requirements the subject of the rules for life-saving appliances and applicable as aforesaid, the ship is exempt from and that the exemption is conditional on the ship plying only on the voyages and complying with the other conditions (if any) specified in the certificate, and

(b) a certificate (in this Act referred to as a qualified safety equipment certificate) showing that the ship complies with the rest of those requirements.

Annotations

Amendments:

F21 Inserted (3.07.2010) by *Merchant Shipping Act 2010 (14/2010)*, s. 11(c), commenced on enactment.

Modifications (not altering text)

C20 Application of section restricted (3.07.2010) by *Merchant Shipping Act 2010 (14/2010)*, s. 43(2)(c), commenced on enactment.

Application (Chapter 4).

43.— ...

(2) The following do not apply to a ship to which this Chapter applies, namely — ...

(c) the issue of a safety equipment certificate under section 22 or of a radio certificate under section 23 of the Act of 1952,

...

C21 Power of Minister to issue exemption certificate extended (14.05.1967) by *Merchant Shipping Act 1966* (20/1966), s. 14, S.I. No. 54 of 1967.

Issue of exemption certificates where Convention country issues corresponding qualified certificates.

14.—Where the Minister, under section 27 (9) of the Act of 1952, requests the government of a country to which the Convention applies to issue in respect of a ship such certificates as he is authorised to issue under section 20 (3), section 22 (2) or section 23 (2) of that Act or under paragraph (a) of section 4 (2) of this Act, and that government is willing to issue, in pursuance of that request, a qualified certificate thereunder but is not willing to issue the corresponding exemption certificate, the Minister may issue that exemption certificate in respect of the ship.

Issue for cargo ships of radio certificates and exemption certificates.

23. — (1) If the Minister, on receipt of declarations of survey in respect of a ship registered in the State, not being a passenger steamer, is satisfied that the ship complies with the radio rules and F23[navigation and tracking rules] applicable to the ship and to such international voyages as she is to be engaged on, he shall, on the application of the owner, issue in respect of the ship a certificate (in this Act referred to as a radio certificate) showing that the ship complies with such of the requirements of the Safety Convention relating to F22[radiocommunications] and F23[navigation and tracking systems and equipment] as are applicable as aforesaid.

(2) If the Minister, on receipt of declarations of survey in respect of any such ship as aforesaid, is satisfied that the ship is exempt, by virtue of any exercise by him of a power in that behalf conferred on him by this Act or conferred on him by the rules in question, from any of the requirements of the radio rules or rules for F23[navigation and tracking rules] applicable to the ship and to such international voyages as she is to be engaged on and that she complies with the rest of the requirements of the radio rules and rules for F23[navigation and tracking rules], he shall, on the application of the owner, issue in respect of the ship—

(a) an exemption certificate stating which of the requirements of the Safety Convention relating to F22[radiocommunications] and F23[navigation and tracking systems and equipment], being requirements applicable as aforesaid, the ship is exempt from and that the exemption is conditional on the ship plying only on the voyages and complying with the other conditions (if any) specified in the certificate, and

(b) a certificate (in this Act referred to as a qualified radio certificate) showing that the ship complies with the rest of those requirements.

(3) Where any ship registered in the State is wholly exempt from the requirements of the radio rules and the rules for F23[navigation and tracking rules], the Minister shall on the application of the owner issue an exemption certificate stating that the ship is wholly exempt from the requirements of the Safety Convention relating to F22[radiocommunications] and F23[navigation and tracking systems and equipment] and specifying the voyages on which, and conditions (if any) on which, the ship is so exempt.

Annotations**Amendments:**

- F22** Substituted (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 8(2)(c), commenced on enactment.
- F23** Substituted (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 9(3)(a), (b), commenced on enactment.

Modifications (not altering text)

- C22** Application of section restricted (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 43(2)(c), commenced on enactment.

Application (Chapter 4).

43.— ...

(2) The following do not apply to a ship to which this Chapter applies, namely — ...

(c) the issue of a safety equipment certificate under section 22 or of a radio certificate under section 23 of the Act of 1952,

...

- C23** Application of section modified (14.05.1967) by *Merchant Shipping Act 1966* (20/1966), s. 14, S.I. No. 54 of 1967.

Issue of exemption certificates where Convention country issues corresponding qualified certificates.

14.—Where the Minister, under section 27 (9) of the Act of 1952, requests the government of a country to which the Convention applies to issue in respect of a ship such certificates as he is authorised to issue under section 20 (3), section 22 (2) or section 23 (2) of that Act or under paragraph (a) of section 4 (2) of this Act, and that government is willing to issue, in pursuance of that request, a qualified certificate thereunder but is not willing to issue the corresponding exemption certificate, the Minister may issue that exemption certificate in respect of the ship.

Issue of general safety certificates, etc., on partial compliance with rules.

24. — Where a ship complies with all the requirements of the construction rules, rules for life-saving appliances, radio rules or F24[navigation and tracking rules] applicable to the ship and to the voyages on which she is to be engaged so far as those requirements are requirements of the Safety Convention applicable as aforesaid, the Minister may issue in respect of the ship a general safety certificate, short-voyage safety certificate, safety equipment certificate or radio certificate, as the case may be, notwithstanding that she is exempt from, or for some other reason does not comply with, any requirements of those rules that are not applicable requirements of the Safety Convention.

Annotations**Amendments:**

- F24** Substituted (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 9(3)(a) commenced on enactment.

Notice of alterations and additional surveys.

25. — (1) The owner or master of a passenger steamer in respect of which any passenger steamer's certificate issued under the Principal Act, or any certificate issued under this Act, is in force shall, as soon as possible after any alteration is made in the steamer's hull, equipments or machinery affecting the efficiency thereof or the seaworthiness of the steamer, give written notice to the Minister containing full particulars of the alteration.

(2) The owner or master of a ship in respect of which any certificate issued under this Act is in force, other than a passenger steamer, shall, as soon as possible after any alteration is made in the appliances or equipments required by the rules for life-saving appliances, the radio rules, F25[navigation and tracking rules] or the collision regulations to be carried by the ship, being an alteration affecting the efficiency or completeness of those appliances or equipments, give written notice to the Minister containing full particulars of the alteration.

(3) If notice of any alteration is not given as required by this section, the owner or master of the ship shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding F26[€1,000].

(4) If the Minister has reason to believe that since the making of the last declaration of survey in respect of any such ship as aforesaid—

- (a) any such alteration has been made as is mentioned in subsection (1), or, as the case may be, in subsection (2) of this section; or
- (b) the hull, equipments or machinery of the ship (being a passenger steamer) have sustained any injury or are otherwise insufficient; or
- (c) the appliances or equipments of the ship (not being a passenger steamer) mentioned in subsection (2) of this section have sustained any injury or are otherwise insufficient;

the Minister may, without prejudice to his powers under section 279 of the Principal Act (which relates to the cancellation of certificates and additional surveys), require the ship to be again surveyed to such extent as he thinks fit and, if such requirement is not complied with, may cancel any passenger steamer's certificate issued in respect of the ship under the Principal Act or any certificate issued in respect of the ship under this Act.

(5) For the purpose of this section the expression "alteration" in relation to anything includes the renewal of any part of it.

Annotations

Amendments:

- F25** Substituted (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 9(3)(a), commenced on enactment.
- F26** Inserted (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 11(d), commenced on enactment. A fine of €1,000 translates into a class D fine, not greater than €1,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3, 7(3) and table ref. no. 1, S.I. No. 662 of 2010.

Modifications (not altering text)

- C24** Application of subs. (2) extended and subs. (4) construed (14.05.1967) by *Merchant Shipping Act 1966* (20/1966), s. 5, S.I. No. 54 of 1967.

Notice of alterations and additional surveys.

5.— (1) The duty of the owner or master of a ship under section 25 (2) of the Act of 1952 to notify alterations and renewals shall extend, in relation to any ship in respect of which a certificate under section 4 of this Act is in force, to the hull, machinery and any equipment other than that mentioned in that subsection, but may, if the certificate was issued by a person authorised under the said section 4, be discharged by notifying him instead of the Minister.

(2) Subsection (4) of the said section 25 (additional survey and cancellation of certificates) shall have effect, in relation to any such ship, as if—

- (a) paragraph (a) thereof extended to any alteration or renewal which is notifiable by virtue of this section; and

(b) paragraph (b) and not paragraph (c) thereof were applicable, notwithstanding that the ship is not a passenger steamer;

and the power of the Minister under that subsection to cancel such a certificate shall be exercisable also where the ship has not been submitted for survey as required by the cargo ship construction and survey rules.

Prohibition on
proceeding to sea
without
appropriate
certificates.

26. — (1) No ship registered in the State shall proceed to sea on an international voyage from a port in the State unless there is in force in respect of the ship—

(a) if she is a passenger steamer, a general safety certificate, a short-voyage safety certificate, a qualified safety certificate or a qualified short-voyage safety certificate which (subject to the provisions of this section relating to short-voyage safety certificates) is applicable to the voyage on which the ship is about to proceed and to the trade in which she is for the time being engaged;

(b) if she is not a passenger steamer, both—

(i) a safety equipment certificate or a qualified safety equipment certificate, and

(ii) a radio certificate or a qualified radio certificate, or an exemption certificate stating that she is wholly exempt from the requirements of the Safety Convention relating to F27[radiocommunications] and F28[navigation and tracking systems and equipment].

(2) Subsection (1) of this section shall not prohibit a ship, not being a passenger steamer, from proceeding to sea as aforesaid if there is in force in respect of the ship such certificate or certificates as would be required if she were a passenger steamer.

(3) For the purposes of this section, a qualified certificate shall not be deemed to be in force in respect of a ship unless there is also in force in respect of the ship the corresponding exemption certificate; and an exemption certificate shall be of no effect unless it is by its terms applicable to the voyage on which the ship is about to proceed.

(4) F29[If any ship proceeds, or attempts to proceed, to sea in contravention of this section—

(a) in the case of a passenger steamer, the owner or master of the steamer, without prejudice to any other remedy or penalty under the Merchant Shipping Acts commits an offence and is liable—

(i) on summary conviction, to a fine not exceeding €5,000, or

(ii) on conviction on indictment, to a fine not exceeding €100,000,

or

(b) in the case of a ship not being a passenger steamer, the owner or master of the ship commits an offence and is liable on summary conviction to a fine not exceeding €5,000.]

(5) F30[...]

(6) Where the Minister permits any passenger steamer in respect of which there is in force a short-voyage safety certificate, whether qualified or not, to proceed to sea on an international voyage from a port in the State not exceeding twelve hundred nautical miles in length between the last port of call in the State and the final port of destination, the certificate shall for the purposes of this section be deemed to be applicable to the voyage on which the steamer is about to proceed notwithstanding that the voyage exceeds six hundred nautical miles between the said ports.

(7) Where an exemption certificate issued in respect of any ship registered in the State specified any conditions on which the certificate is issued and any of those conditions is not complied with, the owner or master of the ship shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding F31[€5,000].

Annotations

Amendments:

- F27** Substituted (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 8(2)(b), commenced on enactment.
- F28** Substituted (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 9(3)(b), commenced on enactment.
- F29** Substituted (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 11(e)(i), commenced on enactment. A fine of €5,000 translates into a class A fine, not greater than €5,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3, 4(3) and table ref. no. 1, S.I. No. 662 of 2010.
- F30** Deleted (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 11(e)(ii), commenced on enactment.
- F31** Substituted (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 11(e)(iii), commenced on enactment. A fine of €5,000 translates into a class A fine, not greater than €5,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3, 4(3) and table ref. no. 1, S.I. No. 662 of 2010.

Editorial Notes

- E87** Previous affecting provision: application of subs. 26(1)(b)(ii) restricted for transitional period (14.05.1967) by *Merchant Shipping Act 1966* (20/1966), s. 20(2), S.I. No. 54 of 1967; transitional period expired.

Miscellaneous provisions as to surveys and certificates.

27. — (1) Subsections (3) to (5) of section 272 of the Principal Act (which prescribe the contents of declarations of survey) shall cease to have effect.

(2) Subsection (2) of section 272 of the Principal Act (which requires a surveyor to deliver declarations of survey to the owner of a ship), section 273 of that Act (which requires the owner to deliver the declaration to the Minister) and section 275 of that Act (which relates to appeals to the court of survey) shall apply to surveys for the purpose of the issue of any certificate in respect of a ship under this Act as they apply to surveys for the purpose of the issue of passenger steamers' certificates.

(3) A safety certificate or radio certificate or an exemption certificate stating that a ship is wholly exempt from the provisions of the Safety Convention relating to F32[radiocommunications] and F33[navigation and tracking systems and equipment] shall be in force for one year and a safety equipment certificate shall be in force for twenty-four months, from the date of its issue, or for such shorter period as may be specified in the certificate, but no such certificate shall remain in force after notice is given by the Minister to the owner or master of the ship in respect of which it has been issued that the Minister has cancelled the certificate.

(4) An exemption certificate, other than a certificate stating that a ship is wholly exempt from the provisions of the Safety Convention relating to F32[radiocommunications] and F33[navigation and tracking systems and equipment], shall be in force for the same period as the corresponding qualified certificate.

(5) The Minister may grant an extension of any certificate issued under this Act in respect of a ship registered in the State for a period not exceeding one month from the date when the certificate would, but for the extension, have expired, or, if the ship is absent from the State on that date, for a period not exceeding five months from that date.

(6) Any general safety certificate or short-voyage safety certificate, whether qualified or not, may be combined in one document with a passenger steamer's certificate.

(7) Any certificate issued by the Minister under this Act, and any passenger steamer's certificate, whether or not combined in one document with a safety certificate under subsection (6) of this section, shall be admissible in evidence.

(8) The following provisions of the Principal Act shall apply to and in relation to certificates issued by the Minister, and ships certified, under this Act in the same manner as they apply to and in relation to passenger steamers' certificates and passenger steamers, namely, section 276 (which relates to the transmission of a certificate to the owner of the steamer), section 279 (which relates to the cancellation of certificates), section 280 (which relates to the surrender of certificates no longer in force), section 281 (which relates to the posting up of a certificate on board) and section 282 (which relates to the forging and falsification of certificates).

(9) The Minister may request the government of a country to which the Safety Convention applies to issue in respect of a ship registered in the State any certificate the issue of which is authorised under this Act; and a certificate issued in pursuance of such a request and containing a statement that it has been so issued shall have effect for the purposes of this Act as if it had been issued by the Minister and not by the government of that country.

Annotations

Amendments:

F32 Substituted (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 8(2)(c), commenced on enactment.

F33 Substituted (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 9(3)(b), commenced on enactment.

Modifications (not altering text)

C25 Application of subs. (9) extended (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), ss. 19(7), 28(7), 37(7)(a), 45(7)(a), 60(3), commenced on enactment.

Certification and endorsement (Chapter 1).

19.— ...

(7) Sections 27(9) and 28(1) of the Act of 1952 apply in relation to international certificates of fitness (IBC) as they apply to a certificate the issue of which is authorised under that Act.

...

Certification and endorsement (Chapter 2).

28.— ...

(7) Sections 27(9) and 28(1) of the Act of 1952 apply in relation to international certificates of fitness (IGC) as they apply to a certificate the issue of which is authorised under that Act.

...

Certification.

37— ...

(7) (a) Sections 27(9) and 28(1) of the Act of 1952 apply in relation to international certificates of fitness (INF) as they apply to a certificate authorised under that Act.

...

Certification and endorsement of high-speed craft (Chapter 4).

45.— ...

(7) (a) Sections 27(9) and 28(1) of the Act of 1952 apply in relation to high-speed craft safety certificates as they apply to a certificate the issue of which is authorised under that Act.

...

Safe manning document.

60.— ...

(3) Sections 27(9) and 28(1) of the Act of 1952 apply in relation to a minimum safe manning document as they apply to a certificate the issue of which is authorised under that Act.

...

C26 Subs. (2) applied with modifications (14.05.1967) by *Merchant Shipping Act 1966* (20/1966), s. 3(5)(b), S.I. No. 54 of 1967.

Cargo ship construction and survey rules.

3.— ...

(5) In relation to surveys required by the cargo ship construction and survey rules which are carried out otherwise than by a surveyor of ships appointed under the Merchant Shipping Acts —

...

(b) the provisions applied by section 27 (2) of the Act of 1952 shall apply with such modifications as may be prescribed by the cargo ship construction and survey rules; and

...

C27 Application of subs. (3) restricted (14.05.1967) by *Merchant Shipping Act 1966* (20/1966), s. 13(b), S.I. No. 54 of 1967.

Renewal of radio certificates for small cargo ships.

13.— Where a radio certificate or qualified radio certificate is in force in respect of a ship of less than five hundred tons gross tonnage, other than a passenger steamer, and the ship is surveyed by a radio surveyor at a time not earlier than two months before the end of the period for which the certificate is in force, then, if on receipt of the declaration of survey a new certificate is issued before the end of that period,— ...

(b) the new certificate may, notwithstanding anything in section 27 (3) of the Act of 1952, be issued for a period ending not later than twelve months after the end of the first-mentioned period.

...

*Safety Convention Ships not Registered in
the State.*

Certificates of
Convention ships
not registered in
the State.

28. — (1) The Minister may, at the request of the government of a country to which the Safety Convention applies, issue in respect of a ship registered in that country any certificate the issue of which in respect of ships registered in the State is authorised under F34[...] this Act if he is satisfied that it is proper for him to do so; and a certificate issued in pursuance of such a request and containing a statement that it has been so issued shall have effect for the purposes of this Act as if it had been issued by the said government and not by the Minister.

(2) The Minister shall make such regulations as appear to him to be necessary for the purpose of securing that certificates issued in accordance with the Safety Convention by the government of any country other than the State in respect of Safety Convention ships not registered in the State, or having effect under subsection (1) of this section as if so issued, shall be accepted as having the same force as corresponding certificates issued by the Minister under this Act; and any certificate required by those regulations to be so treated is in this Act referred to as an accepted Safety Convention certificate.

(3) A surveyor of ships, for the purpose of verifying—

(a) that there is in force in respect of a Safety Convention ship not registered in the State an accepted Safety Convention certificate; or

(b) that the condition of the hull, equipments and machinery of any such Safety Convention ship corresponds substantially with the particulars shown in such a certificate; or

F35[(c) except where such certificate states that the ship is wholly exempt from the provisions of the Safety Convention relating to radiocommunications, that the number, grades and qualifications of personnel on board correspond with those shown in the certificate; or]

F35[(d) that any conditions on which such a certificate, being the equivalent of an exemption certificate, is issued are complied with],

shall have all the powers of an inspector of the Department of Industry and Commerce under the Merchant Shipping Acts.

(4) Where there is attached to an accepted Safety Convention certificate in respect of a Safety Convention passenger steamer not registered in the State a memorandum which—

(a) has been issued by or under the authority of the government of the country in which the steamer is registered; and

(b) modifies for the purpose of any particular voyage, in view of the number of persons carried on that voyage, the particulars stated in the certificate with respect to the life-saving appliances,

the certificate shall have effect for the purpose of that voyage as if it were modified in accordance with the memorandum.

Annotations

Amendments:

F34 Repealed (14.05.1967) by *Merchant Shipping Act 1966* (20/1966), s. 20(4)(b), S.I. No. 54 of 1967.

F35 Substituted (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 8(2)(d), commenced on enactment.

Modifications (not altering text)

C28 Application of subss. (1), (2) extended (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 19(7), (8), 28(7), (8), 37(7)(a), (b), 45(7)(a), (b), 60(3), (4), commenced on enactment.

Certification and endorsement (Chapter 1).

19.— ...

(7) Sections 27(9) and 28(1) of the Act of 1952 apply in relation to international certificates of fitness (IBC) as they apply to a certificate the issue of which is authorised under that Act.

(8) Section 28(2) of the Act of 1952 applies in relation to international certificates of fitness (IBC) as it applies to a certificate issued under that Act and an International Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk issued by the government of another country, other than the State, to which the Safety Convention applies, under the Safety Convention, in respect of a ship to which this Chapter applies, other than an Irish ship, and accepted as having the same force in the State as an international certificate of fitness (IBC) shall be referred to as an accepted international certificate of fitness (IBC).

...

Certification and endorsement (Chapter 2).

28.—...

(7) Sections 27(9) and 28(1) of the Act of 1952 apply in relation to international certificates of fitness (IGC) as they apply to a certificate the issue of which is authorised under that Act.

(8) Section 28(2) of the Act of 1952 applies in relation to international certificates of fitness (IGC) as it applies to a certificate issued under that Act and an International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk issued by the government of another country, other than the State, to which the Safety Convention applies, under such Safety Convention, in respect of a ship to which this section applies, other than an Irish ship, and accepted as having the same force in the State as an international certificate of fitness (IGC) shall be referred to as an accepted international certificate of fitness (IGC).

...

Certification.

37.— ...

(7) (a) Sections 27(9) and 28(1) of the Act of 1952 apply in relation to international certificates of fitness (INF) as they apply to a certificate authorised under that Act.

(b) Section 28(2) of the Act of 1952 applies in relation to international certificates of fitness (INF) as it applies to a certificate issued under that Act and any corresponding International Certificate of Fitness for the Carriage of INF Cargo issued by the government of another country, other than the State, to which the Safety Convention applies, under such Convention, in respect of a ship to which this section applies, other than an Irish ship, and accepted as having the same force in the State as a certificate of fitness (INF) shall be referred to as an accepted certificate of fitness (INF).

...

Certification and endorsement of high-speed craft (Chapter 4).

45.— ...

(7) (a) Sections 27(9) and 28(1) of the Act of 1952 apply in relation to high-speed craft safety certificates as they apply to a certificate the issue of which is authorised under that Act.

(b) Section 28(2) of the Act of 1952 applies in relation to high-speed craft safety certificates as it applies to a certificate issued under that Act and a high-speed craft safety certificate issued by the government of another country, other than the State, to which the Safety Convention applies, under such Safety Convention, in respect of a ship to which this Chapter applies, other than an Irish ship, and accepted as having the same force in the State as a high-speed craft safety certificate shall be referred to as an accepted high-speed craft safety certificate.

...

Safe manning document.

60.— ...

(3) Sections 27(9) and 28(1) of the Act of 1952 apply in relation to a minimum safe manning document as they apply to a certificate the issue of which is authorised under that Act.

(4) Section 28(2) of the Act of 1952 applies in relation to a minimum safe manning document as it applies to a certificate issued under that Act and a minimum safe manning document issued by the government of another country, other than the State, to which the Safety Convention applies, under such Safety Convention, in respect of a ship to which this Chapter applies, other than an Irish ship, and accepted as having the same force in the State as a minimum safe manning document shall be referred to as an accepted minimum safe manning document.

...

Editorial Notes

E88 Power pursuant to subs. (2) exercised (1.12.1983) by *Merchant Shipping (Accepted Safety Convention Certificates) Regulations 1983* (S.I. No. 318 of 1983), in effect as per reg. 1(3).

E89 Power pursuant to subs. (2) exercised (12.11.1953) by *Merchant Shipping (Accepted Safety Convention Certificates) Regulations 1953* (S.I. No. 345 of 1953).

E90 Previous affecting provision: power pursuant to subs. (2) exercised (3.05.1967) by *Merchant Shipping (Accepted Safety Convention Certificates) Regulations 1967* (S.I. No. 111 of 1967); revoked (1.12.1983) by *Merchant Shipping (Accepted Safety Convention Certificates) Regulations 1983* (S.I. No. 318 of 1983), reg. 1(4), in effect as per reg. 1(3).

Modified survey
of passenger
steamers holding
Convention
certificates.

29. — (1) Where an accepted Safety Convention certificate is produced in respect of a Safety Convention passenger steamer not registered in the State—

(a) the steamer shall not be required to be surveyed under the Merchant Shipping Acts by a surveyor of ships except for the purpose of determining the number of passengers that she is fit to carry;

(b) on receipt of any declaration of survey for the purpose aforesaid, the Minister shall issue a certificate under section 274 of the Principal Act containing only a statement of the particulars set out in paragraph (b) of that section (which relates to the said number of passengers), and a certificate so issued shall have effect as a passenger steamer's certificate.

(2) Where there is produced in respect of any such passenger steamer as aforesaid an accepted Safety Convention certificate, and also a certificate issued by or under the authority of the government of the country in which the steamer is registered showing the number of passengers that the steamer is fit to carry, and the Minister is satisfied that that number has been determined substantially in the same manner as in the case of a passenger steamer registered in the State, he may if he thinks fit dispense with any survey of the steamer for the purpose of determining the number of passengers that she is fit to carry and direct that the last-mentioned certificate shall have effect as a passenger steamer's certificate.

Miscellaneous
privileges of ships
holding
Convention
certificates.

30. — (1) Where an accepted Safety Convention certificate is produced in respect of a Safety Convention passenger steamer not registered in the State, the steamer shall be exempt from paragraphs (d) and (f) of subsection (1) of section 290 of the Principal Act (which relate to the equipments of emigrant ships) and section 420 of that Act (which relates to lights and fog-signals) and from the rules for life-saving appliances.

(2) Where an accepted Safety Convention certificate, being the equivalent of a safety equipment certificate, is produced in respect of a Safety Convention ship (other than a passenger steamer) not registered in the State, the ship shall be exempt from section 420 of the Principal Act (which relates to lights and fog-signals) and from the rules for life-saving appliances.

(3) Where an accepted Safety Convention certificate is produced in respect of a Safety Convention ship not registered in the State, and the certificate shows that the ship complies with the requirements of the Safety Convention relating to F36[radiocommunications] and F37[navigation and tracking rules], or that she is exempt from some of those requirements and complies with the rest, or that she is wholly exempt from those requirements, the ship shall be exempt from the provisions of the radio rules and F37[navigation and tracking systems and equipment].

Annotations

Amendments:

F36 Substituted (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 8(2)(c), commenced on enactment.

F37 Substituted (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 9(3)(a)(b), commenced on enactment.

Further provisions as to the production of Convention certificates.

31. — (1) The master of every Safety Convention ship not registered in the State shall produce to the officer of customs from whom a clearance of the ship is demanded in respect of an international voyage from a port in the State accepted Safety Convention certificates that are the equivalent of the certificates issued by the Minister under this Act that would be required to be in force in respect of the ship if she were a ship so registered; and a clearance shall not be granted, and the ship may be detained, until such certificates are so produced.

(2) The production of an accepted Safety Convention certificate being the equivalent of—

(a) a qualified certificate, or

(b) an exemption certificate, other than a certificate stating that a ship is wholly exempt from the provisions of the Safety Convention relating to F38[radiocommunications] and F39[navigation and tracking systems and equipment], shall not avail for the purposes of section 29 or section 30 of this Act unless there is also produced the corresponding exemption certificate or qualified certificate as the case may be.

Annotations

Amendments:

- F38** Substituted (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 8(2)(c), commenced on enactment.
- F39** Substituted (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 9(3)(b), commenced on enactment.

Miscellaneous Provisions for Furthering Safety of Life at Sea.

Information about ship's stability.

32. — F40[...]

Annotations

Amendments:

- F40** Repealed (4.10.1968) by *Merchant Shipping (Load Lines) Act 1968* (17/1968), s. 31(1) and sch., S.I. No. 206 of 1968.

Editorial Notes

- E91** Previous affecting provision: subs. (2) amended (14.05.1967) by *Merchant Shipping Act 1966* (20/1966), s. 20(4)(c), S.I. No. 54 of 1967; section repealed as per F-note above.

Openings in passenger steamers' hulls and watertight bulkheads.

33. — (1) The Minister may in relation to passenger steamers registered in the State make rules for any of the following matters—

(a) for closing and keeping closed the openings in steamers' hulls and in watertight bulkheads;

(b) for securing, keeping in place and inspecting contrivances for closing any such openings as aforesaid;

(c) for operating the mechanisms of contrivances for closing any such openings as aforesaid and for drills in connection with the operation thereof;

(d) for requiring entry to be made in the official log-book or other record to be kept of any of the matters aforesaid.

(2) If any of the said rules is not complied with in relation to any such steamer as aforesaid, the master of the steamer shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding one hundred pounds.

Annotations

Editorial Notes

- E92** A fine of £100 converted (1.01.1999) to €126.97. This translates into a class C fine, not greater than €2,500, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3, 6(3) and table ref. no. 6, S.I. No. 662 of 2010.
- E93** Power pursuant to section exercised (1.04.1994) by *Merchant Shipping (Passenger Ship Construction and Survey) (Amendment) Rules 1994* (S.I. No. 12 of 1994), in effect as per rule 1.
- E94** Power pursuant to section exercised (1.01.1989, 1.03.1989) by *Merchant Shipping (Closing of Openings in Hulls and in Watertight Bulkheads) Rules 1988* (S.I. No. 371 of 1988), in effect as per rule 1(2).
- E95** Power pursuant to section exercised (1.01.1989, 1.03.1989) by *Merchant Shipping (Closing of Openings in Enclosed Superstructures and in Bulkheads Above The Bulkhead Deck) Rules 1988* (S.I. No. 370 of 1988), in effect as per rule 1(2).
- E96** Power pursuant to section exercised (1.12.1983) by *Merchant Shipping (Closing of Openings in Hulls and in Watertight Bulkheads) Rules 1983* (S.I. 315 of 1983), in effect as per rule 1(1).
- E97** Previous affecting provision: power pursuant to section exercised (14.05.1967) by *Merchant Shipping (Closing of Openings in Hulls and in Watertight Bulkheads) Rules 1967* (S.I. No. 109 of 1967), in effect as per rule 1(5); revoked (1.12.1983) by *Merchant Shipping (Closing of Openings in Hulls and in Watertight Bulkheads) Rules 1983* (S.I. 315 of 1983), rule 1(5), in effect as per rule 1(1).
- E98** Previous affecting provision: power pursuant to section exercised (19.11.1953) by *Merchant Shipping (Closing of Openings in Hulls and in Watertight Bulkheads) Rules 1953* (S.I. No. 346 of 1953), in effect as per rule 4; revoked (3.05.1967) by *Merchant Shipping (Closing of Openings in Hulls and in Watertight Bulkheads) Rules 1967* (S.I. No. 109 of 1967), rule 1(6), in effect as per rule 1(5).

Submersion of
sub-division load
lines.

34. — F41[...]

Annotations

Amendments:

- F41** Repealed (4.10.1968) by *Merchant Shipping (Load Lines) Act 1968* (17/1968), s. 31(1) and sch., S.I. No. 206 of 1968.

Report of dangers
to navigation.

35. — (1) The master of F42[an Irish ship] on meeting with dangerous ice, a dangerous derelict, a tropical storm or any other direct danger to navigation, shall send information accordingly, by all means of communication at his disposal and in accordance with rules to be made for the purposes of this section, to ships in the vicinity and to such authorities on shore as may be prescribed by those rules.

(2) Rules for the purposes of this section shall be made by the Minister and shall make such provision as appears to him to be necessary for the purpose of giving effect to the provisions of Regulations 2, 3 and 4 of Chapter V of the Safety Convention.

(3) If the master of a ship fails to comply with the provisions of this section, he shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding F43[€2,000].

(4) Every person in charge of a wireless telegraph station which is under the control of the F44[Minister for Communications, Energy and Natural Resources] or which is established or installed under licence of the Minister for Posts and Telegraphs shall, on receiving the signal prescribed by the said rules for indicating that a message is about to be sent under this section, refrain from sending messages for a time sufficient to allow other stations to receive the message and, if so required by the Minister, shall transmit the message in such manner as may be required by the Minister, and compliance with this subsection shall be deemed to be a condition of every licence granted by the Minister for Posts and Telegraphs under the [Wireless Telegraphy Act, 1926](#) (No. 45 of 1926).

(5) Nothing in subsection (4) of this section shall interfere with the transmission of signals of distress prescribed under [section 36](#) of this Act.

(6) For the purposes of this section, the expression “ tropical storm ” means a hurricane, typhoon, cyclone or other storm of a similar nature, and the master of a ship shall be deemed to have met with a tropical storm if he has reason to believe that there is such a storm in his vicinity.

Annotations

Amendments:

- F42** Substituted (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 11(f)(i), commenced on enactment.
- F43** Substituted (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 11(f)(ii), commenced on enactment. A fine of €2,000 translates into a class C fine, not greater than €2,500, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3, 6(3) and table ref. no. 1, S.I. No. 662 of 2010.
- F44** Substituted (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 11(f)(iii), commenced on enactment.

Modifications (not altering text)

- C29** Application of section extended (14.05.1967) by *Merchant Shipping Act 1966* (20/1966), s. 17, S.I. No. 54 of 1967.

Extension of duty to report dangers to navigation.

17.—The matters of which information is to be sent by the master of a ship in accordance with the Merchant Shipping (Distress and Urgency Signals and Danger Warning) Rules, 1936, and section 35 of the Act of 1952 shall include—

- (a) air temperatures below freezing point associated with gale force winds causing severe ice accretion on the superstructure of ships; and
- (b) winds of force 10 or above on the Beaufort Scale for which no storm warning has been received.

Editorial Notes

- E99** Power pursuant to section exercised (1.02.1993) by *Merchant Shipping (Navigational Warnings) (Amendment) Rules 1992* (S.I. No. 444 of 1992), in effect as per rule 1.
- E100** Power pursuant to section exercised (1.12.1983) by *Merchant Shipping (Navigational Warnings) Rules 1983* (S.I. No. 310 of 1983), in effect as per rule 1(1).

E101 Previous affecting provision: power pursuant to section exercised (16.05.1967) by *Merchant Shipping (Navigational Warnings) Rules 1967* (S.I. No. 108 of 1967), in effect as per rule 1(2); revoked (1.12.1983) by *Merchant Shipping (Navigational Warnings) Rules 1983* (S.I. No. 310 of 1983), rule 1(3), in effect as per rule 1(1).

Signals of
distress.

36. — (1) The Minister may make rules prescribing what signals shall be used by ships as signals of distress and the circumstances in which, and the purposes for which, any such signal is to be used and the circumstances in which it is to be revoked.

(2) If the master of a ship uses or displays or causes or permits any person under his authority to use or display—

(a) any signal prescribed under this section except in the circumstances and for the purposes so prescribed, or

(b) any private signal, whether registered or not, that is liable to be mistaken for any signal so prescribed,

he shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding F45[€2,000] and shall further be liable to pay compensation for any labour undertaken, risk incurred or loss sustained in consequence of the signal having been supposed to be a signal of distress; and that compensation may, without prejudice to any other remedy, be recovered in the same manner as salvage.

Annotations

Amendments:

F45 Substituted (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 11(g), commenced on enactment. A fine of €2,000 translates into a class C fine, not greater than €2,500, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3, 6(3) and table ref. no. 1, S.I. No. 662 of 2010.

Editorial Notes

E102 Power pursuant to subs. (1) exercised (24.05.2012) by *Signals of Distress (Ships) Rules 2012* (S.I. No. 170 of 2012).

E103 Previous affecting provision: power pursuant to section exercised (15.07.1977) by *Signals of Distress (Ships and Water Craft on The Water) Rules 1977* (S.I. No. 234 of 1977), in effect as per rule 1(2); revoked (24.05.2012) by *Signals of Distress (Ships) Rules 2012* (S.I. No. 170 of 2012), rule 6.

E104 Previous affecting provision: power pursuant to section exercised (1.09.1965) by *Signals of Distress (Ships and Seaplanes on The Water) Rules 1965* (S.I. No. 186 of 1965), in effect as per rule 1(2); revoked (15.07.1977) by *Signals of Distress (Ships and Water Craft on The Water) Rules 1977* (S.I. No. 234 of 1977), rule 6, in effect as per rule 1(2).

E105 Previous affecting provision: power pursuant to section exercised (1.01.1954) by *Signals of Distress (Ships and Seaplanes on The Water) Rules 1953* (S.I. No. 395 of 1953), in effect as per rule 1(2); revoked (1.09.1965) by *Signals of Distress (Ships and Seaplanes on The Water) Rules 1965* (S.I. No. 186 of 1965), rule 6, in effect as per rule 1(2).

Obligation to
assist vessels,
etc., in distress.

37. — (1) The master of F46[an Irish ship], on receiving at sea a signal of distress or information from any source that a vessel or aircraft is in distress, shall proceed with all speed to the assistance of the persons in distress (informing them if possible that he is doing so) unless he is unable, or in the special circumstances of the case considers it unreasonable or unnecessary, to do so, or unless he is released under the provisions of subsection (3) or subsection (4) of this section.

(2) Where the master of any ship in distress has requisitioned F46[an Irish ship] that has answered his call, it shall be the duty of the master of the requisitioned ship to comply with the requisition by continuing to proceed with all speed to the assistance of the persons in distress.

(3) A master shall be released from the obligation imposed by subsection (1) of this section as soon as he is informed of the requisition of one or more ships other than his own and that the requisition is being complied with by the ship or ships requisitioned.

(4) A master shall be released from the obligation imposed by subsection (1) of this section, and, if his ship has been requisitioned, from the obligations imposed by subsection (2) of this section, if he is informed by the persons in distress, or by the master of any ship that has reached the persons in distress, that assistance is no longer required.

F47[(5) If a master fails to comply with subsection (1) or (2) he or she commits an offence and is liable on summary conviction to a fine not exceeding €5,000.]

(6) If the master of F48[an Irish ship], on receiving at sea a signal of distress or information from any source that a vessel or aircraft is in distress, is unable, or in the special circumstances of the case considers it unreasonable or unnecessary, to go to the assistance of the persons in distress, he shall forthwith cause a statement to be entered in the official log-book, or if there is no official log-book cause other record to be kept, of his reasons for not going to the assistance of those persons, and if he fails to do so he shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding F49[€2,000].

(7) The master of every F50[Irish ship] for which an official log is required shall enter or cause to be entered in the official log-book every signal of distress or message that a vessel, aircraft or person is in distress at sea.

(8) Nothing in this section shall affect the provisions of section 6 of the Maritime Conventions Act, 1911; and compliance by the master of a ship with the provisions of this section shall not affect his right, or the right of any other person, to salvage.

Annotations

Amendments:

- | | |
|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| F46 | Substituted (3.07.2010) by <i>Merchant Shipping Act 2010</i> (14/2010), s. 11(h)(i), commenced on enactment. |
| F47 | Substituted (3.07.2010) by <i>Merchant Shipping Act 2010</i> (14/2010), s. 11(h)(ii), commenced on enactment. A fine of €5,000 translates into a class A fine, not greater than €5,000, as provided (4.01.2011) by <i>Fines Act 2010</i> (8/2010), ss. 3, 4(3) and table ref. no. 1, S.I. No. 662 of 2010. |
| F48 | Substituted (3.07.2010) by <i>Merchant Shipping Act 2010</i> (14/2010), s. 11(h)(iii)(I), commenced on enactment. |
| F49 | Substituted (3.07.2010) by <i>Merchant Shipping Act 2010</i> (14/2010), s. 11(h)(iii)(II), commenced on enactment. A fine of €2,000 translates into a class C fine, not greater than €2,500, as provided (4.01.2011) by <i>Fines Act 2010</i> (8/2010), ss. 3, 6(3) and table ref. no. 1, S.I. No. 662 of 2010. |
| F50 | Substituted (3.07.2010) by <i>Merchant Shipping Act 2010</i> (14/2010), s. 11(h)(iv), commenced on enactment. |

Carriage of
dangerous goods.

38. — (1) The Minister may make rules for regulating in the interests of safety the carriage of dangerous goods in ships to which this section applies.

(2) This section applies to—

(a) F51[Irish ships, and]

(b) other ships while they are within any port in the State, or are embarking or disembarking passengers within the territorial waters of the State, or are loading or discharging cargo or fuel within those waters.

F51[(3) If any of the rules made under this section is not complied with in relation to any ship, the owner or master of the ship commits an offence and is liable—

(a) on summary conviction, to a fine not exceeding €5,000, or

(b) on conviction on indictment, to a fine not exceeding €100,000,

and the ship is deemed for the purposes of Part V of the Principal Act to be unsafe by reason of improper loading.]

(4) Any goods declared by the rules made under this section to be dangerous in their nature shall be deemed to be dangerous goods for the purposes of Part V of the Principal Act.

Annotations

Amendments:

F51 Substituted (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 11(l)(i)(i), (ii), commenced on enactment. A fine of €5,000 translates into a class A fine, not greater than €5,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3, 4(3) and table ref. no. 1, S.I. No. 662 of 2010.

Editorial Notes

E106 Power pursuant to section exercised (9.10.2023) by *Merchant Shipping (Dangerous Goods) Rules 2023* (S.I. No. 488 of 2023).

E107 Previous affection provision: power pursuant to section exercised (14.12.1992) by *Merchant Shipping (Dangerous Goods) Rules 1992* (S.I. No. 391 of 1992), in effect as per rule 1(1); revoked (9.10.2023) by *Merchant Shipping (Dangerous Goods) Rules 2023* (S.I. No. 488 of 2023), rule 4.

E108 Previous affecting provision: power pursuant to section exercised (1.12.1983) by *Merchant Shipping (Dangerous Goods) Rules 1983* (S.I. No. 306 of 1983), in effect as per rule 1(1); revoked (14.12.1992) by *Merchant Shipping (Dangerous Goods) Rules 1992* (S.I. No. 391 of 1992), rule 1(5), in effect as per rule 1(1).

E109 Previous affecting provision: power pursuant to section exercised (20.08.1968) by *Merchant Shipping (Dangerous Goods) (Amendment) Rules 1968* (S.I. No. 179 of 1968); revoked (1.12.1983) by *Merchant Shipping (Dangerous Goods) Rules 1983* (S.I. No. 306 of 1983), rule 1(5), in effect as per rule 1(1).

E110 Previous affecting provision: power pursuant to section exercised (14.05.1967) by *Merchant Shipping (Dangerous Goods) Rules 1967* (S.I. No. 105 of 1967), in effect as per rule 1(5); revoked (1.12.1983) by *Merchant Shipping (Dangerous Goods) Rules 1983* (S.I. No. 306 of 1983), rule 1(5), in effect as per rule 1(1).

E111 Previous affecting provision: power pursuant to section exercised (19.11.1953) by *Merchant Shipping (Dangerous Goods) Rules 1953* (S.I. No. 347 of 1953), in effect as per rule 5; revoked (14.05.1967) by *Merchant Shipping (Dangerous Goods) Rules 1967* (S.I. No. 105 of 1967), rule 1(6), in effect as per rule 1(5).

Carriage of grain. **39.** — (1) Where grain is loaded on board any ship registered in the State, or is loaded within any port in the State on board any ship, all necessary and reasonable precautions shall be taken to prevent the grain from shifting, and if such precautions as aforesaid are not taken, the owner or the master of the ship, or any agent of the owner who was charged with the loading or with sending the ship to sea laden with the grain, shall be guilty of an offence under this subsection, and the ship shall be deemed for the purposes of Part V of the Principal Act to be unsafe by reason of improper loading.

- (2) (a) Where any ship, having been loaded with grain outside the State without the taking of all necessary and reasonable precautions to prevent the grain from shifting, enters any port in the State so laden, the owner or master of the ship shall be guilty of an offence under this subsection, and the ship shall be deemed for the purposes of Part V of the Principal Act to be unsafe by reason of improper loading.
- (b) This subsection shall not have effect if the ship would not have entered any such port but for stress of weather or any other circumstance that neither the master nor the owner nor the charterer (if any) could have prevented or forestalled.
- (3) (a) Without prejudice to the generality of subsections (1) and (2) of this section, any particular precaution prescribed by rules made by the Minister under this subsection, in relation to the loading of ships generally or of ships of any class, as being a precaution to be treated for the purposes of those subsections as a necessary or reasonable precaution to prevent grain from shifting, shall be so treated in the case of ships generally, or of ships of that class, as the case may be.
- (b) This subsection shall not apply where a ship is loaded in accordance in all respects with any provisions approved by the Minister as respects the loading in question other than rules made under this subsection.

F52[(4) If any person commits an offence under subsection (1) or (2), the person is liable—

- (a) on summary conviction, to a fine not exceeding €5,000, or
(b) on conviction on indictment, to a fine not exceeding €100,000.]

(5) F53[...]

F54[(6) A surveyor of ships or a person authorised by the Minister in that behalf may for securing the observance of the requirements of this section—

- (a) board a ship and inspect any grain found on it, and
(b) (i) ask the master of the ship or any member of the crew such questions or make such requests, and
(ii) inspect such documents,

relating to the grain and its storage.]

(7) In this section the expression “ grain ” includes wheat, maize, oats, rye, barley, rice, pulses and seeds, and the expression “ ship carrying a cargo of grain ” means a ship carrying a quantity of grain exceeding one-third of the ship's registered tonnage, reckoning one hundred cubic feet or two tons weight of grain as equivalent to one ton of registered tonnage.

Annotations

Amendments:

- F52** Substituted (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 11(j)(i), commenced on enactment. A fine of €5,000 translates into a class A fine, not greater than €5,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3, 4(3) and table ref. no. 1, S.I. No. 662 of 2010.
- F53** Deleted (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 11(j)(ii), commenced on enactment.
- F54** Substituted (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 11(j)(iii), commenced on enactment.

Modifications (not altering text)

C30 Subs. (7) construed (25.01.1983) by *Merchant Shipping Act 1981* (33/1981), s. 2(5)(a), (b), S.I. No. 15 of 1983.

Modifications of Act of 1952 and Act of 1966 for purposes of Convention of 1974.**2.— ...**

(5) Subsection (7) of section 39 of the Act of 1952 shall be construed and have effect as if—

(a) after “pulses and seeds” there were inserted “(whether in natural or processed form)”;
and

(b) all the words from “, and the expression ‘ship carrying a cargo of grain’” to the end of the subsection were deleted.

Editorial Notes

E112 Power pursuant to subs. (3) exercised (1.12.1983) by *Merchant Shipping (Grain) Rules 1983* (S.I. No. 307 of 1983), in effect as per rule 1(1).

E113 Previous affecting provision: power pursuant to subs. (3) exercised (14.05.1967) by *Merchant Shipping (Grain) Rules 1967* (S.I. No. 102 of 1967), rule 1(3), in effect as per rule 1(2); revoked (1.12.1983) by *Merchant Shipping (Grain) Rules 1983* (S.I. No. 307 of 1983), rule 1(3), in effect as per rule 1(1).

E114 Previous affecting provision: power pursuant to subs. (3) exercised (19.11.1953) by *Merchant Shipping (Grain) Rules 1953* (S.I. No. 348 of 1953), in effect as per rule 3; revoked (14.05.1967) by *Merchant Shipping (Grain) Rules 1967* (S.I. No. 102 of 1967), rule 1(3), in effect as per rule 1(2).

Method of giving
helm orders.

40. — (1) It shall not be lawful for any person on any ship registered in the State, when such ship is going ahead, either to give a helm or steering order containing the word “starboard” or the word “right” or any equivalent of either of those words unless such person intends that the head of such ship shall move to the right, or to give a helm or steering order containing the word “port” or the word “left” or any equivalent of either of those words unless such person intends that the head of the ship shall move to the left.

(2) Every person who does any act which is a contravention of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding F55[€1,000].

Annotations**Amendments:**

F55 Substituted (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 11(k), commenced on enactment. A fine of €1,000 translates into a class D fine, not greater than €1,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3, 7(3) and table ref. no. 1, S.I. No. 662 of 2010.

Careful
navigation near
ice.

41. — (1) The master of a ship registered in the State, when ice is reported on or near his course, shall at night either proceed at a moderate speed or change his course so as to keep amply clear of the ice reported and the area of danger.

(2) If the master of any such ship fails to comply with this section, he shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding F56[€5,000].

Annotations**Amendments:**

- F56** Substituted (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 11(l), commenced on enactment. A fine of €5,000 translates into a class A fine, not greater than €5,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3, 4(3) and table ref. no. 1, S.I. No. 662 of 2010.

Notice of Atlantic routes.

42. — (1) The owner of any line of passenger steamers crossing the North Atlantic from or to any port in the State by regular routes shall give public notice, in such manner as may be directed by the Minister, of the routes which it is proposed that the ships belonging to the line should follow, and of any changes which may be made in those routes.

(2) If the owner of any such line of passenger steamers fails to comply with this section, he shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding F57[€1,000].

Annotations**Amendments:**

- F57** Substituted (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 11(m), commenced on enactment. A fine of €1,000 translates into a class D fine, not greater than €1,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3, 7(3) and table ref. no. 1, S.I. No. 662 of 2010.

Supplemental.

Definition of “passenger” and “passenger steamer.”

43. — (1) In Part III of the Principal Act and in this Act, the expression “passenger” means any person carried in a ship, except—

- (a) a person employed or engaged in any capacity on board the ship on the business of the ship,
- (b) a person on board the ship either in pursuance of the obligation laid upon the master to carry shipwrecked, distressed or other persons or by reason of any circumstance that neither the master nor the owner nor the charterer (if any) could have prevented or forestalled, and
- (c) a child under one year of age.

(2) In this Act the expression “passenger steamer” means a steamer carrying more than twelve passengers.

Removing persons in case of danger.

44. — Where the Minister for the purpose of enabling persons to be removed from any place in consequence of a threat to their lives has permitted more persons to be carried on board a ship than are permitted under the Merchant Shipping Acts apart from this section, the carriage of that excess of persons shall not be an offence under those Acts.

Power of Minister to exempt from safety requirements.

45. — (1) The Minister may exempt any ships or classes of ships from any requirements of the rules for life-saving appliances or any rules or regulations made under this Act, either absolutely or subject to such conditions as he thinks fit.

(2) Without prejudice to the preceding provisions of this section, where a ship not normally engaged on international voyages is required to undertake a single international voyage, the Minister may, if he is of opinion that the ship complies with

safety requirements that are adequate for that voyage, exempt the ship from any of the safety requirements imposed by or under the Merchant Shipping Acts.

Exemption of certain ships from certain provisions of this Act.

F58[46. — (1) Nothing in this Act—

- (a) prohibiting or preventing a ship from proceeding to sea unless there are in force in relation to the ship, or are produced, the appropriate certificates issued by the Minister under this Act or the appropriate accepted Safety Convention certificates,
- (b) conferring powers on a surveyor of ships for the purpose of verifying the existence, validity or correctness of any Safety Convention certificate or that the conditions on which any such certificate was issued are complied with,
- (c) requiring information about a ship's stability to be carried on board, or
- (d) imposing a penalty for the contravention of any rules relating to openings in ships' hulls and watertight bulkheads,

unless in the case of information about a ship's stability the Minister otherwise orders, applies to any troopship.

(2) Nothing in subsection (1) affects the exemption conferred by section 741 of the Principal Act on ships belonging to the State.

(3) Notwithstanding that any provision of this Act is expressed to apply to ships not registered in the State while they are within any port in the State, that provision does not apply to a ship that would not be within any such port but for stress of weather or any other circumstance, that neither the master nor the owner of the ship could have prevented or forestalled.]

Annotations

Amendments:

F58 Substituted (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 10(1), commenced on enactment.

Editorial Notes

E115 Previous affecting provision: application of subs. (1) restricted (14.05.1967) by *Merchant Shipping Act 1966* (20/1966), s. 16, S.I. No. 54 of 1967; repealed (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 10(2), commenced on enactment.

Consequential amendments of Merchant Shipping Acts.

47. — (1) In subsection (3) of section 724 of the Principal Act, for the words "passenger steamers" there shall be substituted the word "ships".

(2) Where a ship is detained under any provision of this Act authorising the detention of a ship until the production of a certificate, subsection (2) of section 460 of the Principal Act (which makes the owner of a ship liable to pay to the Minister his costs in connection with her detention and survey) shall apply as if she had been finally detained under that Act.

(3) Section 63 of the Act of 1933 (which requires notice to be given to consular officers of the detention of certain foreign ships, or of proceedings against masters or owners under that Act) shall have effect as if any reference therein to that Act included a reference to this Act.

(4) In subsection (1) of section 272 of the Principal Act, for any reference to a wireless telegraph installation there shall be substituted a reference to a radio installation.

Section 8.

FIRST SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter or Number and Year	Short Title	Extent of Repeal
57 & 58 Vic., c. 60.	The Merchant Shipping Act, 1894.	In section 267, the definition of "passenger." In section 272, subsections (3) to (5). Sections 427, 431, 435 and 452 to 456.
6 Edw. 7, c. 48.	The Merchant Shipping Act, 1906.	Sections 3, 4, 9 (1) and 11.
9 & 10 Geo. 5, c. 38.	The Merchant Shipping (Wireless Telegraphy) Act, 1919.	The whole Act.
No. 42 of 1933.	The Merchant Shipping (Safety and Load Line Conventions) Act, 1933.	Part I. In section 58, in subsection (1), the words " and in subsection (1) of section 454. " In section 62, the words " Safety Convention or " in both places where they occur. The First Schedule.

Section 9.

SECOND SCHEDULE.

TRANSITIONAL PROVISIONS.

1. Any rules or regulations made, or having effect as if made, under any enactment repealed by this Act shall, until revoked, have effect as if they had been made under the corresponding provision of this Act.

2. F59[...]

3. F59[...]

4. F59[...]

Annotations**Amendments:**

F59 Repealed (14.05.1967) by *Merchant Shipping Act 1966* (20/1966), s. 20(4)(d), S.I. No. 54 of 1967.

Editorial Notes:

- E116** Previous affecting provision: power pursuant to s. 9 and para. 3 exercised (19.11.1953) by *Merchant Shipping (Safety Convention) (Transitional Provisions) Regulations 1953* (S.I. No. 344 of 1953), in effect as per reg. 7; rendered obsolete by passage of time.



Number 29 of 1952

MERCHANT SHIPPING (SAFETY CONVENTION) ACT 1952

REVISED

Updated to 9 October 2023

About this Revised Act

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was passed.

Related legislation

Merchant Shipping Acts 1894 to 2022: this Act is one of a group of Acts included in this collective citation (*Merchant Shipping (Investigation of Marine Casualties) (Amendment) Act 2022* (8/2022), s. 16(2)). The Acts in this group are:

- *Merchant Shipping Act 1894* (57 & 58 Vict.) c. 60
- *Merchant Shipping Act 1897* (60 & 61 Vict.) c. 59
- *Merchant Shipping (Exemption from Pilotage) Act 1897* (60 & 61 Vict.) c. 61 (*Repealed*)
- *Merchant Shipping (Liability of Shipowners) Act 1898* (61 & 62 Vict.) c. 14 (*Repealed*)
- *Merchant Shipping (Merchantile Marine Fund) Act 1898* (61 & 62 Vict.) c. 44
- *Merchant Shipping (Liability of Shipowners & Others) Act 1900* (63 & 64 Vict.) c. 32 (*Repealed*)
- *Merchant Shipping Act 1906* (6 Edw. 7) c. 48
- *Merchant Shipping Act 1907* (7 Edw. 7) c. 52 (*Repealed*)
- *Pilotage Act 1913* (2 & 3 Geo. 5) c. 31 (*Repealed*)
- *Merchant Shipping (Certificates) Act 1914* (4 & 5 Geo. 5) c. 42 (*Repealed*)
- *Merchant Shipping (Convention) Act 1914* (4 & 5 Geo. 5) c. 50 (*Repealed*)
- *Merchant Shipping (Salvage) Act 1916* (6 & 7 Geo. 5) c. 41 (*Repealed*)
- *Merchant Shipping (Wireless Telegraphy) Act 1919* (9 & 10 Geo. 5) c. 38 (*Repealed*)
- *Merchant Shipping (Amendment) Act 1920* (10 & 11 Geo. 5) c. 2
- *Merchant Shipping Act 1921* (11 & 12 Geo. 5) c. 28
- *Merchant Shipping (Helm Orders) Act 1932* (32/1932) (*Repealed*)
- *Merchant Shipping (International Labour Conventions) Act 1933* (29/1933)
- *Merchant Shipping (Safety and Load Line Conventions) Act 1933* (42/1933)
- *Merchant Shipping (Amendment) Act 1939* (12/1939)
- *Merchant Shipping Act 1947* (46/1947)
- *Merchant Shipping (Safety Convention) Act 1952* (29/1952)
- *Pilotage (Amendment) Act 1962* (2/1962) (*Repealed*)
- *Merchant Shipping Act 1966* (20/1966)
- *Merchant Shipping (Load Lines) Act 1968* (17/1968)
- *Merchant Shipping (Certification of Seamen) Act 1979* (37/1979)
- *Merchant Shipping Act 1981* (33/1981)
- *Merchant Shipping (Light Dues) Act 1983* (18/1983)

- *Fisheries (Amendment) Act 1983* (27/1983), s. 8 in so far as it amends the *Merchant Shipping Act 1894* and s. 10(2) (*Repealed*)
- *Merchant Shipping Act 1992* (2/1992)
- *Merchant Shipping (Salvage and Wreck) Act 1993* (34/1993)
- *Fisheries (Amendment) Act 1994* (23/1994) (*Repealed*)
- *Merchant Shipping (Liability of Shipowners and Others) Act 1996* (35/1996)
- *Merchant Shipping (Commissioners of Irish Lights) Act 1997* (37/1997)
- *Merchant Shipping (Miscellaneous Provisions) Act 1998* (20/1998)
- *Merchant Shipping (Investigation of Marine Casualties) Act 2000* (14/2000)
- *Sea Pollution (Hazardous Substances) (Compensation) Act 2005* (9/2005), s. 28
- *Maritime Safety Act 2005* (11/2005), other than Parts 5 and 6
- *Merchant Shipping Act 2010* (14/2010), other than s. 93
- *Local Government Reform Act 2014* (1/2014), s. 1(15) and the amendment to the *Merchant Shipping (Salvage and Wreck) Act 1993* provided for in s. 5(6) and Schedule 2, Part 6 (note: the reference to s. 5(6) appears to refer to s. 5(8))
- *Merchant Shipping (Registration of Ships) Act 2014* (43/2014)
- *Harbours Act 2015* (61/2015), s. 51
- *Merchant Shipping (Investigation of Marine Casualties) (Amendment) Act 2022* (8/2022)

Annotations

This Revised Act is annotated and includes textual and non-textual amendments, statutory instruments made pursuant to the Act and previous affecting provisions.

An explanation of how to read annotations is available at www.lawreform.ie/annotations.

Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available.

Where legislation or a fragment of legislation is referred to in annotations, changes to this legislation or fragment may not be reflected in this revision but will be reflected in a revision of the legislation referred to if one is available.

A list of legislative changes to any Act, and to statutory instruments from 1972, may be found linked from the page of the Act or statutory instrument at www.irishstatutebook.ie.

Acts which affect or previously affected this revision

- *Merchant Shipping (Investigation of Marine Casualties) (Amendment) Act 2022* (8/2022)
- *Merchant Shipping (Registration of Ships) Act 2014* (43/2014)
- *Merchant Shipping Act 2010* (14/2010)
- *Fines Act 2010* (8/2010)
- *Merchant Shipping Act 1992* (2/1992)
- *Merchant Shipping Act 1981* (33/1981)
- *Merchant Shipping (Load Lines) Act 1968* (17/1968)
- *Merchant Shipping Act 1966* (20/1966)

All Acts up to and including *Historic and Archaeological Heritage and Miscellaneous Provisions Act 2023* (26/2023), enacted 13 October 2023, were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

- *Merchant Shipping (Dangerous Goods) Rules 2023* (S.I. No. 488 of 2023)
- *Merchant Shipping (Fire Protection) Rules 2023* (S.I. No. 379 of 2023)

- *Merchant Shipping (Passenger Ships) (Amendment) Rules 2023* (S.I. No. 109 of 2023)
- *Merchant Shipping (Radio Installations Survey) Rules 2022* (S.I. No. 222 of 2022)
- *Merchant Shipping (Passenger Ships) (Amendment) Rules 2022* (S.I. No. 49 of 2022)
- *Merchant Shipping (Solas V - Navigation Bridge Visibility) (Construction) Rules 2021* (S.I. No. 280 of 2021)
- *Merchant Shipping (Navigation and Tracking) (Heading Systems and Testing of Steering Gear) Rules 2020* (S.I. No. 589 of 2020)
- *Merchant Shipping (Passenger Ships) Rules 2020* (S.I. No. 640 of 2020)
- *Merchant Shipping (Radio) Rules 2018* (S.I. No. 452 of 2018)
- *Merchant Shipping (Safety Convention) (Countries of Acceptance) Order 2013* (S.I. No. 270 of 2013)
- *Merchant Shipping (Fees) (Amendment) Order 2012* (S.I. No. 336 of 2012)
- *Signals of Distress (Ships) Rules 2012* (S.I. No. 170 of 2012)
- *Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2011* (S.I. No. 418 of 2011)
- *European Communities (Passenger Ships) Regulations 2011* (S.I. No. 322 of 2011)
- *Merchant Shipping (Fees) Order 2010* (S.I. No. 594 of 2010)
- *Merchant Shipping (Safety Convention) (Countries of Acceptance) Order 2008* (S.I. No. 553 of 2008)
- *Merchant Shipping (Ro-Ro Passenger Ship Survivability) (Amendment) Rules 2004* (S.I. No. 709 of 2004)
- *Merchant Shipping (Radio) (Amendment) Rules 1998* (S.I. No. 554 of 1998)
- *Merchant Shipping (Fees) Order 1998* (S.I. No. 475 of 1998)
- *Merchant Shipping (Ro-Ro Passenger Ship Survivability) Rules 1998* (S.I. No. 429 of 1998)
- *Merchant Shipping (Ro-Ro Passenger Ship Survivability) (Amendment) Rules 1995* (S.I. No. 40 of 1995)
- *Merchant Shipping (Ro-Ro Passenger Ship Survivability) Rules 1994* (S.I. No. 251 of 1994)
- *Merchant Shipping (Passenger Ship Construction and Survey) (Amendment No. 2) Rules 1994* (S.I. No. 131 of 1994)
- *Merchant Shipping (Cargo Ship Safety Equipment Survey) (Amendment) Rules 1994* (S.I. No. 29 of 1994)
- *Merchant Shipping (Passenger Ship Construction and Survey) (Amendment) Rules 1994* (S.I. No. 12 of 1994)
- *Merchant Shipping (Navigational Warnings) (Amendment) Rules 1992* (S.I. No. 444 of 1992)
- *Merchant Shipping (Dangerous Goods) Rules 1992* (S.I. No. 391 of 1992)
- *Merchant Shipping (Safety Convention) (Countries of Acceptance) Order 1992* (S.I. No. 307 of 1992)
- *Merchant Shipping (Radio) Rules 1992* (S.I. No. 224 of 1992)
- *Merchant Shipping (Fees) Order 1992* (S.I. No. 156 of 1992)
- *Merchant Shipping (Radio Installations) Rules 1992* (S.I. No. 28 of 1992)
- *Merchant Shipping (Fire Protection) (Amendment) Rules 1990* (S.I. No. 86 of 1990)
- *Merchant Shipping (Navigational Equipment) (Amendment) Rules 1990* (S.I. No. 84 of 1990)
- *Merchant Shipping (Passenger Ship Construction) (Amendment) Rules 1989* (S.I. No. 97 of 1989)
- *Merchant Shipping (Closing of Openings in Hulls and in Watertight Bulkheads) Rules 1988* (S.I. No. 371 of 1988)
- *Merchant Shipping (Closing of Openings in Enclosed Superstructures and in Bulkheads Above The Bulkhead Deck) Rules 1988* (S.I. No. 370 of 1988)
- *Merchant Shipping (Fees) Order 1987* (S.I. No. 347 of 1987)
- *Merchant Shipping (Radio Installations) (Amendment No. 2) Rules 1985* (S.I. No. 281 of 1985)
- *Merchant Shipping (Navigational Equipment) Rules 1985* (S.I. No. 280 of 1985)
- *Merchant Shipping (Fire Protection) Rules 1985* (S.I. No. 279 of 1985)
- *Merchant Shipping (Passenger Ship Construction and Survey) Rules 1985* (S.I. No. 274 of 1985)
- *Merchant Shipping (Passenger Ship Construction) (Amendment) Rules 1985* (S.I. No. 273 of 1985)
- *Merchant Shipping (Safety Convention) (Countries of Acceptance) Order 1985* (S.I. No. 272 of 1985)
- *Merchant Shipping Act, 1952 (Section 15) (Amendment) Order 1985* (S.I. No. 271 of 1985)

- *Merchant Shipping (Radio Installations) (Amendment) Rules 1984* (S.I. No. 192 of 1984)
- *Merchant Shipping (Fees) Order 1983* (S.I. No. 402 of 1983)
- *Merchant Shipping (Safety Convention) (Countries of Acceptance) Order 1983* (S.I. No. 320 of 1983)
- *Merchant Shipping (Accepted Safety Convention Certificates) Regulations 1983* (S.I. No. 318 of 1983)
- *Merchant Shipping (Automatic Pilot and Testing of Steering Gear) Rules 1983* (S.I. No. 317 of 1983)
- *Merchant Shipping (Closing of Openings in Hulls and in Watertight Bulkheads) Rules 1983* (S.I. No. 315 of 1983)
- *Merchant Shipping (Radio Installations Survey) Rules 1983* (S.I. No. 313 of 1983)
- *Merchant Shipping (Cargo Ship Safety Equipment Survey) Rules 1983* (S.I. No. 312 of 1983)
- *Merchant Shipping (Navigational Warnings) Rules 1983* (S.I. No. 310 of 1983)
- *Merchant Shipping (Navigational Equipment) Rules 1983* (S.I. No. 309 of 1983)
- *Merchant Shipping (Radio Installations) Rules 1983* (S.I. No. 308 of 1983)
- *Merchant Shipping (Grain) Rules 1983* (S.I. No. 307 of 1983)
- *Merchant Shipping (Dangerous Goods) Rules 1983* (S.I. No. 306 of 1983)
- *Merchant Shipping (Passenger Ship Construction) Rules 1983* (S.I. No. 300 of 1983)
- *Merchant Shipping (Fees) Order 1981* (S.I. No. 42 of 1981)
- *Signals of Distress (Ships and Water Craft on The Water) Rules 1977* (S.I. No. 234 of 1977)
- *Merchant Shipping (Safety Convention) (Countries of Acceptance) Order 1972* (S.I. No. 179 of 1972)
- *Merchant Shipping (Safety Convention) (Countries of Acceptance) (No. 2) Order 1969* (S.I. No. 211 of 1969)
- *Merchant Shipping (Safety Convention) (Countries of Acceptance) Order 1969* (S.I. No. 13 of 1969)
- *Merchant Shipping (Fees) Order 1968* (S.I. No. 185 of 1968)
- *Merchant Shipping (Dangerous Goods) (Amendment) Rules 1968* (S.I. No. 179 of 1968)
- *Merchant Shipping (Safety Convention) (Countries of Acceptance) (No. 3) Order 1968* (S.I. No. 178 of 1968)
- *Merchant Shipping (Safety Convention) (Countries of Acceptance) (No. 2) Order 1968* (S.I. No. 94 of 1968)
- *Merchant Shipping (Safety Convention) (Countries of Acceptance) Order 1968* (S.I. No. 34 of 1968)
- *Merchant Shipping (Cargo Ship Survey Fees) Order 1967* (S.I. No. 150 of 1967)
- *Merchant Shipping (Safety Convention) (Countries of Acceptance) Order 1967* (S.I. No. 112 of 1967)
- *Merchant Shipping (Accepted Safety Convention Certificates) Regulations 1967* (S.I. No. 111 of 1967)
- *Merchant Shipping (Closing of Openings in Hulls and in Watertight Bulkheads) Rules 1967* (S.I. No. 109 of 1967)
- *Merchant Shipping (Navigational Warnings) Rules 1967* (S.I. No. 108 of 1967)
- *Merchant Shipping (Dangerous Goods) Rules 1967* (S.I. No. 105 of 1967)
- *Merchant Shipping (Radio) Rules 1967* (S.I. No. 103 of 1967)
- *Merchant Shipping (Grain) Rules 1967* (S.I. No. 102 of 1967)
- *Merchant Shipping (Passenger Ship Construction) Rules 1967* (S.I. No. 98 of 1967)
- *Merchant Shipping (Fees) (Amendment) Order 1966* (S.I. No. 265 of 1966)
- *Signals of Distress (Ships and Seaplanes on The Water) Rules 1965* (S.I. No. 186 of 1965)
- *Merchant Shipping (Safety Convention) (Countries of Application) Order 1964* (S.I. No. 161 of 1964)
- *Merchant Shipping (Fees) Order 1963* (S.I. No. 266 of 1963)
- *Merchant Shipping (Safety Convention) (Countries of Application) Order 1963* (S.I. No. 239 of 1963)
- *Merchant Shipping (Safety Convention) (Countries of Application) Order 1961* (S.I. No. 167 of 1961)
- *Merchant Shipping (Safety Convention) (Countries of Application) Order 1960* (S.I. No. 10 of 1960)
- *Merchant Shipping (Safety Convention) (Countries of Application) Order 1958* (S.I. No. 224 of 1958)
- *Merchant Shipping (Safety Convention) (Countries of Application) Order 1955* (S.I. No. 197 of 1955)

- *Merchant Shipping (Safety Convention) (Countries of Application) Order 1954* (S.I. No. 130 of 1954)
- *Signals of Distress (Ships and Seaplanes on The Water) Rules 1953* (S.I. No. 395 of 1953)
- *Merchant Shipping (Grain) Rules 1953* (S.I. No. 348 of 1953)
- *Merchant Shipping (Dangerous Goods) Rules 1953* (S.I. No. 347 of 1953)
- *Merchant Shipping (Closing of Openings in Hulls and in Watertight Bulkheads) Rules 1953* (S.I. No. 346 of 1953)
- *Merchant Shipping (Accepted Safety Convention Certificates) Regulations 1953* (S.I. No. 345 of 1953)
- *Merchant Shipping (Safety Convention) (Transitional Provisions) Regulations 1953* (S.I. No. 344 of 1953)
- *Merchant Shipping (Safety Convention) (Countries of Application) Order 1953* (S.I. No. 343 of 1953)
- *Merchant Shipping (Direction-Finders) Rules 1953* (S.I. No. 342 of 1953)
- *Merchant Shipping (Radio) Rules 1953* (S.I. No. 340 of 1953)
- *Merchant Shipping (Construction) Rules 1953* (S.I. No. 339 of 1953)

All statutory instruments up to and including *Merchant Shipping (Dangerous Goods) Rules 2023* (S.I. No. 488 of 2023), made 9 October 2023, were considered in the preparation of this revision.