Changes to Legislation: as of 5 September 2026, this Act is up to date with all changes known to be in force.

Number 14 *of* 2010

MERCHANT SHIPPING ACT 2010

REVISED

Updated to 14 April 2026

This Revised Act is an administrative consolidation of the *Merchant Shipping Act 2010*. 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 *International Protection Act 2026* (9/2026), enacted 22 April 2026, and all statutory instruments up to and including the *Merchant Shipping (Life-Saving Appliances) (Amendment) Rules 2026* (S.I. No. 148 of 2026), made 14 April 2026, were considered in the preparation of this Revised Act.

Disclaimer: While every care has been taken in the preparation of this Revised Act, the Law Reform Commission can assume no responsibility for and give no guarantees, undertakings or warranties concerning the accuracy, completeness or up to date nature of the information provided and does not accept any liability whatsoever arising from any errors or omissions. Please notify any errors, omissions and comments by email to revisedacts@lawreform.ie.

Number 14 *of* 2010

MERCHANT SHIPPING ACT 2010

REVISED

Updated to 14 April 2026

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Employment Equality Act 1998	1998, No. 21

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Merchant Shipping (Miscellaneous Provisions) Act 1998	1998, No. 20
Merchant Shipping (Safety Convention) Act 1952	1952, No. 29
Merchant Shipping (Salvage and Wreck) Act 1993	1993, No. 34
Merchant Shipping Act 1894	1894, c. 60
Merchant Shipping Act 1906	1906, c. 48
Merchant Shipping Act 1966	1966, No. 20
Merchant Shipping Act 1981	1981, No. 33
Merchant Shipping Act 1992	1992, No. 2
Merchant Shipping Acts 1894 to 2000	
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Number 14 *of* 2010

MERCHANT SHIPPING ACT 2010

REVISED

Updated to 14 April 2026

AN ACT TO MAKE PROVISION IN RELATION TO GIVING FURTHER EFFECT TO THE INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA SIGNED IN LONDON ON 1 NOVEMBER 1974 AND ITS PROTOCOLS, PROVIDING ACCESS TO PASSENGER VESSELS FOR PERSONS WITH REDUCED MOBILITY, TO ENABLE SUNKEN VESSELS TO BE RAISED, TO GIVE THE FORCE OF LAW TO THE MARITIME LABOUR CONVENTION 2006 ADOPTED AT GENEVA ON 23 FEBRUARY 2006, TO AMEND THE MERCHANT SHIPPING ACTS 1894 TO 2005 AND TO AMEND AND EXTEND PART IV OF THE HARBOURS ACT 1996 AND TO PROVIDE FOR RELATED MATTERS.

[3*rd July*, 2010]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Annotations

Modifications (not altering text):

C1 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.

...

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...

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1922 to 2011 Enactments

Number and Year (1)	Short Title (2)	Provision (3)
...	...	...
No. 14 of 2010	Merchant Shipping Act 2010	Sections 52(1), 59(1)(d), 68(5), 83(3), 87(6) and 90
...	...	...

PART 1

PRELIMINARY AND GENERAL

Short title and collective citation.

1.— (1) This Act may be cited as the Merchant Shipping Act 2010.

(2) The Merchant Shipping Acts 1894 to 2000, section 28 of the Sea Pollution (Hazardous Substances) (Compensation) Act 2005, the Maritime Safety Act 2005 (other than Parts 5 and 6) and this Act (other than *section 93)* may be cited together as the Merchant Shipping Acts 1894 to 2010.

Definitions.

2.— In this Act—

"Act of 1952" means Merchant Shipping (Safety Convention) Act 1952;

"Act of 1966" means Merchant Shipping Act 1966;

"Act of 1992" means Merchant Shipping Act 1992;

"Act of 2000" means Merchant Shipping (Investigation of Marine Casualties) Act 2000;

"Act of 2005" means Maritime Safety Act 2005;

"bulk carrier rules" means rules made under *section 14*;

"cargo ship construction and survey rules" means rules made under section 3 of the Act of 1966;

"collision regulations" means regulations made under section 418 of the Principal Act;

"fire protection rules" means rules made under *section 84*;

"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 of the Act of 1952;

"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;

"Principal Act" means Merchant Shipping Act 1894;

"radio rules" means rules made under section 15 of the Act of 1952;

"recognised organisation" means an organisation authorised by the Minister under the European Communities (Ship Inspection and Survey Organisations) Regulations 2003 (S.I. No. 301 of 2003) to carry out surveys or inspections;

"rules for life-saving appliances" means rules made under *section 82*;

"Safety Convention" has the meaning assigned to it by section 3(1) of the Act of 1952;

"surveyor of ships" means a person appointed under section 724 of the Principal Act to be a surveyor of ships for the purposes of that Act and includes a recognised organisation;

"survival craft" means a craft capable of sustaining the lives of persons in distress from the time of abandoning a ship.

Annotations

Amendments:

F1 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):

C2 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.

Definitions.

2.— In this Act— ...

F1**[**"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;**]**

...

Expenses.

3.— The expenses of the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of monies provided by the Oireachtas.

Offence by body corporate and summary proceedings.

4.— (1) Where an offence under this Act is committed by a body corporate and is proved to have been so committed with the consent or connivance of, or to be attributable to, any neglect on the part of any person, being a director, manager, secretary or other officer of the body corporate, or a person who was purporting to act in any such capacity, that person, as well as the body corporate, commits an offence and is liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

(2) The Minister may prosecute summarily an offence under this Act.

Laying of orders, regulations and rules before Houses of Oireachtas.

5.— Every order, regulation and rule made under this Act shall be laid before each House of the Oireachtas as soon as may be after they are made and, if a resolution annulling the order, regulation or rule is passed by either such House within the next 21 days on which that House has sat after the instrument is laid before it, the order, regulation or rule shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

PART 2

CONSTRUCTION, RADIO, NAVIGATION AND TRACKING AND BULK CARRIER RULES AND CATEGORISATION OF VESSELS

Definitions — Act of 1952.

6.— (1) Section 3(1) (as amended by section 20(4)(*a*) of the Act of 1966) of the Act of 1952 is amended by—

(*a*) substituting for the definition of " the Minister " the following:

" ' 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;",

(*b*) deleting the definition of "rules for direction-finders", and

(*c*) substituting for the definition of "the Safety Convention" the following:

" ' 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 85th session of the Maritime Safety Committee of the International Maritime Organisation held between 26 November and 5 December 2008 and which have entered into force in respect of the State pursuant to Article VIII prior to the passing of the *Merchant Shipping Act 2010*;".

(2) Subsection (2) of section 1 and paragraph (*a*) of section 2 of the Act of 1966 are repealed.

Construction rules.

7.— (1) The Act of 1952 is amended by substituting for section 10 the following:

"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.".

(2) Section 9 of the Act of 1966 and section 29 of the Act of 1992 are repealed.

Radiocommunications rules.

8.— (1) The following section is substituted for section 15 of the Act of 1952:

"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.".

(2) The Act of 1952 is amended—

(*a*) in section 16(2), by substituting "Minister for Communications, Energy and Natural Resources" for "Minister for Posts and Telegraphs",

(*b*) in section 17(1) by substituting "radiocommunications installation" for "radio telegraph installation",

(*c*) in sections 23(1), (2)(*a*) and (3), 26(1)(*b*)(ii), 27(3) and (4), 30(3) and 31(2)(*b*), by substituting "radiocommunications" for "radiotelegraphy, radiotelephony", and

(*d*) in section 28(3) by substituting for paragraphs (*c*) and (*d*) the following:

"(*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

(*d*) that any conditions on which such a certificate, being the equivalent of an exemption certificate, is issued are complied with.".

(3) Sections 11 and 12 of the Act of 1966 are repealed.

(4) Section 7 of the Act of 1992 is amended by substituting "radiocommunications" for "radiotelegraph or radiotelephone".

Navigation and tracking rules.

9.— (1) The following section is substituted for section 18 of the Act of 1952:

"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.”.

(2) Section 19 of the Act of 1952 is repealed.

(3) The Act of 1952 is amended—

(*a*) in sections 20(1) and (3), 23(1), (2) and (3), 24, 25(2) and 30(3) by substituting “navigation and tracking rules” for “rules for direction-finders”, and

(*b*) in sections 23(1), 23(2)(*a*), 23(3), 26(1)(*b*)(ii), 27(3) and (4), 30(3) and 31(2)(*b*) by substituting "navigation and tracking systems and equipment" for "direction-finders".

(4) Sections 10 and 11 of the Merchant Shipping Act 1981 are repealed.

Exemption of certain ships from certain provisions of Act of 1952.

10.— (1) The following section is substituted for section 46 of the Act of 1952:

"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.".

(2) Section 16 of the Act of 1966 is repealed.

Increase of fines, etc. (Act of 1952).

11.— The Act of 1952 is amended—

(*a*) in section 20(1) by inserting "fire protection rules," after "rules for life-saving appliances,",

(*b*) in section 21(2), by substituting "€500" for "twenty pounds",

(*c*) in sections 22(1) and 22(2) by the inclusion of "and fire protection rules" after "life-saving appliances",

(*d*) in section 25(3), by substituting, "€1,000" for "fifty pounds", and

(*e*) in section 26—

(i) by substituting for subsection (4) the following:

"(4) 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,",

(ii) by deleting subsection (5), and

(iii) in subsection (7), by substituting "€5,000" for "one hundred pounds".

(*f*) in section 35—

(i) in subsection (1), by substituting "an Irish ship" for "any ship registered in the State",

(ii) in subsection (3), by substituting "€2,000" for "fifty pounds", and

(iii) in subsection (4), by substituting "Minister for Communications, Energy and Natural Resources" for "Minister for Post and Telegraphs" in each place it occurs,

(*g*) in section 36(2), by substituting "€2,000" for "fifty pounds",

(*h*) in section 37—

(i) in subsection (1) and (2), by substituting "an Irish ship" for "a ship registered in the State",

(ii) by substituting for subsection (5), the following:

"(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.",

and

(iii) in subsection (6), by substituting—

(I) "an Irish ship" for "a ship registered in the State", and

(II) "€2,000" for "one hundred pounds",

and

(iv) in subsection (7), by substituting "Irish ship" for "ship registered in the State",

(*i*) in section 38—

(i) by substituting for paragraph (*a*) the following:

"(*a*) Irish ships, and",

(ii) by substituting for subsection (3) the following:

"(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.",

(*j*) in section 39—

(i) by substituting for subsection (4) the following:

"(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.",

(ii) by deleting subsection (5), and

(iii) by substituting for subsection (6) the following:

"(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.",

(*k*) in section 40(2), by substituting "€1,000" for "fifty pounds",

(*l*) in section 41(2), by substituting "€5,000" for "one hundred pounds", and

(*m*) in section 42(2), by substituting "€1,000" for "twenty pounds".

Cargo ship construction and survey rules.

12.— (1) Section 1(1) of the Act of 1966 is amended by substituting for the definition of "the Minister" the following:

" ' 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;

' Minister ' means Minister for Transport;

' 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;".

(2) Section 3 of the Act of 1966 is amended by substituting for subsections (1), (2) and (3) the following:

"3.— (1) The Minister may make rules (' cargo ship construc tion and survey rules') prescribing—

(*a*) requirements for the hull, superstructure, subdivision and stability, electrical installations, equipment and machinery, fuel used in and fire protection of ships to which this section applies, and

(*b*) requiring any such ships which are Irish ships to be surveyed to such extent, in such manner and at intervals as may be prescribed by the rules.

(1A) In making cargo ship construction and survey 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;

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

(*g*) the age and date of construction of such ships.

(1B) 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.

(2) Cargo ship construction and survey rules shall include such requirements as appear to the Minister to be necessary to implement the provisions of the Convention relating to the hull, superstructure, subdivision and stability, electrical installations, equipment and machinery of and fuel used in such ships, except so far as those provisions are implemented by any other rules or regulations made under the Merchant Shipping Acts.

(3) This section applies to all ships other than passenger steamers, warships, troopships and fishing vessels. It applies to ships not registered in the State only while they are within a port in the State and are not exempted from the cargo ship construction and survey rules under the following provisions of this Act.".

(3) Section 4(1) of the Act of 1966 is amended by inserting "and bulk carrier rules and fire protection rules" after "and survey rules".

(4) The following section is substituted for section 6 of the Act of 1966:

"Prohibition on proceeding to sea without appropriate certificates.

6.— (1) No ship to which section 3 applies and which is an Irish ship shall proceed to sea unless there is in force in respect of the ship—

(*a*) a cargo ship safety construction certificate,

(*b*) a qualified cargo ship safety construction certificate and, if the ship is about to proceed on an international voyage, a corresponding exemption certificate, or

(*c*) such certificate or certificates as would be required if it were a passenger steamer,

applicable to the ship and to the voyage on which it is about to proceed.

(2) If any ship proceeds, or attempts to proceed, to sea in contravention of this section, the owner or master of the ship commits an offence and is liable on summary conviction to a fine not exceeding €5,000.".

(5) The following section is substituted for section 8 of the Act of 1966:

"Penalty for non-compliance with rules and compliance notice.

8.— (1) If cargo ship construction and survey rules are contravened in any respect in relation to a 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.

(2) A surveyor of ships may board and inspect any ship for the purpose of seeing that it complies with the provisions of cargo ship construction and survey rules (other than those relating to survey). If he or she finds that the ship fails to comply with those provisions, he or she shall give to the owner or master notice in writing stating in what respect the ship fails to comply with them.

(3) A surveyor of ships may board and inspect any ship for the purposes of seeing that a notice under this section has been complied with.

(4) 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 part of the ship as he or she considers appropriate for that purpose.

(5) If a ship, in respect of which a notice has been given to its owner or master under subsection (2) which requires compliance with the rules in accordance with the notice before the ship proceeds to sea, proceeds or attempts to proceed to sea without such compliance 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.".

Cargo ship safety certificate.

13.— (1) The Minister may, in any case where following a survey under the Merchant Shipping Acts or under radio rules or cargo ship construction and survey rules a safety equipment certificate, a radio certificate and a cargo ship safety construction certificate each fall to be issued by him or her in respect of a cargo ship (within the meaning of section 3 of the Act of 1966), at the request of the owner of the ship issue a composite certificate ("cargo ship safety certificate") in respect of the ship in relation to those certificates and in lieu of issuing separate certificates.

(2) The provisions of the Merchant Shipping Acts relating to the issue, the period of validity, the granting of an extension or the cancellation of a safety equipment certificate, a radio certificate or a cargo ship safety construction certificate apply to a cargo ship safety certificate, in respect of the certificate concerned, as if it were the certificate.

(3) In this section—

" safety equipment certificate " means a certificate issued under section 22(1) of the Act of 1952;

" radio certificate " means a certificate issued under section 23(1) of the Act of 1952;

" cargo ship safety construction certificate " means a certificate issued under section 4(1) of the Act of 1966.

Bulk carrier rules.

14.— (1) The Minister may make rules ("bulk carrier rules") prescribing the requirements that the superstructure, stability and subdivision, hull, arrangement, equipment and machinery of bulk carriers to which this section applies, must comply with.

(2) This section applies to bulk carriers which are Irish ships and to any other bulk carrier while it is within any port in the State, unless it would not have been in 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.

(3) In making bulk carrier rules the Minister may categorise bulk carriers into different classes having regard to one or more of the following, where appropriate:

(*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 type and quantity of cargo such ships are designed to carry on board;

(*e*) the age and date of construction of such ships;

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

(4) Different bulk carrier rules may be made in respect of different classes of bulk carriers for different circumstances and for different areas of operation.

(5) Bulk carrier 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 superstructure, stability and subdivision, strength, hull, arrangement, equipment and machinery shall comply with, except in so far as those provisions are implemented by cargo ship construction and survey rules, rules for life-saving appliances, fire protection rules, radio rules, navigation and tracking rules or collision regulations.

(6) Bulk carrier rules may require the provision in ships to which this section applies of—

(*a*) stability analysis including damage and intact stability,

(*b*) the structural strength of such ships,

(*c*) the arrangement of such ships including requirements for bulkheads,

(*d*) information necessary for the guidance of the master and others in maintaining sufficient stability and strength during all loading conditions,

(*e*) the requirements on cargoes and the requirement to provide to persons information to ensure the safe loading and unloading,

(*f*) equipment to provide information on strength on such ships,

(*g*) equipment to detect water in the holds and spaces of such ships and to provide pumping systems.

(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 ships to which this section applies must comply with.

(8) (*a*) It is the duty of the owner and master of every ship to which this section applies to ensure that all requirements set out in the relevant bulk carrier rules are complied with.

(*b*) If any provision of bulk carrier rules are not complied with, then the owner of the ship (if in fault) and the master of the ship (if in fault) commits an offence and is liable on summary conviction to a fine not exceeding €5,000.

(9) A surveyor of ships may board and inspect any ship for the purpose of seeing that it complies with bulk carrier rules.

(10) If a surveyor of ships finds that a ship fails to comply with any bulk carrier rules he or she shall give a notice in writing to the owner or master stating in what respect the ship fails to comply with them.

(11) A surveyor of ships may board and inspect any ship for the purposes of seeing that a notice under *subsection (10)* has been complied with.

(12) 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 parts of the ship as he or she considers appropriate for that purpose.

(13) If a ship, in respect of which a notice has been given to its owner or master under *subsection (10)* which requires compliance with the rules in accordance with the notice before the ship proceeds to sea, proceeds or attempts to proceed to sea, without compliance 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.

(14) In this section "bulk carrier" means a ship (other than a passenger steamer, troopship or fishing vessel) which is intended primarily to carry dry cargo in bulk.

Annotations

Editorial Notes:

E1 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(2) and table ref. no. 1, S.I. No. 662 of 2010.

Categorisation of vessels under safety regulations.

15.— The Act of 1992 is amended—

(*a*) in section 2(1), by substituting for the definition of "the Minister" the following:

" 'Minister' means Minister for Transport;",

(*b*) in section 18 (inserted by section 47 of the Act of 2005) by inserting after subsection (3) the following:

"(3A) In making regulations under this section the Minister may categorise passenger boats into different classes, where appropriate, having regard to one or more of the following:

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

(*b*) the service for which such boats 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 boats are designed to carry on board;

(*e*) such other matter or matters that the Minister considers appropriate to take into account in the circumstances.",

(*c*) in section 19 (inserted by section 47 of the Act of 2005) by inserting after subsection (3) the following:

"(3A) In making regulations under this section the Minister may categorise fishing vessels into different classes having regard to one or more of the following, where appropriate:

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

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

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

(*d*) the number of persons that such vessels are designed to carry on board;

(*e*) such other matter or matters that the Minister considers appropriate to take into account in the circumstances.",

and

(*d*) in section 20 (inserted by section 47 of the Act of 2005) by inserting after subsection (3) the following:

"(3A) In making regulations under this section the Minister may categorise pleasure craft into different classes having regard to one or more of the following, where appropriate:

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

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

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

(*d*) the number of persons, that such craft are designed to carry on board;

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

PART 3

RULES AND REGULATIONS FOR CERTAIN VESSELS

CHAPTER 1

Chemical Tanker Rules

Definitions (*Chapter 1*).

16.— In this Chapter—

"accepted international certificate of fitness (IBC)" has the meaning assigned to it by *section 19 (8)*;

"chemical tanker rules" means rules under *section 18*;

"international certificate of fitness (IBC)" has the meaning assigned to it by *section 19(1)*;

"dangerous chemicals" means any liquid chemicals designated as presenting a safety hazard, based on the safety criteria for assigning products in Chapter 17 of the IBC Code or as provided for in the chemical tanker rules;

"IBC Code" means the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk adopted by the Maritime Safety Committee of the IMO by Resolution MSC.4(48) and as amended by—

(*a*) such committee by Resolutions MSC.10(54), MSC.14(57), MSC.16(58), MSC.28(61), MSC.50(66), MSC.58(67), MSC.102(73), MSC.176(79) and MSC.219(82), and

(*b*) the Marine Environment Protection Committee of the IMO by Resolutions MEPC.19(22), MEPC.32(27), MEPC.40(29), MEPC.55(33), MEPC.69(38), MEPC.73(39), MEPC.90(45) and MEPC.119(52);

"IMO" means the United Nations International Maritime Organisation;

"MARPOL Convention" means the International Convention for the Prevention of Pollution from Ships 1973, as amended by the Protocols of 1978 and 1997;

"noxious liquid substances" means any substance indicated in the Pollution Category column of chapters 17 or 18 of the IBC Code, or provisionally assessed under the provisions of regulation 6.3 of Annex II to the MARPOL Convention, as falling into categories X, Y or Z or as may be prescribed by the Minister in the chemical tanker rules.

Application (*Chapter 1*).

17.— This Chapter applies to—

(*a*) Irish ships to which Part B of Chapter VII of the Annex to the Safety Convention applies engaged in the carriage of bulk cargoes of dangerous chemicals or noxious liquid substances other than petroleum or similar flammable products, and

(*b*) to any other ship to which such Part of that Chapter applies, engaged in such carriage while in any port in the State, unless it would not have been in 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.

Chemical tanker rules.

18.— (1) The Minister may, in relation to any ships to which this Chapter applies, make rules ("chemical tanker rules")—

(*a*) prescribing requirements for the hull, superstructure, subdivision and stability, electrical installation, equipment and machinery and fire protection of such ships,

(*b*) regulating repairs, alterations, modifications and outfitting relating thereto, and

(*c*) requiring any such ships which are Irish ships to be surveyed to such extent, and in such manner and at such intervals as may be prescribed.

(2) Without prejudice to *subsection (1)* chemical tanker rules may include requirements for all or any of the following matters—

(*a*) ship survival capability and location of cargo tanks,

(*b*) ship arrangement,

(*c*) cargo containment,

(*d*) cargo transfer,

(*e*) materials of construction, protective linings and coatings,

(*f*) cargo temperature control,

(*g*) cargo tank venting and gas-freeing arrangements,

(*h*) environmental control,

(*i*) electrical installations,

(*j*) fire protection and fire extinction,

(*k*) mechanical ventilation in the cargo area,

(*l*) instrumentation,

(*m*) personnel protection,

(*n*) special requirements and operational requirements, including training of on-board personnel,

(*o*) specification of carriage requirements for the carriage of particular products to which the IBC Code does not apply which may pose safety and pollution hazards where it is considered by the Minister that some safety precautions may be appropriate, and

(*p*) notification of accidents or defects.

(3) In making chemical tanker rules the Minister may categorise ships into different classes having regard to one or more of the following, where appropriate—

(*a*) the size, 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 type of cargo carried including the severity of the environmental and safety hazards involved,

(*e*) the age and date of construction of ships, and

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

(4) Different chemical tanker rules may be made for the carriage of bulk cargoes of different dangerous chemicals or noxious liquid substances carried by different classes of ships for different circumstances and for different areas of operation.

(5) Chemical tanker rules shall include such requirements as appear to the Minister to be necessary to implement the provisions of the Safety Convention, including the IBC Code, in relation to the carriage of bulk cargoes of dangerous chemicals or noxious liquids.

(6) The powers conferred on the Minister by this Chapter are in addition to the powers conferred by any other enactment enabling him or her to prescribe the requirements that ships to which this Chapter applies must comply with.

(7) (*a*) Subject to *paragraph (b)*, where the chemical tanker rules require that a particular fitting, material, appliance, apparatus, item of equipment or type thereof shall be fitted or carried in a ship to which this section applies, or that any particular provision shall be made, or any procedure or arrangement shall be complied with, the Minister may allow any other fitting, material, appliance, apparatus, item of equipment, or type thereof to be fitted or carried, or any other provision, procedure or arrangement to be made in that ship, if he or she is satisfied, by trial thereof or otherwise, that such fitting, material, appliance, apparatus, item of equipment or type thereof or that any particular provision, procedure or arrangement is at least as effective as that required by the rules.

(*b*) *Paragraph (a)* does not allow operational methods or procedures to be made an alternative to a particular fitting, material, appliance, apparatus, item of equipment, or type thereof, unless provided for in the chemical tanker rules.

Annotations

Editorial Notes:

E2 Power pursuant to section exercised (25.06.2024) by *Merchant Shipping (Solas V-Navigational Equipment) (No. 2) Rules 2024* (S.I. No. 312 of 2024).

E3 Power pursuant to section exercised (25.06.2024) by *Merchant Shipping (Solas V-Navigational Equipment) Rules 2024* (S.I. No. 311 of 2024).

Certification and endorsement (*Chapter 1*).

19.— (1) (*a*) Where after a declaration of survey, made by a surveyor of ships under the chemical tanker rules in respect of an Irish ship to which this Chapter applies, is received by the Minister and if he or she is satisfied that the ship complies with such rules as are relevant to the ship and provided, where relevant—

(i) a safety equipment certificate under section 22(1) of the Act of 1952, a radio certificate under section 23(1) of the Act of 1952 and a cargo ship safety construction certificate under section 4(1) of the Act of 1966, or

(ii) a cargo ship safety certificate under *section 13 (1)* of this Act,

is in force in respect of the ship, he or she shall issue, in respect of the ship, an International Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk ("international certificate of fitness (IBC)"), in the form prescribed by the Minister in the chemical tanker rules.

(*b*) In this subsection "declaration of survey" means a declaration made under section 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.

(2) An Irish ship in respect of which an international certificate of fitness (IBC) is in force shall be subject to such further surveys as are provided for under the chemical tanker rules to ensure that the ship continues to comply with the requirements of such rules.

(3) Where following a survey referred to in *subsection (2)*, the Minister is satisfied that the ship continues to comply with the requirements of the chemical tanker rules, he or she shall endorse the international certificate of fitness (IBC) to that effect.

(4) Subject to *subsections (5)* and *(6)*, an international certificate of fitness shall be in force for a period not exceeding 5 years or such shorter period as may be specified in it. The certificate may be cancelled where the Minister is satisfied that the ship no longer complies with any of the requirements of the chemical tanker rules applicable to it.

(5) The Minister may extend the period for which an international certificate of fitness (IBC) under this Chapter may be in force, to a period not exceeding 5 years and 5 months as may be prescribed in the chemical tanker rules.

(6) An international certificate of fitness (IBC) ceases to be in force—

(*a*) if any relevant survey of the ship has not been completed within the periods specified for such survey as prescribed by the chemical tanker rules or as required under *section 21(2)(b)*,

(*b*) if the certificate is not endorsed under *subsection (3)*,

(*c*) upon transfer of the ship to the flag of another state, or

(*d*) upon any unapproved change to the ship referred to in *section 21 (1)*.

(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).

(9) (*a*) A ship to which this Chapter applies must not proceed or attempt to proceed to sea without an international certificate of fitness (IBC) for the time being in force in respect of it.

(*b*) A ship which proceeds or attempts to proceed to sea without an international certificate of fitness (IBC) for the time being in force in respect of it in contravention of *paragraph (a)* shall be regarded as an unsafe ship for the purposes of *Chapter 7*.

(10) The reference to an international certificate of fitness (IBC) in *subsection (9)* and in *sections 20(4)* and *24(2)(a)* and *(c)* shall, in the case of a ship to which this Chapter applies, other than an Irish ship, be construed as a reference to an accepted international certificate of fitness (IBC).

(11) The Minister may authorise on his or her behalf a person to issue, endorse, cancel or extend an international certificate of fitness (IBC).

Duties of owners and masters (*Chapter 1*).

20.— (1) It is the duty of the owner and master of an Irish ship to which this Chapter applies—

(*a*) to ensure that it complies with the chemical tanker rules, and

(*b*) to maintain such ship in conformity with the chemical tanker rules to ensure that the ship in all respects remains fit to operate without danger to the ship or the persons on board.

(2) It is the duty of the owner and master of an Irish ship to which this Chapter applies—

(*a*) before the ship is put into service,

(*b*) before the international certificate of fitness (IBC) is issued in its respect for the first time, and

(*c*) before the ship continues in service after the expiration of its international certificate of fitness (IBC),

to have the ship surveyed by a surveyor of ships or such other person as the Minister may authorise for such purpose, in accordance with the chemical tanker rules.

(3) It is the duty of the owner and master of an Irish ship to which this Chapter applies to have the ship surveyed under *section 19(2)* or *section 21 (2) (b)*, where required.

(4) It is the duty of the master and owner of a ship to which this Chapter applies to ensure that an international certificate of fitness (IBC) for the time being in force in respect of the ship is available on board for examination at all times.

(5) (*a*) Without prejudice to section 23 of the Act of 2000, whenever an accident occurs to an Irish ship to which this Chapter applies, or a defect to such ship is discovered, either of which affects the safety of the ship or the efficiency or completeness of its life-saving appliances or other equipment required by the chemical tanker rules the master or owner of the ship must, at the earliest opportunity, report the matter to the Chief Surveyor or any other surveyor of ships in the Marine Survey Office, Department of Transport.

(*b*) In case the ship is in a port of a state to which the Safety Convention applies, other than the State, the owner or master must also report, at the earliest opportunity, to the appropriate authorities of the government of that state.

Compliance (*Chapter 1*).

21.— (1) No change shall be made in the structure, equipment, fittings, arrangements and material covered by a survey under the chemical tanker rules, other than by direct replacement, without the approval of the Minister or a person authorised by him or her for such purpose.

(2) Following receipt of a report referred to in *section 20(5)(a)* the Chief Surveyor or other surveyor of ships notified shall—

(*a*) if the ship being an Irish ship is in the jurisdiction of another state to which the Convention applies, ensure that the matter is reported by the master or owner of the ship to the appropriate authorities of the government of that state, and

(*b*) arrange for any additional survey which in his or her opinion may be required in the circumstances under the chemical tanker rules.

Transfer of ship (*Chapter 1*).

22.— In the case of a transfer of an Irish ship to which this Chapter applies to the flag of a state to which the Safety Convention applies, being a party also to the MARPOL Convention, the Minister shall, if requested within 3 months of such transfer, transmit, as soon as possible, to the appropriate authorities of the government of such state, a copy of the international certificate of fitness (IBC) applicable to the ship before the transfer and, if available, copies of the relevant survey reports.

Powers of surveyors (*Chapter 1*).

23.— (1) A surveyor of ships may board and inspect any ship to which this Chapter applies for the purpose of seeing that it complies with this Chapter and the chemical tanker rules.

(2) If a surveyor of ships finds that a ship fails to comply with any provisions of this Chapter or the chemical tanker rules he or she shall give a notice in writing to the owner or master stating in what respect the ship fails to comply with them.

(3) A surveyor of ships may board and inspect any ship for the purposes of seeing that a notice given under *subsection (2)* has been complied with.

(4) 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 parts of the ship as he or she considers appropriate for that purpose.

Offences (*Chapter 1*).

24.— (1) If an owner or master of a Irish ship to which this Chapter applies fails to comply with any of the duties required of him or her under *section 20* (other than *subsections (4)* and *(5)* of that section) then the owner of the ship (if in fault) and the master of the ship (if in fault) 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.

(2) In the case of a ship to which this Chapter applies—

(*a*) an international certificate of fitness (IBC) for the time being in force in respect of the ship is not available on board for examination as required under *section 20 (4)*,

(*b*) the owner or master of the ship, without reasonable excuse, fails to make a report as provided for in *section 20(5)(a)* or *(b)*, or

(*c*) the ship proceeds or attempts to proceed to sea—

(i) without an international certificate of fitness (IBC) for the time being in force in respect of the ship in contravention of *section 19(9)(a)*, or

(ii) being regarded as an unsafe ship under *section 19(9)(b)*, in contravention of a notice of detention under *section 66*,

then the owner of the ship (if in fault) and the master of the ship (if in fault) commits an offence and is liable—

(i) in the case of an offence under *paragraph (a)* or *(b)*, on summary conviction, to a fine not exceeding €5,000, and

(ii) in the case of an offence under *paragraph (c)*, on summary conviction—

(I) to a fine not exceeding €5,000, or

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

(3) If a ship, in respect of which a notice has been given to its owner or master under *section 23 (2)* which requires compliance with the rules before the ship proceeds to sea, proceeds or attempts to proceed to sea, without compliance 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

Editorial Notes:

E4 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(2) and table ref. no. 1, S.I. No. 662 of 2010.

CHAPTER 2

Liquefied Gas Carriage Rules

Definitions (*Chapter 2*).

25.— In this Chapter—

"accepted international certificate of fitness (IGC)" has the meaning assigned to it by *section 28(8)*;

"international certificate of fitness (IGC)" has the meaning assigned to it by *section 28(1)(a)*;

"liquefied gas" means any liquefied gases having a vapour pressure exceeding 2.8 bar absolute at a temperature of 37.8^{O}C and certain other substances as shown in Chapter 19 of the IGC Code, when carried in bulk or as may be prescribed by the Minister in the liquefied gas carriage rules;

"liquefied gas carriage rules" means rules under *section 27*;

"IGC Code" means the International Code for the Construction and Equipment of Ships carrying Liquefied Gases in Bulk adopted by the Maritime Safety Committee of the IMO by Resolution MSC.5(48) and as amended by such Committee by Resolutions MSC.17(58), MSC.30(61), MSC.32(63), MSC.59(67), MSC.103(73), MSC.177(79) and MSC.220(82);

"IMO" means the United Nations International Maritime Organisation.

Application (*Chapter 2*).

26.— This Chapter applies to—

(*a*) Irish ships to which Part C of Chapter VII of the Annex to the Safety Convention applies, engaged in the carriage of cargoes of liquefied gases in bulk, and

(*b*) to any other ship to which such Part of such Chapter applies, engaged in such carriage while in any port in the State, unless it would not have been in 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.

Liquefied gas carriage rules.

27.— (1) The Minister may, in relation to any ships to which this Chapter applies, make rules ("liquefied gas carriage rules")—

(*a*) prescribing requirements for the hull, superstructure, subdivision and stability, electrical installation, equipment and machinery and fire protection of such ships,

(*b*) regulating repairs, alterations, modifications and outfitting relating thereto, and

(*c*) requiring any such ships which are Irish ships to be surveyed to such extent, and in such manner and at such intervals as may be prescribed.

(2) Without prejudice to *subsection (1)* liquefied gas carriage rules may include requirements for all or any of the following matters—

(*a*) ship survival capability and location of cargo tanks,

(*b*) ship arrangement,

(*c*) cargo containment,

(*d*) process pressure vessels and liquid, vapour, and pressure piping systems,

(*e*) materials of construction,

(*f*) cargo pressure and temperature control,

(*g*) cargo tank vent systems,

(*h*) environmental control,

(*i*) electrical installations,

(*j*) fire protection and fire extinction,

(*k*) mechanical ventilation in the cargo area,

(*l*) instrumentation (gauging and gas detection),

(*m*) personnel protection,

(*n*) filling limits for cargo tanks,

(*o*) use of cargo as fuel,

(*p*) requirements for the carriage of particular cargoes,

(*q*) operating requirements including cargo information, compatibility of cargo to be carried, personnel training, entry into spaces, carriage of cargo at low temperatures, protection equipment, cargo emergency shutdown and alarm systems and cargo transfer operations, and

(*r*) notification of accidents or defects.

(3) In making liquefied gas tanker rules the Minister may categorise ships into different classes having regard to one or more of the following, where appropriate—

(*a*) the size, 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 type of cargo carried including the severity of the environmental and safety hazards involved,

(*e*) the age and date of construction of ships, and

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

(4) Different liquefied gas carriage rules may be made for the carriage of bulk cargoes of different liquefied gases carried by different classes of ships for different circumstances and for different areas of operation.

(5) Liquefied gas carriage rules shall include such requirements as appear to the Minister to be necessary to implement the provisions of the Safety Convention, including the IGC Code, in relation to the carriage of bulk cargoes of liquefied gases.

(6) The powers conferred on the Minister by this Chapter are in addition to the powers conferred by any other enactment enabling him or her to prescribe the requirements that ships to which this Chapter applies must comply with.

(7) (*a*) Subject to *paragraph (b)*, where the liquefied gas carriage rules require that a particular fitting, material, appliance, apparatus, item of equipment or type thereof shall be fitted or carried in a ship to which this section applies, or that any particular provision shall be made, or any procedure or arrangement shall be complied with, the Minister may allow any other fitting, material, appliance, apparatus, item of equipment, or type thereof to be fitted or carried, or any other provision, procedure or arrangement to be made in that ship, if he or she is satisfied, by trial thereof or otherwise, that such fitting, material, appliance, apparatus, item of equipment or type thereof or that any particular provision, procedure or arrangement is at least as effective as that required by the rules.

(*b*) *Paragraph (a)* does not allow operational methods or procedures to be made an alternative to a particular fitting, material, appliance, apparatus, item of equipment, or type thereof, unless provided for in the liquefied gas carriage rules.

Certification and endorsement (*Chapter 2*).

28.— (1) (*a*) Where after a declaration of survey, made by a surveyor of ships under the liquefied gas carriage rules in respect of an Irish ship to which this Chapter applies, is received by the Minister and if he or she is satisfied that the ship complies with such rules as are relevant to the ship and provided, where relevant—

(i) a safety equipment certificate under section 22(1) of the Act of 1952, a radio certificate under section 23(1) of the Act of 1952 and a cargo ship safety construction certificate under section 4(1)(*a*) of the Act of 1966, or

(ii) a cargo ship safety certificate under *section 13(1)* of this Act,

is in force in respect of the ship, he or she shall issue, in respect of such ship, an International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk ("international certificate of fitness (IGC)"), in the form prescribed by the Minister in the liquefied gas carriage rules.

(*b*) In this subsection "declaration of survey" means a declaration made under section 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.

(2) An Irish ship in respect of which an international certificate of fitness (IGC) is in force shall be subject to such further surveys as are provided for under the liquefied gas carriage rules to ensure that the ship continues to comply with the requirements of those rules.

(3) Where following a survey referred to in *subsection (1)*, the Minister is satisfied that the ship continues to comply with the requirements of the liquefied gas carriage rules, he or she shall endorse the international certificate of fitness (IGC) to that effect.

(4) Subject to *subsections (5)* and *(6)*, an international certificate of fitness (IGC) shall be in force for a period not exceeding 5 years or such shorter period as may be specified in it and may be cancelled where the Minister is satisfied that the ship no longer complies with any of the requirements of the liquefied gas carriage rules applicable to it.

(5) The Minister may extend the period for which an international certificate of fitness (IGC) may be in force to a period not exceeding 5 years and 5 months as may be prescribed in the liquefied gas carriage rules.

(6) An international certificate of fitness (IGC) ceases to be in force—

(*a*) if any relevant survey of the ship has not been completed within the periods specified for such survey as prescribed by the liquefied gas carriage rules or as required under *section 30(2)(b)*,

(*b*) if the certificate is not endorsed under *subsection (3)*,

(*c*) upon transfer of the ship to the flag of another state, or

(*d*) upon any unapproved change to the ship referred to in *section 30(1)*.

(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).

(9) (*a*) A ship to which this Chapter applies must not proceed or attempt to proceed to sea without an international certificate of fitness (IGC) for the time being in force in respect of the ship.

(*b*) If a ship to which this Chapter applies proceeds, or attempts to proceed, to sea without a valid international certificate of fitness (IGC) for the time being in force in respect of the ship in contravention of *paragraph (a)* it shall be regarded as an unsafe ship for the purposes of *Chapter 7* .

(10) The reference to an international certificate of fitness (IGC) in *subsection (9)* and in *section 29(4)* and *33(2)(a)* and *(c)* shall, in the case of a ship to which this Chapter applies, other than an Irish ship, be construed as a reference to an accepted international certificate of fitness (IGC).

(11) The Minister may authorise on his or her behalf any person for the purpose of issuing, endorsing, cancelling or extending an international certificate of fitness (IGC).

Duties of owners and masters (*Chapter 2*).

29.— (1) It is the duty of the owner and master of an Irish ship to which this Chapter applies—

(*a*) to ensure that it complies with the liquefied gas carriage rules, and

(*b*) to maintain such ship in conformity with the liquefied gas carriage rules to ensure that the ship in all respects remains fit to operate without danger to the ship or the persons on board.

(2) It is the duty of the owner and master of an Irish ship to which this Chapter applies—

(*a*) before the ship is put into service,

(*b*) before the international certificate of fitness (IGC) is issued in its respect for the first time, and

(*c*) before the ship continues in service following the expiration of its international certificate of fitness (IGC),

to have the ship surveyed by a surveyor of ships or such other person as the Minister may authorise for that purpose, in accordance with the liquefied gas carriage rules.

(3) It is the duty of the owner and master of an Irish ship to which this Chapter applies to have it surveyed under *section 28(2)* or *section 30 (2) (b)*, where required.

(4) It is the duty of the owner and master of a ship to which this Chapter applies to ensure that an international certificate of fitness (IGC) for the time being in force in respect of the ship is available on board for examination at all times.

(5) (*a*) Without prejudice to section 23 of the Act of 2000, whenever an accident occurs to an Irish ship to which this section applies, or a defect to such ship is discovered, either of which affects the safety of the ship or the efficiency or completeness of its life-saving appliances or other equipment required by the liquefied gas carriage rules the master or owner of the ship must, at the earliest opportunity, report the matter to the Chief Surveyor or any other surveyor of ships in the Marine Survey Office, Department of Transport.

(*b*) In case the ship is in a port of a state to which the Safety Convention applies other than the State, the master or owner must also report, at the earliest opportunity, to the appropriate authorities of the government of that state.

Compliance (*Chapter 2*).

30.— (1) No change shall be made in the structure, equipment, fittings, arrangements and material covered by a survey under liquefied gas carriage rules made under this Chapter, other than by direct replacement, without the approval of the Minister or a person authorised by him or her for such purpose.

(2) Following receipt of a report referred to in *section 29(5)(a)* the Chief Surveyor or other surveyor of ships notified must—

(*a*) if the ship is in the jurisdiction of another state to which the Convention applies, ensure that the matter is reported by the master or owner of the ship to the appropriate authorities of the government of that state, and

(*b*) arrange for any additional survey which in his or her opinion may be required in the circumstances under the liquefied gas carriage rules.

Transfer of ship (*Chapter 2*).

31.— In the case of a transfer of an Irish ship to which this Chapter applies to the flag of a country to which the Safety Convention applies the Minister shall, if requested within 3 months of such transfer, transmit, as soon as possible, to the appropriate authorities of the government of such country, a copy of the certificate of fitness (IGC) applicable to the ship before the transfer and, if available, copies of the relevant survey reports.

Powers of surveyors (*Chapter 2*).

32.— (1) A surveyor of ships may board and inspect any ship to which this Chapter applies for the purpose of seeing that it complies with this Chapter and the liquefied gas carriage rules.

(2) If a surveyor of ships finds that a ship fails to comply with any provisions of this Chapter or the liquefied gas carriage rules he or she shall give a notice in writing to the owner or master stating in what respect the ship fails to comply with them.

(3) A surveyor of ships may board and inspect any ship for the purposes of seeing that a notice given under *subsection (2)* has been complied with.

(4) 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 parts of the ship as he or she considers appropriate for that purpose.

Offences (*Chapter 2*).

33.— (1) If an owner or master of a ship to which this Chapter applies fails to comply with the duties required of him or her under *section 29* (other than *subsections (4)* and *(5)* of that section) then the owner of the ship (if in fault) and the master of the ship (if in fault) 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.

(2) In the case of a ship to which this Chapter applies—

(*a*) an international certificate of fitness (IGC) for the time being in force in respect of the ship is not available on board for examination in contravention of *section 29 (4)*,

(*b*) the owner or master of the ship, without reasonable excuse, fails to make a report as provided for in *section 29(5)(a)* or *(b)*, or

(*c*) the ship proceeds or attempts to proceed to sea—

(i) without an international certificate of fitness (IGC) for the time being in force in respect of the ship in contravention of *section 28(9)(a)*, or

(ii) being regarded as an unsafe ship under *section 28(9)(b)*, in contravention of a notice of detention under *section 66*,

then the owner of the ship (if in fault) and the master of the ship (if in fault) commits an offence and is liable—

(i) in the case of an offence under *paragraph (a)* or *(b)*, on summary conviction, to a fine not exceeding €5,000, and

(ii) in the case of an offence under *paragraph (c)*—

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

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

(3) If a ship, in respect of which a notice has been given to its owner or master under *section 32(2)* which requires compliance with the rules in accordance with the notice before the ship proceeds to sea, proceeds or attempts to proceed to sea, without compliance as required in the notice, then the owner or master (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

Editorial Notes:

E5 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(2) and table ref. no. 1, S.I. No. 662 of 2010.

CHAPTER 3

Nuclear Carriage Rules

Definitions (*Chapter 3*).

34.— In this Chapter—

"accepted international certificate of fitness (INF)" has the meaning assigned to it by *section 37(7)(b)*;

"international certificate of fitness (INF)" has the meaning assigned to it by *section 37(1)(a)*;

"high-level radioactive wastes" means liquid wastes resulting from the operation of the first stage extraction system or the concentrated wastes from subsequent extraction stage, in a facility for reprocessing irradiated nuclear fuel, or solids into which such liquid wastes have been converted;

"IMO" means the United Nations International Maritime Organisation;

"incident" means any occurrence or series of occurrences, including loss of container integrity, having the same origin which results or may result in a cargo release (through escape from its containment system or the loss of a cargo package), or probable cargo release of packaged irradiated nuclear fuel, plutonium or high-level radioactive wastes;

"INF Code" means the International Code for the Safe Carriage of Packaged Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes on Board Ships, adopted by the Maritime Safety Committee of the IMO by Resolution MSC.88(71) and as amended by such committee by Resolutions MSC.118(74), MSC.135(76) and MSC.178(79);

"nuclear cargo" means packaged irradiated nuclear fuel, plutonium or high-level radioactive wastes carried as cargo;

"plutonium" means the resultant mixture of isotopes of that material extracted from irradiated nuclear fuel from reprocessing;

"irradiated nuclear fuel" means material containing uranium, thorium and/or plutonium isotopes which has been used to maintain a self-sustaining nuclear chain reaction.

Application (*Chapter 3*).

35.— This Chapter applies to—

(*a*) Irish ships to which Part D of Chapter VII of the Annex to the Safety Convention applies, engaged or intending to be engaged, in the carriage of nuclear cargo, and

(*b*) to any other ship to which such Part of such Chapter applies, engaged in such carriage while in any port in the State, unless the ship would not have been in 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.

Nuclear carriage rules.

36.— (1) The Minister may make rules ("nuclear carriage rules") prescribing requirements for the carriage by ships to which this Chapter applies of nuclear cargo, and requiring any such ships which are Irish ships to be surveyed to such extent and in such manner and at such intervals, as may be prescribed.

(2) Without prejudice to *subsection (1)* nuclear carriage rules may include requirements for all or any of the following matters—

(*a*) damage stability,

(*b*) fire safety measures,

(*c*) temperature control of cargo spaces,

(*d*) structural considerations,

(*e*) cargo securing arrangements,

(*f*) electrical power supply,

(*g*) radiological protection,

(*h*) management and training,

(*i*) shipboard emergency plan,

(*j*) notification of an incident involving ships' cargoes to which the nuclear carriage rules apply,

(*k*) on-board documentation of cargo to which the nuclear carriage rules apply, and

(*l*) emergency response and medical first aid relevant to incidents involving nuclear cargo.

(3) In making nuclear carriage rules the Minister may categorise ships into different classes having regard to one or more of the following, where appropriate—

(*a*) the nature of the cargo to which the nuclear carriage rules apply and the amount of radiation being given off, or emitted, therefrom measured in Becquerel (Bq), and

(*b*) the service for which such ships are to be employed, and such other matter or matters that the Minister considers appropriate to take into account in the circumstances.

(4) Different nuclear carriage rules may be made for the carriage of different nuclear cargo by different classes of ships for different circumstances and for different areas of operation.

(5) Nuclear carriage rules shall include such requirements as appear to the Minister to be necessary to implement the provisions of the Safety Convention, including the INF code, in relation to the carriage of nuclear cargo.

(6) The powers conferred on the Minister by this Chapter are in addition to the powers conferred by any other enactment enabling him or her to prescribe the requirements that ships to which this Chapter applies must comply with.

Certification.

37.— (1) (*a*) Where after a declaration of survey, made by a surveyor of ships under the nuclear carriage rules in respect of an Irish ship to which this Chapter applies, is received by the Minister and if he or she is satisfied that the ship complies with the nuclear carriage rules relevant to the ship and provided, where relevant—

(i) in case the ship is a passenger ship, a general safety certificate under section 20(1) of the Act of 1952, and

(ii) in any other case, a safety equipment certificate under section 22(1) of the Act of 1952, a radio certificate under section 23(1) of the Act of 1952 and a cargo ship safety construction certificate under section 4(1) of the Act of 1966 or a cargo ship safety certificate under *section 13 (1)* of this Act,

is in force in respect of the ship, he or she shall on application of the owner, issue, in respect of such ship an International Certificate of Fitness for the Carriage of INF Cargo ("international certificate of fitness (INF)"), in the form provided for in the nuclear carriage rules.

(*b*) In this subsection "declaration of survey" means a declaration made under section 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.

(2) An Irish ship in respect of which an international certificate of fitness (INF) is in force shall be subject to such further surveys as are provided for under the nuclear carriage rules to ensure that the ship continues to comply with the requirements of such rules.

(3) Subject to *subsections (4)* and *(5)*, an international certificate of fitness (INF) shall be in force for a period not exceeding 1 year or such shorter period as may be specified in it and may be cancelled where the Minister is satisfied that the ship no longer complies with any of the requirements of the nuclear carriage rules.

(4) The Minister or such person as he or she may authorise for the purpose, may extend the period for which an international certificate under this Chapter may be in force, to a period not exceeding 1 year and 5 months as may be specified in the nuclear carriage rules.

(5) An international certificate of fitness (INF) ceases to be in force—

(*a*) if any relevant survey of the ship has not been completed within the period specified for such survey as prescribed by the nuclear carriage rules or as required under *section 39(2)(b)*,

(*b*) if, following any inspection or survey, the Minister is not satisfied that the ship continues to comply substantially with the requirements of the nuclear carriage rules for such ships, or

(*c*) if, any of the certificates referred to in *subsection (1)(a)(i)* or *(ii)*, as are relevant to the ship, cease to be in force in respect of such ship—

(i) upon any unapproved change to the ship referred to in *section 39(1)*, or

(ii) upon transfer of the ship to another state.

(6) (*a*) A ship to which this Chapter applies must not operate to carry nuclear cargo or proceed, or attempt to proceed, to sea without an international certificate of fitness (INF) for the time being in force.

(*b*) If a ship to which this Chapter applies operates to carry nuclear cargo or proceeds, or attempts to proceed, to sea without a valid international certificate of fitness (INF) for the time being in force in respect of the ship it shall be regarded as an unsafe ship for the purposes of *Chapter 7*.

(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).

(8) The reference to an international certificate of fitness (INF) in *subsection (6)* and *sections 38(4)* and *41(2)(a)* or *(c)* shall, in the case of a ship to which this Chapter applies, other than an Irish ship, be construed as a reference to an accepted international certificate of fitness (INF).

(9) The Minister may authorise on his or her behalf a person to issue, cancel or extend an international certificate of fitness (INF).

Duties of owners and masters (*Chapter 3*).

38.— (1) It is the duty of the owner and master of an Irish ship to which this Chapter applies—

(*a*) to ensure that it complies with the nuclear carriage rules, and

(*b*) to maintain such ship in conformity with the nuclear carriage rules to ensure that the ship in all respects remains fit to operate without danger to the ship or the persons on board.

(2) It is the duty of the owner and master of an Irish ship to which this Chapter applies—

(*a*) before the carriage of nuclear cargo takes place and before the international certificate of fitness (INF) is issued in its respect for the first time, and

(*b*) before the ship continues to be engaged in the carriage of nuclear cargo following the expiration of its international certificate of fitness (INF),

to have the ship surveyed by a surveyor of ships or such other person as the Minister may authorise for that purpose, in accordance with the nuclear carriage rules.

(3) It is the duty of the owner and master of an Irish ship to which this Chapter applies to have it surveyed under *section 37(2)* or *section 39(2)(b)*, where required.

(4) It is the duty of the owner and master of a ship to which this Chapter applies to ensure that an international certificate of fitness (INF) for the time being in force in respect of the ship is available on board for examination at all times.

(5) (*a*) Without prejudice to section 23 of the Act of 2000, whenever an incident or accident occurs to an Irish ship to which this Chapter applies, or a defect is discovered, either of which affects the safety of the ship or the efficiency or completeness of its life-saving appliances, or other equipment required by the nuclear carriage rules, the master or owner of the ship must, at the earliest opportunity, report the matter to the Chief Surveyor or any other surveyor in the Marine Survey Office, Department of Transport.

(*b*) In case the ship is in a port of a state to which the Safety Convention applies, other than the State, the owner or master must also report, at the earliest opportunity, to the appropriate authorities of the government of that state.

Compliance (*Chapter 3*).

39.— (1) No change shall be made to an Irish ship to which this Chapter applies in regard to carriage of cargo to which the nuclear carriage rules apply, other than by direct replacement, unless approved by a surveyor of ships or such person as the Minister may authorise for the purpose.

(2) Following receipt of a report referred to in *section 38(5)(a)* the Chief Surveyor or other surveyor of ships notified shall:

(*a*) if the ship is in the jurisdiction of another state to which the Convention applies, ensure that the matter is reported by the master or owner of the ship to the appropriate authorities of the government of that state, and

(*b*) arrange for any additional survey which in his or her opinion may be required in the circumstances under the nuclear carriage rules.

Powers of surveyors (*Chapter 3*).

40.— (1) A surveyor of ships may board and inspect any ship for the purpose of seeing that it complies with this Chapter and the nuclear carriage rules.

(2) If a surveyor of ships finds that a ship to which this Chapter applies fails to comply with any provisions of this Chapter or relevant requirements of the nuclear carriage rules he or she shall give a notice in writing to the owner or master stating in what respect the ship fails to comply with them.

(3) A surveyor of ships may board and inspect any ship for the purposes of seeing that a notice under this section has been complied with.

(4) 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 parts of the ship as he or she considers appropriate for that purpose.

Offences (>*Chapter 3*).

41.— (1) If an owner or master of a ship to which this Chapter applies fails to comply with any of the duties required of him or her under *section 38* (other than *subsections (4)* and *(5)* of that section) then the owner of the ship (if in fault) and the master of the ship (if in fault) 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.

(2) In the case of a ship to which this Chapter applies—

(*a*) an international certificate of fitness (INF) for the time being in force in respect of the ship is not available on board for examination in contravention of *section 38 (4)*,

(*b*) the owner or master of the ship, without reasonable excuse, fails to make a report as provided for in *section 38(5)(a)* and *(b)*, or

(*c*) the ship operates to carry nuclear cargo or attempts to operate or proceeds, or attempts to proceed, to sea—

(i) without an international certificate of fitness (INF) for the time being in force in respect of the ship in contravention of *section 37(6)(a)*, or

(ii) being regarded as an unsafe ship under *section 37(6)(b)*, in contravention of a notice of detention under *section 66*,

then the owner (if in fault) and the master (if in fault) commits an offence and is liable—

(i) in the case of an offence under *paragraph (a)* or *(b)*, on summary conviction, to a fine not exceeding €5,000, or

(ii) in the case of an offence under *paragraph (c)*—

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

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

(3) If a ship, in respect of which a notice has been given to its owner or master under *section 40(2)* which requires compliance with the rules before the ship proceeds to sea, proceeds or attempts to proceed to sea, without compliance 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

Editorial Notes:

E6 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(2) and table ref. no. 1, S.I. No. 662 of 2010.

CHAPTER 4

High-Speed Craft

Definitions (*Chapter 4*).

42.— In this Chapter—

"accepted high-speed craft safety certificate" has the meaning assigned to it by *section 45(7)(b)*;

"date constructed" in relation to a ship to which this Chapter applies, means the date the keel of which was laid or was at a similar stage of construction;

F2**[**"domestic voyage" means a voyage from a place in the State to the same or another place within the State;**]**

F3**[**"High-Speed Craft Code 1994" means the International Code of Safety for High-Speed Craft, 1994 adopted by the 63rd session of the Maritime Safety Committee of the IMO by Resolution MSC.36(63) and any amendments made to it up to and including the amendments adopted by the 105th session of the Maritime Safety Committee of the IMO on 28 April 2022 by Resolution MSC.498(105);**]**

F3**[**"High-Speed Craft Code 2000" means the International Code for Safety for High-Speed Craft, 2000 adopted by the 73rd session of the Maritime Safety Committee of the IMO by Resolution MSC.97(73), and any amendments made to it up to and including the amendments adopted by the 105th session of the Maritime Safety Committee of the IMO on 28 April 2022 by Resolution MSC.499(105);**]**

"high-speed craft" means a ship capable of a maximum speed, in metres per second (m/s), equal to or exceeding:

$3.7\Delta^{0.1667}$ where

Δ = volume of displacement corresponding to the design waterline (m^3);

but does not include craft the hull of which is supported completely clear above the water surface in non-displacement mode by aerodynamic forces generated by ground effect;

"high-speed craft safety certificate" has the meaning assigned to it by *section 45(1)(a)*;

"high-speed craft rules" means rules made under *section 44*;

"maximum speed" means the speed achieved at the maximum continuous propulsion power for which the craft is certified at maximum operational weight and in smooth water;

"permit to operate (HSC)" has the meaning assigned to it by *section 45(3)(a)*;

"place of refuge" means any naturally or artificially sheltered area which may be used as a shelter by a ship to which this section applies under conditions likely to endanger its safety;

"similar stage of construction" means the stage at which construction identifiable with a specific ship begins, and assembly of that ship has commenced comprising

at least 50 tonnes or 3 per cent of the estimated mass of all structural material, whichever is the less;

"transit voyage" means a voyage for the purpose of delivery or repositioning of a ship.

Annotations

Amendments:

F2 Inserted (1.06.2025) by *Merchant Shipping (Investigation of Marine Accidents) Act 2025* (2/2025), s. 52(5)(a)(i), S.I. No. 188 of 2025.

F3 Substituted (1.06.2025) by *Merchant Shipping (Investigation of Marine Accidents) Act 2025* (2/2025), s. 52(5)(a)(ii), (iii), S.I. No. 188 of 2025.

Application (*Chapter 4*).

43.— F4**[**(1) (*a*) Subject to *paragraph (b)*, this Chapter applies to—

(i) Irish ships which are high-speed craft constructed—

(I) on or after 1 January 1996 and before 1 July 2002 under the High-Speed Craft Code 1994, or

(II) after 1 July 2002 under the High-Speed Craft Code 2000,

(ii) Irish ships which are high-speed craft on a domestic voyage,

(iii) Irish ships which are high-speed craft of 500 gross tonnage or less on an international voyage,

(iv) any other high-speed craft while it is within a port in the State, unless it would not have been in any such port but for the stress of weather or any other circumstance that neither the master nor the owner of the ship could have prevented or forestalled,

and which does not proceed in the course of its voyage—

(I) where the ship is a passenger ship, more than 4 hours at 90 per cent of maximum speed from a place of refuge, and

(II) in any other case, more than 8 hours at 90 per cent of maximum speed from a place of refuge when fully laden.**]**

(*b*) *Paragraph (a)* does not apply to—

(i) high-speed passenger craft to which Article 3 of Directive 2009/45/EC of the European Parliament and of the Council of 6 May 2009 [1] on safety rules and standards for passenger ships (recast) applies, or

(ii) ships of war, troopships, fishing vessels and pleasure yachts not engaged in trade.

(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,

(ii) section 3 of the Act of 1966, and

(iii) *section 82* or *84* of this Act,

(*b*) the issue of a general certificate, short voyage safety certificate, a qualified safety certificate or a qualified short voyage safety certificate as referred to in section 20 of the Act of 1952,

[1] OJ, 25.06.09, L163, p.1

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

(*d*) the issue of a cargo ship safety construction certificate under section 4 of the Act of 1966,

(*e*) the issue of a passenger ship's certificate under section 8 of the Act of 1992 or under that section as applied by the European Communities (Passenger Ships) Regulations 2004 (S.I. No. 716 of 2004),

(*f*) the issue of a cargo ship safety certificate under *section 13* of this Act, and

(*g*) the provisions of—

(i) section 26 of the Act of 1952, and

(ii) section 12 of the Act of 1992.

Annotations

Amendments:

F4 Substituted (1.06.2025) by *Merchant Shipping (Investigation of Marine Accidents) Act 2025* (2/2025), s. 52(5)(b), S.I. No. 188 of 2025.

High-speed craft rules.

44.— (1) The Minister may, in relation to any ships to which this Chapter applies, make rules ("high-speed craft rules") prescribing requirements for—

(*a*) the design, construction, machinery of and fuel used in, equipment, subdivision and stability, electrical installations, fire protection, life-saving appliances and arrangements, navigation and tracking, and radio communications of such ships,

(*b*) the management, operation and maintenance of such ships,

(*c*) repairs, alterations, modifications and outfitting related to it, and

(*d*) such ships to be surveyed to such extent, and in such manner and at intervals as may be prescribed by the rules.

(2) Without prejudice to *subsection (1)* high-speed craft rules may include requirements for all or any of the following matters—

(*a*) buoyancy and stability of the ship,

(*b*) structure of the ship,

(*c*) accommodation and escape measures,

(*d*) directional control, anchoring, towing and berthing of the ship,

(*e*) fire safety and life saving appliances and arrangements,

(*f*) machinery, auxiliary systems, remote control, alarm and safety systems,

(*g*) electrical installations, shipborne navigational systems and equipment and voyage data recorders,

(*h*) radiocommunications,

(*i*) navigation and tracking systems and equipment and voyage data recorders,

(*j*) operating compartment layout,

(*k*) stabilisation systems, handling, controllability and performance of the ship,

(*l*) operational limits and requirements including craft operational control, recording of passenger details, training and qualifications of crew, manning survival craft and supervision, emergency instructions and drills,

(*m*) inspection and maintenance requirements,

(*n*) ship's management,

(*o*) carriage on board of adequate information and guidance in the form of technical manuals to enable the ship to be operated and maintained safely,

(*p*) notification of accidents or defects,

(*q*) format for high-speed craft safety certificates and permit to operate (HSC), and

(*r*) conditions and procedures relating to the application for and grant of permit to operate (HSC).

(3) In making high-speed craft rules the Minister may categorise ships into different classes having regard to one or more of the following, where appropriate—

(*a*) the service for which such ships are to be employed,

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

(*c*) the type and quantity of cargo such ships are designed to carry on board,

(*d*) the age and date of construction of such ships,

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

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

(4) Different high-speed craft rules may be made in respect of different classes of ship for different circumstances and for different areas of operation.

(5) High-speed craft rules shall include such requirements as appear to the Minister to be necessary to implement the provisions of the Safety Convention, including the HSC codes, in relation to high-speed craft.

(6) Subject to *subsection (2)*, the powers conferred on the Minister by this Chapter are in addition to the powers conferred by any other enactment enabling him or her to prescribe the requirements that ships to which this Chapter applies must comply with.

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

45.— (1) (*a*) Where after a declaration of survey, made by a surveyor of ships following a survey under the high-speed craft rules of an Irish ship to which this Chapter applies, is received by the Minister and if he or she is satisfied that the ship complies with such rules as are relevant to such ship, he or she shall issue, in respect of the ship, a certificate ("high-speed craft safety certificate") in the form prescribed in the high-speed craft rules.

(*b*) In this subsection "declaration of survey" means a declaration made under section 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.

(*c*) A survey under *paragraph (a)*, *subsection (2)(a)* and *(b)* and *sections 46(2)* and *47(3)(b)* includes a survey by a radio surveyor, within the meaning of section 16 of the Act of 1952.

(2) (*a*) An Irish ship in respect of which a high-speed craft safety certificate is in force shall be subject to such further survey or surveys as are provided for in the high-speed craft rules to ensure that the ship continues to comply with the requirements of such rules.

(*b*) Where, following a survey referred to in *paragraph (a)*, the Minister is satisfied that the ship continues to comply with the requirements of the high-speed craft rules he or she shall endorse the high-speed craft safety certificate to that effect.

(3) (*a*) Subject to *paragraph (b)*, the Minister may issue in respect of an Irish ship to which this Chapter applies and for which there is a high-speed craft safety certificate for the time being in force, a permit to operate a high-speed craft ("permit to operate (HSC)"), in the form prescribed in the high-speed craft rules, stipulating the conditions of operation for such ship, where he or she is satisfied that the requirements of the high-speed craft rules relevant to the ship in relation to the issue of such a permit, are being complied with.

(*b*) Before a permit to operate (HSC) is issued to a ship to which this Chapter applies which is intended to operate on international voyages, the Minister, or such person as he or she may have appointed for that purpose, shall consult with the appropriate authorities of the government of each state to which the ship is to voyage, to obtain details of any operational conditions associated with the operation of the ship in that state which they may require and these operational conditions shall be included in the permit to operate (HSC).

(4) (*a*) Subject to *paragraph (b)*, an Irish ship to which this Chapter applies—

(i) must not proceed or attempt to proceed to sea unless a high-speed craft safety certificate for the time being in force in respect of the ship, and

(ii) must not operate or attempt to operate to carry passengers or cargo unless a permit to operate (HSC) for the time being in force in respect of the ship in relation to such carriage,

is in force in relation to it.

(*b*) A ship to which this Chapter applies may undertake transit voyages without a permit to operate (HSC) for the time being in force in respect of the ship provided there is a high-speed craft safety certificate for the time being in force in relation to it, and—

(i) the ship is not transporting passengers or cargo,

(ii) the owner has developed a safety plan for the voyage,

(iii) the master is provided with the materials and information necessary to operate the ship safely during the voyage, and

(iv) the Minister, or such person as he or she may authorise for the purpose, is satisfied that arrangements have been made for the safe conduct of the voyage.

(*c*) An Irish ship which—

(i) proceeds, or attempts to proceed, to sea without a high-speed craft safety certificate for the time being in force in respect of the ship in contravention of *paragraph (a)(i)*,

(ii) operates, or attempts to operate, to carry passengers or cargo without a permit to operate (HSC) for the time being in force in respect of the ship in contravention of *paragraph (a)(ii)*, or

(iii) undertakes transit voyages in contravention of *paragraph (b)*,

shall be regarded as an unsafe ship for the purposes of *Chapter 7* .

(5) (*a*) Subject to *paragraphs (b)* and *(c)*, a high-speed craft safety certificate shall be in force for a period not exceeding 5 years or such shorter period as may be specified in it. The certificate may be cancelled where the Minister, or such person as he or she may authorise for the purpose, is satisfied that

the ship no longer complies with any of the requirements of the high-speed craft rules applicable to it.

(*b*) The Minister may extend the period for which a high-speed craft safety certificate may be in force subject to a maximum period not exceeding 5 years and 5 months as may be prescribed in the high-speed craft rules.

(*c*) A high-speed craft safety certificate ceases to be in force—

(i) if any relevant survey of it has not been completed within the periods specified for such survey as prescribed by the high-speed craft rules or as required under *section 47(3)(b)*,

(ii) if such certificate is not endorsed under *subsection (2)(b)*,

(iii) upon any unapproved alteration affecting the safety or certification of the ship in contravention of *section 47(1)(a)*, or

(iv) upon transfer of the ship to the flag of another state.

(6) (*a*) Subject to *paragraphs (b)* and *(c)*, a permit to operate (HSC) is in force for a period not exceeding 5 years or such shorter period as may be specified in it and may be cancelled where the Minister is satisfied that the conditions for the grant of such permit are no longer being complied with.

(*b*) The Minister may extend the period for which a permit to operate (HSC) under this Chapter may be in force subject to an overall maximum period of validity of 5 years and 5 months for any such permit.

(*c*) A permit to operate (HSC) in respect of a ship to which this Chapter applies ceases to be in force whenever the high-speed craft safety certificate for such ship ceases to be in force.

(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.

(8) (*a*) The references to a high-speed craft safety certificate in *subsection (4)(a)(i)*, *(7)*, and *section 49(2)(a)* and *(d)*, shall, in the case of a ship other than an Irish ship, be read as meaning an accepted high-speed craft safety certificate.

(*b*) The references to a permit to operate (HSC) in *subsection (4)(a)(ii)* and in *section 49(2)(b)* and *(e)* shall, in the case of a ship to which this Chapter applies, other than an Irish ship, be construed as meaning a permit for the time being in force to operate a high-speed craft issued by the appropriate authorities of the government of a state to which the Safety Convention applies, other than the State, in accordance with the High-Speed Craft Code 1994 or the High-Speed Craft Code 2000.

(9) The Minister may authorise on his or her behalf a person to issue, endorse, cancel or extend a high-speed craft safety certificate or a permit to operate (HSC).

Duties of owners and masters (*Chapter 4*).

46.— (1) It is the duty of the owner and master of an Irish ship to which this Chapter applies—

(*a*) to ensure it complies with the requirements of the high-speed craft rules, and

(*b*) to maintain such ship in conformity with the high-speed craft rules to ensure that the ship in all respects remains fit to operate without danger to the ship or the persons on board.

(2) It is the duty of the owner and master of an Irish ship to which this Chapter applies—

(*a*) before the ship is put into service,

(*b*) before the high-speed craft safety certificate is issued in its respect for the first time, and

(*c*) before the ship continues in service after the expiration of its high-speed craft safety certificate,

to have the ship surveyed by a surveyor of ships and a radio surveyor or such other person or persons as the Minister may authorise for such purpose, in accordance with the high-speed craft rules.

(3) It is the duty of the owner and master of an Irish ship to which this Chapter applies to have it surveyed under *section 45(2)(a)* or *section 47(3)(b)* where required.

(4) (*a*) Without prejudice to section 23 of the Act of 2000, whenever an accident occurs to an Irish ship to which this Chapter applies, or a defect to such ship is discovered, either of which affects the safety of the ship or the efficiency or completeness of its structure, equipment, fittings, arrangements and materials, the owner or master of the ship must, at the earliest opportunity, report the matter to the Chief Surveyor or any other surveyor of ships in the Marine Survey Office, Department of Transport.

(*b*) In the case that the ship is in a port of a state to which the Safety Convention applies, other than the State, the owner or master must also report at the earliest opportunity to the appropriate authorities of the government of that state.

(5) It is the duty of the owner and master of an Irish ship to which this Chapter applies—

(*a*) to ensure that it complies with *section 45 (4)*,

(*b*) to ensure that the permit to operate (HSC) is available on board for examination at all times, and

(*c*) to ensure that the high-speed craft safety certificate is available on board for examination at all times.

Compliance (*Chapter 4*).

47.— (1) (*a*) No change shall be made in the structure, equipment, fittings, arrangements and material of a ship covered by a survey under the high-speed craft rules, other than by direct replacement, without the approval of the Minister or a person authorised by him or her for such purpose.

(*b*) Repairs, alterations and modifications of a major character, and outfitting related thereto, in relation to a ship to which this Chapter applies, constructed on or before 1 July 2002 are required to meet the requirements for a ship constructed on or after 1 July 2002 insofar as may be directed by the Minister.

(2) (*a*) Where the high-speed craft rules require that a particular fitting, material, appliance or apparatus, or type of it, must be fitted or carried in a ship to which this Chapter applies, or that any particular provision must be made, the Minister, if he or she is satisfied, by trial of it or otherwise, that such fitting, material, appliance or apparatus, or type thereof, or provision, is at least as effective as that required by the rules, may allow such fitting, material, appliance or apparatus, or type thereof, or provision.

(*b*) Where compliance with any of the requirements of the high-speed craft rules would be impracticable in relation to the particular or novel design of a ship to which this section applies, the Minister may agree for the

substitution of alternative requirements provided that he or she is satisfied that such arrangements provide equivalent safety.

(3) Following receipt of a report referred to in *section 46(4)(a)* the Chief Surveyor or other surveyor of ships notified shall—

(*a*) if the ship is in the jurisdiction of another state to which the Safety Convention applies, ensure that the matter is reported by the master or owner of the ship to the appropriate authorities of the government of that state, and

(*b*) arrange for any additional survey which in his or her opinion may be required in the circumstances under the high-speed craft rules.

Powers of surveyors (*Chapter 4*).

48.— (1) A surveyor of ships may board and inspect any ship, being a ship to which this Chapter applies, for the purpose of seeing that it complies with the high-speed craft rules including the conditions, if any, for the operation of the ship attached to its permit to operate (HSC).

(2) If a surveyor of ships finds that a ship to which this Chapter applies, fails to comply with any high-speed craft rules relevant to it or to any conditions attached to its permit to operate (HSC), he or she shall give a notice in writing to the owner or master stating in what respect the ship fails to comply with them.

(3) A surveyor of ships may board and inspect any ship to which this Chapter applies for the purposes of seeing that a notice given under this section has been complied with.

(4) A surveyor of ships may 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 parts of the ship as he or she considers appropriate for that purpose.

Offences (*Chapter 4*).

49.— (1) If any provision of this Chapter or of the relevant high-speed craft rules are not complied with, then the owner of the ship (if in fault) and the master of the ship (if in fault) 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.

(2) In case of a ship to which this Chapter applies—

(*a*) a high-speed craft safety certificate for the time being in force issued in respect of the ship is not available on board for examination in contravention of *section 46(5)(c)*,

(*b*) a permit to operate (HSC) for the time being in force issued in respect of the ship is not available on board for examination in contravention of *section 46(5)(b)*,

(*c*) the owner or master of the ship, without reasonable excuse, fails to make a report as provided for in *section 46(4)(a)* or *(b)*,

(*d*) the ship proceeds or attempts to proceed to sea without a high-speed craft safety certificate for the time being in force issued in respect of the ship in contravention of *section 45 (4) (a) (i)*,

(*e*) the ship operates or attempts to operate to carry passengers or crew without a permit to operate (HSC) for the time being in force in respect of the ship as required under *section 45(4)(a)(ii)*,

(*f*) undertakes a transit voyage in contravention of *section 45(4)(b)*, or

(*g*) being regarded as an unsafe ship under *section 45(4)(c)* proceeds or attempts to proceed to sea, operates or attempts to operate to carry passengers or crew or undertakes a transit voyage in contravention of a notice of detention under *section 66*,

then the owner of the ship (if in fault) or the master of the ship (if in fault) commits an offence and is liable—

(i) in the case of an offence under *paragraphs (a)*, *(b)* and *(c)*, on summary conviction, to a fine of €5,000, or

(ii) in the case of an offence under *paragraph (d)*, *(e)*, *(f)* and *(g)*—

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

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

(3) If a ship, in respect of which a notice has been given to its owner or master under *section 48 (2)* which requires compliance with the rules in accordance with the notice before the ship proceeds to sea, proceeds or attempts to proceed to sea, without compliance as required in the notice, then the owner or master (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

Editorial Notes:

E7 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(2) and table ref. no. 1, S.I. No. 662 of 2010.

CHAPTER 5

Tendering Operations Regulations

Definitions (*Chapter 5*).

50.— In this Chapter—

"at anchor" means at anchor or moored to a mooring device that is secured to the sea bed or is otherwise not in a position to provide direct means of access for passengers or crew or both to or from the shore;

"passenger boat" has the meaning assigned to it in section 2(1) of the Act of 1992;

"passenger ship" has the meaning assigned to it in section 2(1) of the Act of 1992;

"permit to tender" means a permit to undertake tendering operations issued under *section 53*;

"safety management certificate" means a certificate issued under regulation 3 of the European Communities (Maritime) (International Safety Management Code) Regulations 2008 (S.I. No. 60 of 2008) or under Regulation 4 of Chapter IX of the Annex to the Safety Convention;

"tender" means a passenger boat or a passenger ship which carries passengers or crew or both to or from a vessel at anchor from or to a place in the State;

"tendering operation" means the carrying of passengers or crew or both to or from a ship or boat at anchor from or to a place in the State by a tender or by a vessel's tender;

"tendering operations regulations" means regulations made under *section 52*;

"tendering operations safety plan" means a plan covering details of the proposed tendering operation in accordance with *section 52*;

"vessel's tender" means a vessel which is launched and recovered from a passenger steamer, including a passenger ship, in respect of which a valid safety management certificate is in force, for the purpose of carrying passengers or crew or both to or

from a place in the State and which forms part of such steamer's equipment and where the steamer's safety management system encompasses the safe operation of the vessel's tender.

Application (*Chapter 5*).

51.— (1) The owner or master of a ship or boat who proposes to undertake a tendering operation at any place in the State in respect of that ship or boat must apply to the Minister for a permit to undertake such operation ("permit to tender") by submitting, for approval, proposals in a tendering operations safety plan for such undertaking in the form as may be prescribed in regulations made under *section 52(1)*.

(2) An application for a permit to tender must be made in good time to enable the Minister to have the proposals in the tendering operations safety plan approved or otherwise, before the date of the proposed tendering operation, and, unless notified to the contrary, no later than 28 days before the date of the proposed tendering operation.

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

(*a*) section 271 of the Principal Act,

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

(*c*) section 6 or 15 of the Act of 1992,

(*d*) section 8 of the Act of 1992 or that section as applied by the European Communities (Passenger Ships) Regulations 2004 (S.I. No. 716 of 2004), and

(*e*) *section 82* or *84* of this Act.

Tendering operations regulations.

52.— (1) The Minister may make regulations ("tendering operations regulations") for tendering operations prescribing requirements for:

(*a*) the submission of proposals for a tendering operations safety plan in respect of each proposed tendering operation,

(*b*) the issue of a permit to tender, and

(*c*) any consequential, incidental, ancillary and supplementary matters including, with the consent of the Minister for Finance, the charging of fees as the Minister considers necessary or expedient.

(2) Without prejudice to the generality of *subsection (1)*, the Minister may, in making regulations, specify the information which must be submitted in the proposals for a tendering operations safety plan including requirements for the following matters, namely—

(*a*) identity of the ship or boat and of its operator,

(*b*) proposed location of the ship or boat at anchor and its distance from shore,

(*c*) proposed tendering location and periods of operation for the tendering operation,

(*d*) number of crew and passengers on board the ship or boat,

(*e*) safety inspection history of the ship or boat,

(*f*) details of each tender or of each vessel's tender that it is proposed to use in the tendering operation including details relating to materials of construction, proposed number of crew and passengers, means of propulsion, life-saving equipment and fire fighting equipment and arrangements for the transport of personal effects,

(*g*) arrangements for the embarkation and disembarkation of passengers and crew or both including arrangements for berthing of the tender or vessel's tender,

(*h*) operational conditions (weather, sea) and time of tendering operation,

(*i*) safety briefing and announcements to passengers,

(*j*) the keeping of operational records for each tendering operation to record the date and time of the operation, the number of tenders or of vessel's tenders used, the number of passengers and crew carried, and details of pier used,

(*k*) in the case of a tender, details of the passenger boat licence or of the passenger ship's certificate in respect of it,

(*l*) in the case of a vessel's tender which is to carry more than 12 passengers, details of annual inspections carried out and the vessel's tender insurance cover, and

(*m*) such other matter or matters that the Minister considers appropriate to take into account.

(3) Any fees under *subsection (1)* shall be paid into or disposed of for the benefit of the Exchequer.

Issue of permit to tender.

53.— (1) On application of the owner or master of a ship or boat for a permit to tender the Minister or such other person as he or she may authorise for that purpose may, where he or she is satisfied that the proposals in the tendering operations safety plan are in compliance with this Chapter and with any tendering operations regulations and are sufficient to ensure the safe undertaking of the tendering operation, issue a permit in respect of the ship or boat to tender subject to such conditions as he or she sees fit.

(2) An owner or master of a ship or boat, tender or vessel's tender must not carry out or attempt to carry out tendering operations without a permit to tender for the time being in force in respect of it.

(3) If a ship or boat, a tender or a vessel's tender engage in tendering operations, or attempts to engage in tendering operations, without a permit to tender for the time being in force in respect of it, it shall be regarded as an unsafe ship for the purposes of *Chapter 7*.

(4) After a permit to tender has issued no change shall be made in the undertaking of the tendering operation to which the permit relates without the prior approval of the Minister or such other person as he or she may authorise for that purpose.

Duties of owners and masters (*Chapter 5*).

54.— (1) It is the duty of the owner and master of a ship or boat to whom a permit to tender in respect of a tendering operation has issued under *section 53 (1)*—

(*a*) to undertake such operation in compliance with the permit to tender and with the conditions, if any, attaching to it,

(*b*) to display on board the ship or boat, in a place where passengers can view it, the permit to tender issued in respect of it,

(*c*) in the case of a vessel's tender engaged in such operation, to ensure that a copy of the permit to tender is available on board for examination while the tendering operation is being undertaken, and

(*d*) in the case of a tender to which the permit to tender applies, to ensure that a copy of such permit is supplied to the owner or master for the purpose of having it on board the tender and available for examination while the tendering operation concerned is being undertaken.

(2) It is the duty of the owner and master of a tender to carry out a tendering operation in accordance with the permit to tender and with any conditions attached to it issued in respect of the ship or boat concerned.

Powers of surveyors (*Chapter 5*).

55.— (1) A surveyor of ships may board and inspect any ship or boat including any tender or vessel's tender for the purpose of seeing that a permit to tender is being complied with (either on the ship or boat, at anchor, ashore or at dock) at any time for that purpose.

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

Offences (*Chapter 5*).

56.— (1) If any condition of a permit to tender or a provision of any tendering operations regulations is not complied with, then the owner (if in fault) or the master (if in fault) of the ship or boat 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.

(2) If the owner or master of a ship or boat to which this Chapter applies carries out or attempts to carry out tendering operations without a valid permit to tender for the time being in force in respect of the ship or boat, then the owner (if in fault) or the master (if in fault) 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.

(3) If—

(*a*) the permit to tender is not displayed on the ship, boat or tender in compliance with *section 54(1)(b)*, or

(*b*) a copy of the relevant permit to tender is not available for examination on a vessel's tender in compliance with *section 54(1)(c)*, or

(*c*) a copy of the relevant permit has not been supplied to the owner or master of a tender in compliance with *section 54(1)(b)*, or

(*d*) if a ship, boat or tender or a vessel's tender being regarded as an unsafe ship under *section 53(3)* engages or attempts to engage in tendering operations, in contravention of a notice of detention under *section 66*,

then the owner (if in fault) or master (if in fault) of the ship or boat commits an offence and is liable—

(i) in the case of an offence under *paragraph (a)*, *(b)* or *(c)*, on summary conviction to a fine not exceeding €5,000, or

(ii) in the case of an offence under *paragraph (d)*—

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

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

(4) Where a copy of a permit to tender has been supplied by the owner or master of a ship or boat to the owner or master of a tender in respect of a tendering operation to be undertaken and it is not subsequently available for examination on the tender while the tendering operation concerned is being undertaken, the owner (if in fault) or master (if in fault) of the tender commits an offence and is liable on summary conviction to a fine not exceeding €5,000.

(5) If a tendering operation is not carried out in accordance with a permit to tender and any condition attached to it issued in respect of the ship or boat

concerned, then the owner (if in fault) or the master (if in fault) of the tender 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

Editorial Notes:

E8 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(2) and table ref. no. 1, S.I. No. 662 of 2010.

CHAPTER 6

Safe Manning Regulations

Annotations

Modifications (not altering text):

C3 Application of chapter (ss. 57-63) restricted (16.02.2024) by *European Union (international Labour Organisation Work in Fishing Convention) (Safe Manning) Regulations 2024* (S.I. No. 52 of 2024), reg. 4.

Application

4. These Regulations apply to fishing vessels of 15 metres in L_{oa} and over. Consequently, Chapter 6 of the Act of 2010 no longer applies to fishing vessels 24 metres in length and over.

Editorial Notes:

E9 Previous affecting provision: application of chapter (ss. 57-63) restricted (1.07.2023) by *European Union (international Labour Organisation Work in Fishing Convention) (Safe Manning) Regulations 2023* (S.I. No. 315 of 2023), reg. 4, in effect as per reg. 1(2); revoked (16.02.2024) by *European Union (international Labour Organisation Work in Fishing Convention) (Safe Manning) Regulations 2024* (S.I. No. 52 of 2024), reg. 14.

Definitions (*Chapter 6*).

57.— In this Chapter—

"accepted minimum safe manning document" has the meaning assigned to it by *section 60(4)*;

"approved ship's security plan" means the security plan for the ship approved by the Minister under Regulation (EC) No. 725/2004 of the European Parliament and of the Council of 31 March 2004 on enhancing ship and port security [1];

"IMO number" means the identification number which conforms to the International Maritime Organisation (IMO) ship identification number scheme adopted by the IMO under regulation 3.2 of chapter XI-I of the Safety Convention;

F5**[**"IMO principles of safe manning" means the principles of safe manning adopted by the 27th session of the Assembly of the IMO on 30 November 2011 by Resolution A.1047(27) of the Conference of Contracting Governments to the International Convention for the Safety of Life at Sea 1974;**]**

"minimum safe manning document" means, in relation to a ship to which this Chapter applies, a document issued by or on behalf of the Minister under *section 60(1)*;

"passenger ship" has the meaning assigned to it in section 2(1) of the Act of 1992;

[1] OJ No. L129 of 29.04.2004, p.6.

"safe manning regulations" means regulations made under F5**[***section 59*;**]**

F6**[**"sea-going" means going beyond the limits of smooth and partially smooth waters (within the meaning of the Merchant Shipping (Fire Protection) Rules 2023 (S.I. No. 379 of 2023)).**]**

Annotations

Amendments:

F5 Substituted (1.06.2025) by *Merchant Shipping (Investigation of Marine Accidents) Act 2025* (2/2025), s. 52(5)(c)(i), (ii)(I), S.I. No. 188 of 2025.

F6 Inserted (1.06.2025) by *Merchant Shipping (Investigation of Marine Accidents) Act 2025* (2/2025), s. 52(5)(c)(ii)(II), S.I. No. 188 of 2025.

Modifications (not altering text):

C4 Application of chapter (ss. 57-63) restricted (16.02.2024) by *European Union (international Labour Organisation Work in Fishing Convention) (Safe Manning) Regulations 2024* (S.I. No. 52 of 2024), reg. 4.

Application

4. These Regulations apply to fishing vessels of 15 metres in L_{oa} and over. Consequently, Chapter 6 of the Act of 2010 no longer applies to fishing vessels 24 metres in length and over.

Editorial Notes:

E10 Previous affecting provision: application of chapter (ss. 57-63) restricted (1.07.2023) by *European Union (international Labour Organisation Work in Fishing Convention) (Safe Manning) Regulations 2023* (S.I. No. 315 of 2023), reg. 4, in effect as per reg. 1(2); revoked (16.02.2024) by *European Union (international Labour Organisation Work in Fishing Convention) (Safe Manning) Regulations 2024* (S.I. No. 52 of 2024), reg. 14.

Application (*Chapter 6*).

58.— F7**[**(1) Subject to *subsection (2)*, this Chapter applies to—

(*a*) Irish ships to which Chapter 1 of the Annex to the Safety Convention applies,

(*b*) other Irish sea-going ships as the Minister may by regulations determine, and

(*c*) any other ship while in any port in the State unless it would not have been in such port but for the stress of weather or any other circumstance that neither the master nor the owner of the ship could have prevented or forestalled.**]**

(2) This Chapter does not apply to—

(*a*) ships of war, troopships, fishing vessels under 24 metres in length, and

(*b*) pleasure yachts not engaged in trade.

Annotations

Amendments:

F7 Substituted (1.06.2025) by *Merchant Shipping (Investigation of Marine Accidents) Act 2025* (2/2025), s. 52(5)(d), S.I. No. 188 of 2025.

Modifications (not altering text):

C5 Application of chapter (ss. 57-63) restricted (16.02.2024) by *European Union (international Labour Organisation Work in Fishing Convention) (Safe Manning) Regulations 2024* (S.I. No. 52 of 2024), reg. 4.

Application

4. These Regulations apply to fishing vessels of 15 metres in L_{oa} and over. Consequently, Chapter 6 of the Act of 2010 no longer applies to fishing vessels 24 metres in length and over.

Editorial Notes:

E11 Previous affecting provision: application of chapter (ss. 57-63) restricted (1.07.2023) by *European Union (international Labour Organisation Work in Fishing Convention) (Safe Manning) Regulations 2023* (S.I. No. 315 of 2023), reg. 4, in effect as per reg. 1(2); revoked (16.02.2024) by *European Union (international Labour Organisation Work in Fishing Convention) (Safe Manning) Regulations 2024* (S.I. No. 52 of 2024), reg. 14.

Safe manning regulations.

59.— (1) The Minister may, in relation to any ships to which this Chapter applies, make regulations ("safe manning regulations")—

(*a*) prescribing requirements and principles for the appropriate minimum safe manning of ships,

(*b*) setting out guidelines for the application of principles for the appropriate minimum safe manning of ships,

(*c*) regulating the procedures for the submission of proposals and application for a minimum safe manning document by or on behalf of the owner of an Irish ship to which this Chapter applies, and

(*d*) regulating any consequential, incidental, ancillary and supplementary matters including, with the consent of the Minister for Finance, the charging of fees as the Minister considers necessary or expedient.

(2) Without prejudice to *subsection (1)* safe manning regulations may include requirements for the following to be taken into account in determining the minimum safe manning of a ship—

(*a*) the capability to—

(i) maintain safe navigational, engineering and radio watches and general surveillance of the ship,

(ii) moor and unmoor the ship safely,

(iii) manage the safety functions of the ship when employed in a stationary or near-stationary mode at sea,

(iv) perform operations, as appropriate, for the prevention of damage to the marine environment,

(v) maintain the safety arrangement and the cleanliness of all accessible spaces to minimise the risk of fire,

(vi) provide for medical care on board the ship,

(vii) ensure safe carriage of cargo during transit,

(viii) inspect and maintain the structural integrity of the ship, and

(ix) operate in accordance with the approved ship's security plan, where relevant,

(*b*) the ability to—

(i) operate all watertight closing arrangements and maintain them in effective condition, and also deploy a competent damage control party,

(ii) operate all on-board fire-fighting and emergency equipment and life-saving appliances, carry out such maintenance of this equipment as is required to be done at sea, and muster and disembark all persons on board, and

(iii) operate the main propulsion and auxiliary machinery and maintain them in a safe condition to enable the ship to overcome the foreseeable perils of the voyage,

and

(*c*) any other special considerations in relation to the operation of a vessel or class of vessel.

(3) In prescribing requirements and principles for minimum safe manning of ships the Minister shall take account of—

(*a*) relevant national and international law relating to—

(i) watchkeeping,

(ii) hours of work or rest,

(iii) safety management,

(iv) certification of seafarers,

(v) training of seafarers,

(vi) occupational health and hygiene, and

(vii) crew accommodation,

and

(*b*) where applicable—

(i) on-board functions in relation to training requirements for all personnel, including the operation of fire-fighting and emergency equipment, life-saving appliances, watertight closing arrangements, specialised training requirements for particular types of ships and training opportunities for entrant seafarers,

(ii) provision of proper food and drinking water, and

(iii) need to undertake emergency duties and responsibilities.

(4) Without prejudice to the generality of *subsection (1)*, the Minister may, in making safe manning regulations, specify the information which must be submitted in the proposals for a minimum safe manning document including requirements for the following matters, namely—

(*a*) details of ship's name, port of registry, distinctive number or letters, IMO number, where relevant, gross tonnage, main propulsion power, type and area of operation and whether or not the machinery space is unattended,

(*b*) a table showing the number and grades or capacities or both of the personnel assessed by the owner as the minimum safe manning complement required to be carried, together with any special conditions or other relevant observations in regard to same, and

(*c*) particulars of the assessment by the owner upon which the proposed minimum safe manning complement of personnel was assessed.

(5) In making safe manning regulations the Minister may categorise ships into different classes having regard to one or more of the following, where appropriate—

(*a*) the size, 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 type of cargo carried including the severity of the environmental and safety hazards involved,

(*e*) the age and date of construction of ships, and

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

(6) Different safe manning regulations 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) Safe manning regulations shall include such requirements as appear to the Minister to be necessary to implement the provisions of regulation 14 of Chapter V of the Annex to the Safety Convention taking account of the IMO principles of safe manning.

(8) The powers conferred on the Minister by this Chapter are in addition to the powers conferred by any other enactment enabling him or her to prescribe requirements for ships to carry numbers and categories of masters and crew and the standards of competence for such personnel.

(9) Any fees under *subsection (1)* shall be paid into or disposed of for the benefit of the Exchequer.

Annotations

Modifications (not altering text):

C6 Application of chapter (ss. 57-63) restricted (16.02.2024) by *European Union (international Labour Organisation Work in Fishing Convention) (Safe Manning) Regulations 2024* (S.I. No. 52 of 2024), reg. 4.

Application

4. These Regulations apply to fishing vessels of 15 metres in L_{oa} and over. Consequently, Chapter 6 of the Act of 2010 no longer applies to fishing vessels 24 metres in length and over.

Editorial Notes:

E12 Power pursuant to section exercised (5.03.2025) by *Merchant Shipping (SOLAS V – Safe Manning and Watchkeeping) (Amendment) Regulations 2025* (S.I. No. 61 of 2025).

E13 Previous affecting provision: application of chapter (ss. 57-63) restricted (1.07.2023) by *European Union (international Labour Organisation Work in Fishing Convention) (Safe Manning) Regulations 2023* (S.I. No. 315 of 2023), reg. 4, in effect as per reg. 1(2); revoked (16.02.2024) by *European Union (international Labour Organisation Work in Fishing Convention) (Safe Manning) Regulations 2024* (S.I. No. 52 of 2024), reg. 14.

Safe manning document.

60.— (1) On submission by the owner of an Irish ship to which this Chapter applies, of an application and proposals for the minimum safe manning of the ship, the Minister may, where he or she is satisfied—

(*a*) that the proposals satisfy the minimum safe manning requirements for such ship, having regard to the safe manning regulations and, in respect of a ship to which Chapter 1 of the Safety Convention applies, the IMO principles of safe manning, and is adequate at all times and in all respects for the safe operation and the security of the ship and for the protection of the marine environment, and

(*b*) that the application and proposals satisfy the requirements for the making of such application,

issue a document ("minimum safe manning document") in respect of the ship, subject to such conditions as he or she sees fit, in the form prescribed by the Minister under the safe manning regulations.

(2) The Minister may require an applicant for a minimum safe manning document to amend a proposal for the minimum safe manning level of a ship if, following evaluation of the proposal, he or she is not satisfied that the proposal meets the minimum safe manning requirements referred to in *subsection (1)*.

(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.

(5) After a minimum safe manning document has issued no change shall be made in the minimum safe manning of the ship without the prior approval of the Minister or such other person as he or she may authorise for that purpose.

(6) The minimum safe manning document issued to a ship under *subsection (1)* ceases to be in force if any changes to or in relation to the ship in respect of—

(*a*) its area of operation,

(*b*) its machinery or equipment, or

(*c*) its operation and maintenance,

are made.

(7) The Minister may cancel a minimum safe manning document in respect of a ship where he or she is satisfied that the requirements for its minimum safe manning are not being consistently complied with, taking account of rest hours requirements applicable to its crew or any other requirements for its minimum safe manning.

(8) The Minister may authorise on his or her behalf a person to issue or cancel a minimum safe manning document or to require amendment of a proposal in accordance with *subsection (2)*.

(9) A ship to which this Chapter applies shall not proceed or attempt to proceed to sea without a minimum safe manning document for the time being in force.

(10) If a ship to which this Chapter applies proceeds or attempts to proceed to sea—

(*a*) without a minimum safe manning document for the time being in force in respect of the ship, or

(*b*) with manning levels which are not in compliance with its minimum safe manning document,

it shall be regarded an unsafe ship for the purposes of *Chapter 7*.

Annotations

Modifications (not altering text):

C7 Application of chapter (ss. 57-63) restricted (16.02.2024) by *European Union (international Labour Organisation Work in Fishing Convention) (Safe Manning) Regulations 2024* (S.I. No. 52 of 2024), reg. 4.

Application

4. These Regulations apply to fishing vessels of 15 metres in L_{oa} and over. Consequently, Chapter 6 of the Act of 2010 no longer applies to fishing vessels 24 metres in length and over.

Editorial Notes:

E14 Previous affecting provision: application of chapter (ss. 57-63) restricted (1.07.2023) by *European Union (international Labour Organisation Work in Fishing Convention) (Safe Manning) Regulations 2023* (S.I. No. 315 of 2023), reg. 4, in effect as per reg. 1(2); revoked (16.02.2024) by *European Union (international Labour Organisation Work in Fishing Convention) (Safe Manning) Regulations 2024* (S.I. No. 52 of 2024), reg. 14.

Duties of owners and masters (*Chapter 6*).

61.— (1) It is the duty of the owner and master of a ship to which this Chapter applies—

(*a*) before the ship is first put into service, or before the ship is put into service in any case after the expiration or cancellation of its minimum safe manning document, to submit or have submitted proposals and an application for a safe manning document in accordance with the requirements and procedures for such application as set out in the safe manning regulations,

(*b*) to ensure that the ship is manned to comply with the minimum safe manning requirements, specified in the safe manning document, including any conditions specified, and

(*c*) to ensure that the ship operates in compliance with the safe manning regulations.

(2) In making proposals and application for a minimum safe manning document, the owner of an Irish ship to which this Chapter applies, shall, without prejudice to any other requirements prescribed in the safe manning regulations—

(*a*) make an assessment of the tasks, duties and responsibilities of the ship's minimum manning level required for its safe operation, for its security, for protection of the marine environment, and for dealing with emergency situations,

(*b*) make an assessment of the numbers and grades or capacities or both in the ship's minimum manning complement required for its safe operation, for its security, for protection of the marine environment, and for dealing with emergency situations,

(*c*) prepare and submit the proposal for the minimum safe manning level based upon the assessments at *paragraphs (a)* and *(b)* justifying the proposal by explaining how the proposed ship's minimum manning level will deal with emergency situations, including the evacuation of passengers, where necessary, and

(*d*) ensure that the minimum safe manning level is adequate at all times, and in all respects, including the meeting of peak workload situations, conditions and requirements and is in accordance with the requirements, principles and guidelines prescribed in the safe manning regulations.

Annotations

Modifications (not altering text):

C8 Application of chapter (ss. 57-63) restricted (16.02.2024) by *European Union (international Labour Organisation Work in Fishing Convention) (Safe Manning) Regulations 2024* (S.I. No. 52 of 2024), reg. 4.

Application

4. These Regulations apply to fishing vessels of 15 metres in L_{oa} and over. Consequently, Chapter 6 of the Act of 2010 no longer applies to fishing vessels 24 metres in length and over.

Editorial Notes:

E15 Previous affecting provision: application of chapter (ss. 57-63) restricted (1.07.2023) by *European Union (international Labour Organisation Work in Fishing Convention) (Safe Manning) Regulations 2023* (S.I. No. 315 of 2023), reg. 4, in effect as per reg. 1(2); revoked (16.02.2024) by *European Union (international Labour Organisation Work in Fishing Convention) (Safe Manning) Regulations 2024* (S.I. No. 52 of 2024), reg. 14.

Powers of surveyors (*Chapter 6*).

62.— (1) A surveyor of ships may board and inspect any ship for the purpose of seeing that it complies with the provisions of this Chapter and the safe manning regulations.

(2) If a surveyor of ships finds that a ship fails to comply with any provisions of this Chapter or the safe manning regulations he or she shall give a notice in writing to the owner or master stating in what respect the ship fails to comply with them.

(3) A surveyor of ships may board and inspect any ship for the purposes of seeing that a notice given under *subsection (2)* has been complied with.

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

Annotations

Modifications (not altering text):

C9 Application of chapter (ss. 57-63) restricted (16.02.2024) by *European Union (international Labour Organisation Work in Fishing Convention) (Safe Manning) Regulations 2024* (S.I. No. 52 of 2024), reg. 4.

Application

4. These Regulations apply to fishing vessels of 15 metres in L_{oa} and over. Consequently, Chapter 6 of the Act of 2010 no longer applies to fishing vessels 24 metres in length and over.

Editorial Notes:

E16 Previous affecting provision: application of chapter (ss. 57-63) restricted (1.07.2023) by *European Union (international Labour Organisation Work in Fishing Convention) (Safe Manning) Regulations 2023* (S.I. No. 315 of 2023), reg. 4, in effect as per reg. 1(2); revoked (16.02.2024) by *European Union (international Labour Organisation Work in Fishing Convention) (Safe Manning) Regulations 2024* (S.I. No. 52 of 2024), reg. 14.

Offences (*Chapter 6*).

63.— (1) If any provision of a minimum safe manning document or a provision of any safe manning regulations is not complied with, then the owner (if in fault) or the master (if in fault) 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.

(2) If the owner or master of a ship which for the purposes of *section 60 (10)* is regarded as an unsafe ship or in contravention of a notice of detention under *section 66* proceeds, or attempts to proceed to sea with the ship then the owner (if in fault) or the master (if in fault) 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

Modifications (not altering text):

C10 Application of chapter (ss. 57-63) restricted (16.02.2024) by *European Union (international Labour Organisation Work in Fishing Convention) (Safe Manning) Regulations 2024* (S.I. No. 52 of 2024), reg. 4.

Application

4. These Regulations apply to fishing vessels of 15 metres in L_{oa} and over. Consequently, Chapter 6 of the Act of 2010 no longer applies to fishing vessels 24 metres in length and over.

Editorial Notes:

E17 Previous affecting provision: application of chapter (ss. 57-63) restricted (1.07.2023) by *European Union (international Labour Organisation Work in Fishing Convention) (Safe Manning) Regulations 2023* (S.I. No. 315 of 2023), reg. 4, in effect as per reg. 1(2); revoked (16.02.2024) by *European Union (international Labour Organisation Work in Fishing Convention) (Safe Manning) Regulations 2024* (S.I. No. 52 of 2024), reg. 14.

CHAPTER 7

Unsafe ships

Application (*Chapter 7*).

64.— This Chapter applies to—

(*a*) Irish ships to which this Part applies, and to any other ship to which this Part applies, while they are within any port in the State, unless it would not have been in any such port but for stress of weather or any other circumstances that neither the master nor the owner of the ship could have prevented or forestalled, and

(*b*) boats to which *Chapter 5* applies.

Detention.

65.— Where a ship or boat being in a port in the State is regarded as an unsafe ship or boat under *section 19(9)(b)*, *28(9)(b)*, *37(6)(b)*, *45(4)(c)*, *53(3)* or *60(10)* a surveyor of ships may detain the ship to be detained in the port in which it is berthed until the relevant certificate, permit or document is issued.

Notice of detention.

66.— (1) Where a surveyor of ships detains a ship or boat under *section 65* he or she shall give a notice of detention to the owner or master of the ship or boat stating in what respect the ship or boat is an unsafe ship and the defects to be remedied to the satisfaction of a surveyor.

(2) Where a surveyor of ships is satisfied that the defects referred to in a notice of detention have been satisfactorily remedied he or she shall withdraw the notice.

PART 4

ACCESS FOR PERSONS WITH REDUCED MOBILITY TO PASSENGER VESSELS

Definitions (*Part 4*).

67.— In this Part—

"Act of 1998" means Merchant Shipping (Miscellaneous Provisions) Act 1998;

"authorised person" means—

(*a*) a surveyor of ships, or

(*b*) a person or class of persons appointed under *section 71(2)* for the purposes of this Part;

"code of practice" means a code of practice prepared and published or approved under *section 69*;

"Department" means Department of Transport;

"reduced mobility regulations" means regulations made under *section 68*;

"DSC construction and equipment certificate" means a certificate issued under Regulation 11(3)(*a*) of the Regulations of 2004;

"DSC permit to operate high speed craft" means a permit issued under Regulation 11(3)(*b*) of the Regulations of 2004;

"high speed craft safety certificate" means a certificate issued by the Minister under Regulation 11(1)(*a*) of the Regulations of 2004;

"master" has the meaning assigned to it by section 2(1) of the Act of 1992;

"owner" has the meaning assigned to it by section 2(1) of the Act of 1992;

"passenger" has the meaning assigned to it by section 2(1) of the Act of 1992;

"passenger boat" has the meaning assigned to it by section 2(1) (as amended by section 4(*a*) of the Act of 1998 and section 44(1)(*b*) of the Act of 2000) of the Act of 1992;

"passenger boat licence" means a passenger boat licence granted under section 15 of the Act of 1992;

"passenger ship" has the meaning assigned to it by section 2(1) (as amended by section 4(*a*) of the Act of 1998 and section 44(1)(*c*) of the Act of 2000) of the Act of 1992;

"passenger ship's certificate" means a certificate issued under section 8(1) of the Act of 1992;

"passenger ship safety certificate" means a certificate issued under section 8(1) of the Act of 1992 as applied by Regulation 10(2)(*a*) of the Regulations of 2004;

"passenger vessel" means a passenger ship or passenger boat;

"permit to operate high speed craft" means a permit issued under Regulation 11(1)(*b*) of the Regulations of 2004;

"person with reduced mobility" means any person whose mobility when using transport is reduced or impaired as a result of any physical disability (sensory or locomotive) intellectual disability, age or as a result of pregnancy or being accompanied by small children;

"prescribed" means prescribed by regulations made by the Minister;

"Regulations of 2004" means European Communities (Passenger Ships) Regulations 2004 (S.I. No. 716 of 2004).

Regulations.

68.— (1) The Minister may make regulations ("reduced mobility regulations") for the purpose of making passenger vessels accessible to persons with reduced mobility. In making any such regulations the Minister shall have regard to any representations made in accordance with *subsection (13)* including those relating to the costs of different requirements and standards and any information provided with regard to the financial resources generally of owners of vessels of a class to which the regulations apply in complying with the regulations.

(2) Without prejudice to the generality of *subsection (1)*, reduced mobility regulations may set down requirements or standards or both in relation to:

(*a*) pre-journey information;

(*b*) on-board accommodation and facilities;

(*c*) lifts, ramps, steps and stairs;

(*d*) information and announcements on board, including those required in emergency situations;

(*e*) safety announcements and signage;

(*f*) management and training of personnel;

(*g*) interface with facilities on shore;

(*h*) information to be furnished to the Minister;

(*i*) carrying out of accessibility audits.

(3) Reduced mobility regulations may provide for the inspection of passenger vessels.

(4) Reduced mobility regulations may provide for powers of authorised persons in addition to those under *section 71*.

(5) Reduced mobility regulations may make provision for consequential, incidental, ancillary and supplementary matters (including the enforcement of the regulations and, with the consent of the Minister for Finance, the charging of fees) as the Minister considers necessary or expedient. Fees under this subsection shall be paid into or disposed of for the benefit of the Exchequer.

(6) In making reduced mobility regulations the Minister may categorise passenger vessels into different classes having regard to one or more of the following, where appropriate:

(*a*) the age and date of construction of such vessels;

(*b*) the size, shape, speed or configuration of such vessels;

(*c*) the service for which such vessels are to be employed;

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

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

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

(7) Reduced mobility regulations may apply either generally or to a specified class or classes of passenger vessel and different provision may be made for different classes of passenger vessel.

(8) Reduced mobility regulations may set different and separate requirements and standards in relation to different classes of passenger vessel for different circumstances and for different areas of operation.

(9) Reduced mobility regulations may apply to owners of passenger vessels, masters, crew or other persons with responsibility for services provided by a passenger vessel.

(10) Reduced mobility regulations made may incorporate, adopt, apply or make prescriptions by reference to, with or without modification, any code of practice.

(11) The power to make reduced mobility regulations includes the power to make provision by regulations to give effect to any provision of the treaties of the European Communities or any act adopted by an institution of the European Communities which regulates any of the matters set out in this section.

(12) The Minister may exempt from all or any of the provisions of reduced mobility regulations, on such terms and conditions as he or she sees fit, any

passenger vessel or any class or classes of passenger vessel, having regard to the nature of the vessel and the use to which it is put.

(13) Before making reduced mobility regulations, the Minister—

(*a*) shall publish on the Department's website and in such other manner as he or she considers appropriate a draft of the proposed regulations and shall give interested persons one month from the date of publication of the draft within which to make written representations to the Minister in relation to it, or for such further period, not exceeding 2 months the Minister in his or her absolute discretion thinks fit, and

(*b*) having considered any representations, may make the regulations with or without amendment.

(14) Where the Minister is satisfied that reduced mobility regulations are not being complied with, the Minister may refuse to grant or may suspend—

(*a*) a passenger ship certificate,

(*b*) a passenger ship safety certificate,

(*c*) a high speed craft safety certificate,

(*d*) a permit to operate high speed craft,

(*e*) a DSC construction and equipment certificate,

(*f*) a DSC permit to operate high speed craft, or

(*g*) a passenger boat licence,

issued by the Minister in respect of a passenger vessel, until the regulations are complied with.

(15) If, in respect of a passenger vessel, there is a contravention of any reduced mobility regulation, the owner or master of the vessel each commits an offence and each is liable on summary conviction to a fine not exceeding €5,000.

Annotations

Editorial Notes:

E18 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(2) and table ref. no. 1, S.I. No. 662 of 2010.

Codes of practice.

69.— (1) For the purpose of giving practical guidance to the owners, masters, crew or other persons with responsibility for services provided by a passenger vessel with respect to—

(*a*) making passenger vessels accessible for persons with reduced mobility,

(*b*) the implementation of the Department's sectoral plan under the Disability Act 2005, or

(*c*) the requirements or prohibitions under reduced mobility regulations,

the Minister may, following consultations with such persons as he or she considers relevant—

(i) prepare and publish codes of practice, and

(ii) approve of a code of practice or any part of a code of practice published by another person.

(2) Before publishing or approving a code of practice or any part of a code of practice, the Minister—

(*a*) shall publish on the Department's website the draft code or sections of the draft code and shall send them to the clerk of the Committee of one or both Houses of the Oireachtas established under the Standing Orders of the House or Houses and to report to it or them on merchant shipping, and shall give persons one month from the date of publication of the draft code or sections of the draft code within which to make written representations to the Minister in relation to the draft code or sections of the draft code, or for such further period, not exceeding 2 months, as the Minister in his or her absolute discretion thinks fit,

(*b*) may, following consultation and, where relevant, having considered the representations, if any, publish the draft code or the sections of the draft code with or without modification as the Minister in his or her absolute discretion thinks fit, and

(*c*) where he or she publishes or approves of a code of practice or approves of any part of a code of practice, he or she shall publish a notice of such publication or approval in the *Iris Oifigiúil* and that notice shall—

(i) identify the code,

(ii) specify the matters concerned or the relevant statutory provisions in respect of which the code is published or approved of, and

(iii) specify the date on which the code comes into operation.

(3) The Minister may, following consultation with any person he or she considers relevant—

(*a*) amend or revoke any code of practice or part of any code of practice prepared and published by him or her under this section, or

(*b*) withdraw his or her approval of any code of practice or part of any code of practice approved by him or her under this section.

(4) Where the Minister amends or revokes, or withdraws his or her approval of a code of practice or any part of a code of practice published or approved under this section, he or she shall publish notice of the amendment, revocation or withdrawal, as the case may be, in the *Iris Oifigiúil.*

(5) The Minister shall make available for public inspection, without charge, on the Department's website on the internet and at the principal maritime office of the Department, during normal working hours—

(*a*) a copy of each code of practice, and

(*b*) where a code of practice has been amended, a copy of the code as so amended.

(6) It is the duty of a passenger vessel's owner, master, crew or other persons with responsibility for services provided by the vessel to be aware of and follow any code of practice published or approved.

Use of codes of practice in criminal proceedings.

70.— (1) Where in proceedings for an offence under *section 68(15)* relating to any alleged contravention of any requirement or prohibition imposed under reduced mobility regulations, being a provision for which there is a code of practice published at the time of the alleged contravention, *subsection (2)* has effect with respect to that code of practice in relation to those proceedings.

(2) (*a*) Where a code of practice referred to in *subsection (1)* appears to the court to give practical guidance as to the observance of the requirement or prohibition alleged to have been contravened, the code of practice is admissible in evidence.

(*b*) Where it is proved that any act or omission of the defendant alleged to constitute the contravention—

(i) is a failure to observe a code of practice referred to in *subsection (1)*, or

(ii) is a compliance with that code of practice,

then such failure or compliance is admissible in evidence.

(3) A copy of a code of practice, which has endorsed on it a certificate purporting to be signed by an officer of the Department (authorised in that behalf by the Secretary General) stating that the copy is a true copy of the code may, without proof of signature of that officer, be produced in every court and in all legal proceedings and is evidence, unless the contrary is shown, of the code.

Authorised persons.

71.— (1) A surveyor of ships is an authorised person for the purposes of this Part.

(2) The Minister may appoint in writing other persons or persons of such classes as he or she sees fit to be authorised persons for the purposes or specified purposes of this Part.

(3) The Minister may revoke an appointment under *subsection (2)*.

(4) An authorised person may be assisted in the exercise of his or her functions under this Part by such persons as he or she considers necessary.

(5) An authorised person appointed under *subsection (2)* shall be furnished with a warrant of his or her appointment as an authorised person and when exercising any power conferred on an authorised person under this Part shall, if requested by a person affected, produce the warrant or a copy of it to that person for inspection.

Powers of authorised persons.

72.— (1) An authorised person may for the purpose of ensuring that reduced mobility regulations are being complied with—

(*a*) board any passenger vessel or enter any premises or place where any activity connected with the provision of services provided by a passenger vessel takes place,

(*b*) inspect and examine the vessel, premises or place,

(*c*) inspect and take copies of, or extracts of, records or documents, and

(*d*) request any member of crew of the vessel or employee of the premises or place to furnish him or her with such information and to produce to him or her such records and documents in his or her possession or within his or her procurement, as the authorised person may reasonably require for the purpose of ensuring such compliance.

(2) An authorised person may take photographs or make any record or visual recording of any activity on the vessel or the premises or place.

(3) A person who obstructs or interferes with an authorised person in the exercise of his or her functions under this section or reduced mobility regulations, or who fails or refuses to comply with a request of an authorised person under this section or reduced mobility regulations, commits an offence and is liable on summary conviction to a fine not exceeding €5,000.

Annotations

Editorial Notes:

E19 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(2) and table ref. no. 1, S.I. No. 662 of 2010.

Fixed payment notice (*Part 4*).

73.— (1) Where an authorised person has reasonable grounds for believing that a person is committing or has committed an offence under *section 68(15)* in relation

to a contravention of a reduced mobility regulation, he or she may serve that person with a notice in the prescribed form or in a form to the like effect stating:

(*a*) that the person is alleged to have committed the offence in respect of the contravention;

(*b*) that the person may, during the period of 21 days beginning on the date of the notice, make to the Minister at the address specified in the notice a payment of €500 or such other amount prescribed under *subsection (4)*, accompanied by the notice;

(*c*) that a prosecution in respect of the alleged offence will not be instituted during the period specified in the notice and, if the payment specified in the notice is made during that period, no prosecution in respect of the alleged offence will be instituted.

(2) Where notice is given under *subsection (1)*:

(*a*) a person to whom the notice applies, may during the period specified in the notice, make to the Minister at the address specified in the notice the payment specified in the notice, accompanied by the notice;

(*b*) the Minister may receive the payment, issue a receipt for it and retain the money so paid for disposal in such manner as may be prescribed and no payment so received shall in any circumstances be recoverable by the person who made it;

(*c*) a prosecution in respect of the alleged offence shall not be instituted in the period specified in the notice and, if the payment so specified is made during that period, no prosecution in respect of the alleged offence shall be instituted.

(3) In a prosecution for an offence referred to in *subsection (1)*, the onus of showing that a payment pursuant to a notice under this section has been made shall lie on the defendant.

(4) The Minister may prescribe another amount, or different amounts in respect of different contraventions or different classes of passenger vessels, in lieu of the amount specified in *subsection (1) (b)*.

PART 5

RAISING OF SUNKEN VESSELS

Definitions (*Part 5*).

74.— In this Part—

"Act of 1993" means Merchant Shipping (Salvage and Wreck) Act 1993;

"Board" means Marine Casualty Investigation Board;

"investigator" means a person appointed under section 26(2) of the Act of 2000;

"relevant party" means an investigator, a tribunal or the Minister, as the case may be, who is causing a vessel to be raised;

"marine casualty" has the meaning assigned to it by section 2 of the Act of 2000;

"tribunal" means a person or persons appointed under section 38(2)(*a*) of the Act of 2000 to hold an inquiry;

"vessel" has the meaning assigned to it in section 2 of the Act of 2000, and includes—

(*a*) a vessel which is sunk, partially sunk, wrecked, grounded, stranded or abandoned,

(*b*) any part of such a vessel, and

(*c*) any article, thing or collection of things being or forming part of the tackle, equipment, cargo, stores, bunkers, oils or ballast of a wrecked vessel.

Annotations

Modifications (not altering text):

C11 Prospective affecting provision: references to "Marine Casualty Investigation Board" construed by *Merchant Shipping (Investigation of Marine Accidents) Act 2025* (2/2025), s. 40(2), not commenced as of date of revision.

2. (1) In this Act— ...

"MCIB" means the Marine Casualty Investigation Board established by section 7 of the Act of 2000;

...

7. (1) There shall be a unit within the Department of Transport which shall be known as the "MAIU") to perform the functions assigned to it under this Act or any other enactment.

...

40. (1) ...

(2) A reference to the MCIB in any enactment (other than this Act) or in the constitution of any company and relating to a function conferred on the MAIU by this Act shall, on and after the appointed day, be construed as a reference to the MAIU.

Power to raise sunken vessel.

75.— (1) Where—

(*a*) an investigator considers it necessary for the purposes of an investigation into a marine casualty in accordance with Part 3 of the Act of 2000,

(*b*) a tribunal considers it necessary for the purposes of an inquiry under section 38 of the Act of 2000, or

(*c*) the Minister considers it necessary for the purposes set out in *subsection (2)*,

the investigator, the tribunal or the Minister, as the case may be ("the relevant party") may cause any sunken vessel which has been involved in the marine casualty to be raised and brought ashore for the purposes of examining it, and may make any necessary arrangements for the inspection, storage and, if necessary, disposal in due course of the vessel.

(2) Subject to *subsection (3)*, the Minister may cause a vessel to be raised under *subsection (1)* where he or she considers it necessary for—

(*a*) ensuring the safety of vessels or their crews,

(*b*) formulating, promoting or improving specified standards of seaworthiness, construction or maintenance of vessels, or determining specified life-saving, fire-fighting, radio installations, navigation and tracking systems and equipment to be carried on board vessels or used by their crews,

(*c*) determining the adequacy of existing standards or specifications in relation to the above matters or the extent to which such standards are being complied with, or

(*d*) a possible prosecution under the Merchant Shipping Acts,

and where in the view of the Minister there is no other reasonable and practical alternative source of information available to him or her.

(3) Any decision by the Minister under *subsection (2)* is subject to—

(*a*) prior consultation with the Board and, if a tribunal has been established by the Minister to inquire into the particular marine casualty, with the tribunal, and

(*b*) confirmation by the Board and the tribunal that neither proposes to raise the vessel in question as part of any investigation.

(4) Where the relevant party proposes to raise such a vessel, that party shall notify the owner of the vessel of such intention, of the date which it is proposed to raise the vessel, and in due course of the location where the raised vessel will be kept.

Annotations

Modifications (not altering text):

C12 Prospective affecting provision: references to "Marine Casualty Investigation Board" construed by *Merchant Shipping (Investigation of Marine Accidents) Act 2025* (2/2025), s. 40(2), not commenced as of date of revision.

2. (1) In this Act— ...

"MCIB" means the Marine Casualty Investigation Board established by section 7 of the Act of 2000;

...

7. (1) There shall be a unit within the Department of Transport which shall be known as the Marine Accident Investigation Unit (in this Act referred to as the "MAIU") to perform the functions assigned to it under this Act or any other enactment.

...

40. (1) ...

(2) A reference to the MCIB in any enactment (other than this Act) or in the constitution of any company and relating to a function conferred on the MAIU by this Act shall, on and after the appointed day, be construed as a reference to the MAIU.

Disposal of a raised vessel.

76.— When a vessel raised under this Part is no longer required for the purposes referred to in *section 75* for which it was raised—

(*a*) the relevant party shall notify the owner of the vessel of the location of the vessel and allow a period of 28 days in which the owner may reclaim and collect the vessel, and

(*b*) where the owner does not wish to reclaim and collect the vessel, or in the absence of a response within the specified time period, the relevant party may dispose of the vessel by sale or otherwise.

Costs.

77.— (1) Any costs relating to the raising of a vessel under this Part, its transport, storage, disposal or sale shall be borne by the relevant party.

(2) The proceeds of any sale under *section 76* shall be set against any costs incurred by the relevant party as outlined in *subsection (1)* and the net proceeds, if any, shall be paid to the owner of the vessel.

Immunities from claims.

78.— (1) The Board, an investigator, and the Minister are immune from claims for damages in respect of any thing done in good faith and in the course of the raising, removal, inspection, storage or disposal of a vessel under this Part.

(2) A tribunal is immune from claims for damages in respect of any thing done in good faith and in the course of the raising, removal, inspection, storage or disposal of a vessel under this Part.

Annotations

Modifications (not altering text):

C13 Prospective affecting provision: references to "Marine Casualty Investigation Board" construed by *Merchant Shipping (Investigation of Marine Accidents) Act 2025* (2/2025), s. 40(2), not commenced as of date of revision.

2. (1) In this Act— ...

"MCIB" means the Marine Casualty Investigation Board established by section 7 of the Act of 2000;

...

7. (1) There shall be a unit within the Department of Transport which shall be known as the Marine Accident Investigation Unit (in this Act referred to as the "MAIU") to perform the functions assigned to it under this Act or any other enactment.

...

40. (1) ...

(2) A reference to the MCIB in any enactment (other than this Act) or in the constitution of any company and relating to a function conferred on the MAIU by this Act shall, on and after the appointed day, be construed as a reference to the MAIU.

Obstruction.

79.— (1) A person who obstructs or impedes a relevant party in the raising of a vessel under this Part (including actions taken to raise the vessel) commits an offence and is liable on summary conviction to a fine not exceeding €5,000.

(2) The Minister may prosecute summarily an offence under this section.

Annotations

Editorial Notes:

E20 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(2) and table ref. no. 1, S.I. No. 662 of 2010.

Notification to receiver of wreck.

80.— (1) A relevant party who has taken possession of a vessel raised under this Part shall give notice to the receiver of wreck for the district concerned in which the vessel is brought ashore stating that it has been found, taken possession of and brought ashore and describing the marks that distinguish it.

(2) Section 44 of the Act of 1993 does not apply to a vessel raised under this Part.

(3) In this section—

"district" has the meaning assigned to it by section 41(1) of the Act of 1993;

"receiver of wreck" means a person appointed as a receiver of wreck under section 41 of the Act of 1993.

Foreign vessels raised under *Part 5*.

81.— (1) Where a vessel raised under this Part is not an Irish ship, a diplomatic agent of the state or any consular officer of that state authorised in that behalf by any treaty arrangement with that state, in which—

(*a*) the vessel was registered when it sank, or

(*b*) the owners of the vessel resided,

shall, in the absence of the owners and of the master or other agent of the owners, be deemed to be the agent of the owners, as far as relates to the custody and disposal of the vessel.

(2) In this section "consular officer" and "diplomatic agent" have the meanings assigned to them, respectively, by section 46(3) of the Act of 1993.

PART 6

SAFETY MEASURES

Rules for life-saving appliances and arrangements.

82.— (1) The Minister may, in relation to any ships to which this section applies, make rules ("rules for life-saving appliances") prescribing the requirements for life-saving appliances and arrangements for those ships.

(2) F8**[**Rules for life-saving appliances may provide**]** for all or any of the following matters:

(*a*) the number, description and mode of construction of the survival craft, boats, life-rafts, line-throwing appliances, life-jackets and lifebuoys and other life-saving appliances to be carried by ships according to the classes in which the ships are arranged,

(*b*) the equipment to be carried by any such survival craft, boats and rafts and the methods to be provided to get into the water the survival crafts, boats and other life-saving appliances,

(*c*) the provision in ships of a proper supply of lights inextinguishable in water, and fitted for attachment to lifebuoys,

(*d*) the quantity, quality and description of buoyant apparatus to be carried on board ships, either in addition to or in substitution for survival craft, boats, life-rafts, life-jackets and lifebuoys,

(*e*) the position and means of securing the survival craft, boats, life-rafts, life-jackets and lifebuoys,

(*f*) the marking of the boats, survival craft, life-rafts and buoyant apparatus so as to show their dimensions and the number of persons authorised to be carried on them,

(*g*) the manning of the lifeboats and the qualifications and certificates of lifeboat personnel,

(*h*) the provision to be made for mustering the persons on board, and for embarking them in the boats (including provision for the lighting of, and the means of egress to and ingress from, different parts of the ship),

(*i*) the provision of suitable means situated outside the engine-room whereby any discharge of water into the boats can be prevented,

(*j*) the assignment of specific duties to each member of the crew in the event of emergency,

(*k*) the practice in ships of boat-drills and fire-drills,

(*l*) the provision in ships of means of making effective distress signals by day and by night,

(*m*) the provision in ships engaged in voyages in which pilots are likely to be embarked, of suitable pilot ladders or hoists and of ropes, lights and other appliances designed to make the use of such ladders or hoists safe,

(*n*) the examination and maintenance at intervals to be prescribed by the rules of any appliances or equipment required by the rules to be carried,

(*o*) the methods to be adopted and the appliances to be carried in ships for the prevention, detection and extinction of F8**[**fire,**]**

(*p*) the provision in ships of plans or other information relating to the means of preventing, detecting, controlling and extinguishing outbreaks of F8**[**fire,**]**

F9**[**(*q*) the survey of vessels for compliance with rules for life-saving appliances including the extent, manner and intervals of such surveys, and

(*r*) the inspection of vessels to ensure continued compliance with rules for life-saving appliances.**]**

(3) In making rules for life-saving appliances 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, ships crew or other persons, or all of them, 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.

(4) Different rules for life-saving appliances 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) This section applies to Irish ships and to any other ship while it is within any port in the State, unless it would not have been in 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.

(6) Rules for life-saving appliances shall include such requirements as appear to the Minister to be necessary to implement the provisions of the Safety Convention relating to life-saving appliances and arrangements.

(7) It is the duty of the owner and master of every ship to which this section applies to see that the ship is provided, in accordance with rules for life-saving appliances, with such of those appliances as, having regard to the nature of the service on which the ship is employed, and the avoidance of undue encumbrance of the ship's deck, are best adapted for securing the safety of the ship's crew and passengers.

(8) In the case of any ship to which this section applies—

(*a*) if the ship is required by the rules for life-saving appliances to be provided with such appliances and proceeds on any voyage or excursion without being so provided in accordance with the rules applicable to the ship,

(*b*) if any of the appliances with which the ship is so provided are lost or rendered unfit for service in the course of the voyage or excursion through the wilful fault or negligence of the owner or master,

(*c*) if the master wilfully neglects to replace or repair on the first opportunity any such appliances lost or injured in the course of the voyage or excursion,

(*d*) if such appliances are not kept so as to be at all times fit and ready for use, or

(*e*) if any provision of rules for life-saving appliances is not complied with,

then the owner of the ship (if in fault) and the master of the ship (if in fault) commits an offence and is liable on summary conviction to a fine not exceeding €5,000.

(9) (*a*) A surveyor of ships may F10**[**board, survey and inspect**]** any ship for the purpose of seeing that the rules for life-saving appliances have been complied with in every case.

(*b*) If the surveyor finds that the rules for life-saving appliances have not been complied with, he or she shall give written notice to the owner or master stating in what respect the rules have not been complied with.

(*c*) A surveyor of ships may board and inspect any ship for the purposes of seeing that a notice under this subsection has been complied with.

(*d*) A surveyor of ships may for the purposes of F10**[**a survey or 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 appliances as he or she considers appropriate for that purpose.

(*e*) If a ship, in respect of which a notice has been given to its owner or master under this subsection which requires compliance with the rules in accord-

ance with the notice before the ship proceeds to sea, proceeds or attempts to proceed to sea without such compliance as required in the notice, then the master or owner (as the case may be) 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.

(10) The following are repealed—

(*a*) sections 427 to 431 of the Principal Act, and

(*b*) sections 11, 12 and 13 of the Act of 1952,

(*c*) section 10 of the Act of 1966,

(*d*) section 6 of the Merchant Shipping Act 1981.

Annotations

Amendments:

F8 Substituted (1.06.2025) by *Merchant Shipping (Investigation of Marine Accidents) Act 2025* (2/2025), s. 52(5)(e)(i)(I)-(III), S.I. No. 188 of 2025.

F9 Inserted (1.06.2025) by *Merchant Shipping (Investigation of Marine Accidents) Act 2025* (2/2025), s. 52(5)(e)(i)(IV), S.I. No. 188 of 2025.

F10 Substituted (1.06.2025) by *Merchant Shipping (Investigation of Marine Accidents) Act 2025* (2/2025), s. 52(5)(e)(ii), S.I. No. 188 of 2025.

Editorial Notes:

E21 Power pursuant to section exercised (14.04.2026) by *Merchant Shipping (Life-Saving Appliances) (Amendment) Rules 2026* (S.I. No. 148 of 2026).

E22 Power pursuant to subs. (2) exercised (29.07.2025) by *Merchant Shipping (Cargo Ship Safety Equipment Survey) Rules 2025* (S.I. No. 382 of 2025).

E23 Power pursuant to section exercised (28.05.2024) by *Merchant Shipping (Passenger Ships) (Amendment) Rules 2024* (S.I. No. 250 of 2024).

E24 Power pursuant to section exercised (7.03.2023) by *Merchant Shipping (Passenger Ships) (Amendment) Rules 2023* (S.I. No. 109 of 2023).

E25 Power pursuant to section exercised (21.09.2022) by *Merchant Shipping (Life-Saving Appliances) (Amendment) Rules 2022* (S.I. No. 466 of 2022).

E26 Power pursuant to section exercised (8.02.2022) by *Merchant Shipping (Passenger Ships) (Amendment) Rules 2022* (S.I. No. 49 of 2022).

E27 Power pursuant to section exercised (22.12.2020) by *Merchant Shipping (Pilot Transfer Arrangements) Rules 2020* (S.I. No. 686 of 2020).

E28 Power pursuant to section exercised (15.12.2020) by *Merchant Shipping (Passenger Ships) Rules 2020* (S.I. No. 640 of 2020).

E29 Power pursuant to section exercised (18.10.2018) by *Merchant Shipping (Life-Saving Appliances) Rules 2018* (S.I. No. 438 of 2018).

E30 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(2) and table ref. no. 1, S.I. No. 662 of 2010.

Approval of service stations.

83.— (1) The Minister may make regulations to provide for the inspection and approval of service stations for inflatable life-saving appliances and launching and embarkation appliances and for the setting and enforcement of service standards for servicing such appliances.

(2) Regulations under this section shall include such requirements as appear to the Minister to be necessary to implement the Safety Convention in this regard.

(3) In making regulations under this section the Minister, with the consent of the Minister for Finance, may prescribe the fees to be charged for the inspection of service stations and the issuing of certificates of approval under regulations made under this section. Fees under this subsection shall be paid into or disposed of for the benefit of the Exchequer.

(4) A surveyor of ships may inspect a service station and any inflatable life-saving appliances found in it to ensure that any requirements under regulations made or a notice given, under this section are complied with.

(5) If the surveyor of ships finds that requirements under regulations under this section are not being complied with he or she shall give to the person in charge of the station a notice stating in what respect the regulations have not been complied with.

(6) A person who operates a service station in contravention of this section or fails to comply with a notice under this section commits an offence and is liable on summary conviction to a fine not exceeding €5,000.

Annotations

Editorial Notes:

E31 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(2) and table ref. no. 1, S.I. No. 662 of 2010.

Fire protection rules.

84.— F11**[**(1) The Minister may make rules ("fire protection rules") prescribing requirements for—

(*a*) fire protection in respect of the hull, superstructure, deck, equipment and machinery, arrangement, escapes and detection and extinction equipment,

(*b*) the survey of vessels for compliance with fire protection rules, including the extent, manner and intervals of such surveys, and

(*c*) the inspection of vessels to ensure continued compliance with fire protection rules.**]**

(2) This section applies to Irish ships and to any other ship while it is within any port in the State, unless it would not have been in 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.

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

(*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*) the type and amount of cargo that such ships are designed to carry on board;

(*f*) the age and date of construction of such ships;

(*g*) 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 for different circumstances and for different areas of operation.

(5) Fire protection 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, equipment, arrangement, escapes, fire protection, fire detection and fire extinction equipment and machinery used in ships shall comply with, except so far as those provisions are implemented by rules for construction, life-saving appliances, radio rules, navigation and tracking rules, bulk carrier rules or collision regulations.

(6) Fire protection rules in relation to a ship to which this section applies—

(*a*) may require the provision of—

(i) plans exhibited as provided by or under the rules, and of other information, relating to the boundaries of compartments, the openings in them, the means of closing such openings and the arrangements for protection of such spaces,

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

(iii) means of escape and of notifications to the crew and other persons on board,

(iv) means for the prevention of fire and explosion including specifying the arrangements and materials to be used in the ship,

(v) means of suppression of fires including detection systems and equipment, methods for controlling the spread of smoke, for the containment of fire, for fire fighting,

(vi) means to provide for structural integrity of the ship, or

(vii) helicopter facilities on board,

and

(*b*) may provide for—

(i) operational readiness and maintenance of the ship, including instructions or on-board training and drills,

(ii) the manner of carrying dangerous cargoes on board, or

(iii) the protection of vehicle decks on the ship.

(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 ships to which this section applies must comply with.

(8) It is the duty of the owner and master of every ship to which this section applies to ensure that all requirements set out in the relevant fire protection rules are complied with.

(9) In the case of any ship to which this section applies—

(*a*) if the ship is required by the rules for fire protection rules to be provided with such appliances and proceeds on any voyage or excursion without being so provided in accordance with the rules applicable to the ship,

(*b*) if any of the appliances with which the ship is so provided are lost or rendered unfit for service in the course of the voyage or excursion through the wilful fault or negligence of the owner or master,

(*c*) if the master wilfully neglects to replace or repair on the first opportunity any such appliances lost or injured in the course of the voyage or excursion,

(*d*) if such appliances are not kept so as to be at all times fit and ready for use,

(*e*) if the master wilfully neglects to provide any plan or other information relating to the means of preventing, detecting, controlling and extinguishing outbreaks of fire as may be required by fire protection rules, or

(*f*) if any provision of fire protection rules is not complied with,

then the owner of the ship (if in fault) and the master of the ship (if in fault) commits an offence and is liable on summary conviction to a fine not exceeding €5,000.

(10) A surveyor of ships may F11**[**board, survey and inspect**]** any ship for the purpose of seeing that the fire protection rules have been complied with in every case. If the surveyor finds that the fire protection rules have not been complied with, he or she shall give a notice in writing to the owner or master stating in what respect the rules have not been complied with.

(11) A surveyor of ships may board and inspect any ship for the purposes of seeing that a notice under *subsection (10)* has been complied with.

(12) A surveyor of ships may for the purposes of F11**[**a survey or 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 appliances as he or she considers appropriate for that purpose.

(13) If a ship, in respect of which a notice has been given to its owner or master under *subsection (10)* which requires compliance with the rules in accordance with the notice before the ship proceeds to sea, proceeds or attempts to proceed to sea without such compliance 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 (1.06.2025) by *Merchant Shipping (Investigation of Marine Accidents) Act 2025* (2/2025), s. 52(5)(f)(i)-(iii), S.I. No. 188 of 2025.

Editorial Notes:

E32 Power pursuant to subs. (1) exercised (29.07.2025) by *Merchant Shipping (Cargo Ship Safety Equipment Survey) Rules 2025* (S.I. No. 382 of 2025).

E33 Power pursuant to section exercised (5.03.2025) by *Merchant Shipping (Fire Protection) (Amendment) Rules 2025* (S.I. No. 62 of 2025).

E34 Power pursuant to section exercised (28.05.2024) by *Merchant Shipping (Passenger Ships) (Amendment) Rules 2024* (S.I. No. 250 of 2024).

E35 Power pursuant to section exercised (20.07.2023) by *Merchant Shipping (Fire Protection) (No. 2) Rules 2023* (S.I. No. 380 of 2023).

E36 Power pursuant to section exercised (20.07.2023) by *Merchant Shipping (Fire Protection) Rules 2023* (S.I. No. 379 of 2023).

E37 Power pursuant to section exercised (7.03.2023) by *Merchant Shipping (Passenger Ships) (Amendment) Rules 2023* (S.I. No. 109 of 2023).

E38 Power pursuant to section exercised (8.02.2022) by *Merchant Shipping (Passenger Ships) (Amendment) Rules 2022* (S.I. No. 49 of 2022).

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

E40 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(2) and table ref. no. 1, S.I. No. 662 of 2010.

Entry into log-book of boat-drill, etc.

85.— (1) The master of every Irish ship shall cause to be entered in the ship's official log-book a statement, or if there is no official log-book, cause other record to be kept, of every occasion on which boat-drill or fire-drill is practised on board the ship or on which the appliances and equipment required by rules for life-saving appliances or fire protection rules to be carried are examined to see whether they are fit and ready for use and of the result of any such examination.

(2) If in the case of any ship boat-drill or fire-drill is not practiced as required, or appliances and equipment are not examined in any such period as is prescribed by rules referred to in *subsection (1)*, the master shall cause a statement to be entered in the official log-book or other record to be kept of the reasons why the drill was not practised or the appliances and equipment were not examined in such period as may be prescribed by those rules.

(3) The master shall, if and when required by a surveyor of ships, produce for inspection any record kept by him or her for the purposes of this section.

(4) If the master of a ship fails to comply with any requirement of this section he or she commits an offence and is liable on summary conviction to a fine not exceeding €500.

(5) The following are repealed:

(*a*) section 9 of the Merchant Shipping Act 1906, and

(*b*) section 14 of the Act of 1952.

Annotations

Editorial Notes:

E41 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(2) and table ref. no. 1, S.I. No. 662 of 2010.

Prohibition on proceeding to sea on international voyage without approved signalling lamp or device.

86.— (1) A ship of over 150 tons gross tonnage which is an Irish ship shall not proceed to sea on an international voyage unless the ship is provided with a signalling lamp or device of a type approved of by the Minister.

(2) If any ship proceeds, or attempts to proceed, to sea in contravention of this section, the owner or master of the ship commits an offence and is liable on summary conviction to a fine not exceeding €5,000.

(3) Section 18 of the Act of 1966 is repealed.

Annotations

Editorial Notes:

E42 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(2) and table ref. no. 1, S.I. No. 662 of 2010.

PART 7

MARITIME LABOUR CONVENTION 2006

Maritime Labour Convention 2006.

87.— F12**[**(1) In this section "Convention" means the Maritime Labour Convention 2006 adopted at Geneva on 23 February 2006 and any amendments made to it up to and including those adopted by the 110th session of the International Labour Conference in Geneva on 6 June 2022 and which have entered into force in respect of the State pursuant to Article XV of the Convention prior to the enactment of the Merchant Shipping (Investigation of Marine Accidents) Act 2025.**]**

(2) (*a*) The Regulations, and the Standards of the Code, of the Convention have the force of law in the State and judicial notice shall be taken of them.

(*b*) A copy of the Convention or the Regulations, or the Standards of the Code, of the Convention purporting to be published by the International Labour Organisation may be produced in every court and in all legal proceedings and is evidence, unless the contrary is shown, of the Convention, the Regulations, or Code of the Convention, as the case may be.

(3) The Minister may, following consultation with any other Minister of the Government who in the opinion of the Minister is concerned, make regulations to fulfil the State's commitments under the Convention in accordance with its terms and to give full force to the Regulations, and the Standards of the Code, of the Convention with respect to ships (within the meaning of Article II(1)(i) of the Convention) which are Irish ships and seafarers sailing on those ships. In making such regulations the Minister shall give due consideration to the relevant guidelines of the Code of the Convention.

(4) Without prejudice to the generality of *subsection (3)*, regulations made under this section shall—

(*a*) establish a system for ensuring compliance with the Convention, including surveys, certification, inspections, reporting and monitoring, and

(*b*) ensure that ships referred to in *subsection (3)* carry maritime labour certificates and a declaration of maritime labour compliance as required by the Convention.

(5) (*a*) An authorised person may inspect any ship, for the purpose of seeing that it is properly certified and is compliant with the Convention.

(*b*) If an authorised person in making an inspection under this subsection finds that the ship is not in compliance with the Convention, he or she shall give to the owner or master notice in writing pointing out the violation.

(*c*) An authorised person may board and inspect any ship to see that a notice under this section has been complied with.

(*d*) An authorised person may make such tests (either on the ship or ashore or at dock), ask such questions and inspect such documents as he or she considers appropriate for the purposes of this subsection.

(*e*) The Minister may appoint in writing other persons or persons of such classes as he or she sees fit to be authorised persons for the purposes of or a specified purpose of this subsection.

(*f*) An authorised person appointed under *paragraph (e)* shall be furnished with a warrant of his or her appointment as an authorised person and when exercising any power conferred on an authorised person under this Part shall, if requested by a person affected, produce the warrant or a copy of it to that person for inspection.

(*g*) An authorised person may be assisted in the exercise of his or her functions under this subsection by such persons as he or she considers necessary.

(6) Regulations under this section may, with the consent of the Minister for Finance, prescribe the fees (if any) for the granting of or to accompany an application for the granting of maritime labour certificates or declarations of maritime labour compliance or matters relating to surveys, certification, inspections, reporting or monitoring as required by the Convention. Fees under this subsection shall be paid into or disposed of for the benefit of the Exchequer in accordance with the directions of the Minister for Finance.

(7) Regulations made under this section shall prohibit violations of the requirements of the Convention and shall—

(*a*) provide for offences for such violations, or

(*b*) require the adoption of corrective measures (including prohibitions on operating ships),

or do both.

(8) A person who commits an offence under regulations made under this section is liable on summary conviction to a fine not exceeding €5,000 or to such lesser amount as specified in the regulations in respect of the offence.

(9) Where a person fails to comply with regulations made under this section or take any corrective measures adopted under those regulations, the Minister may make an application to a court of competent jurisdiction, or to the High Court in any case, for an order requiring compliance with the regulations or the taking of the corrective measures. The Court may make such order in this regard as it sees fit.

(10) In relation to discrimination on the age or disability ground nothing in the Employment Equality Act 1998 renders unlawful any act done in compliance with this section or any regulation made under this section.

(11) In this section "authorised person" means—

(*a*) a surveyor of ships, or

(*b*) a person appointed under *subsection (5)(e)*.

(12) This section comes into operation on such day as the Minister may appoint by order.

Annotations

Amendments:

F12 Substituted (1.06.2025) by *Merchant Shipping (Investigation of Marine Accidents) Act 2025* (2/2025), s. 52(5)(g), S.I. No. 188 of 2025.

Editorial Notes:

E43 Power pursuant to section exercised (29.07.2025) by *Merchant Shipping (Health and Safety General Duties and Reporting of Marine Incidents) (Amendment) Regulations 2025* (S.I. No. 374 of 2025).

E44 Power pursuant to section exercised (29.07.2025) by *Merchant Shipping (Maritime Labour Convention) (Flag State Inspection and Certification) (Amendment) Regulations 2025* (S.I. No. 373 of 2025).

E45 Power pursuant to section exercised (29.07.2025) by *Merchant Shipping (Maritime Labour Convention) (Seafarer Employment Agreement and Wages) (Amendment) Regulations 2025* (S.I. No. 372 of 2025).

E46 Power pursuant to section exercised (29.07.2025) by *Merchant Shipping (Medical Examinations) (Amendment) Regulations 2025* (S.I. No. 371 of 2025).

E47 Power pursuant to section exercised (29.07.2025) by *Merchant Shipping (Maritime Labour Convention) (Shipowners' Liabilities and Repatriation) (Amendment) Regulations 2025* (S.I. No. 370 of 2025).

E48 Power pursuant to section exercised (29.07.2025) by *Merchant Shipping (Maritime Labour Convention) (Accommodation, Recreational Facilities, Food, Catering and Ships' Cooks) (Amendment) Regulations 2025* (S.I. No. 369 of 2025).

E49 Power pursuant to section exercised (5.09.2023) by *Merchant Shipping (Health and Safety General Duties and Reporting of Marine Incidents) Regulations 2023* (S.I. No. 441 of 2023).

E50 Power pursuant to section exercised (16.02.2020) by *Merchant Shipping (Maritime Labour Convention) (Shipowners' Liabilities and Repatriation) (Amendment) Regulations 2020* (S.I. No. 88 of 2020), in effect as per reg. 1(2).

E51 Power pursuant to section exercised (20.08.2014) by *Merchant Shipping (Maritime Labour Convention) (Flag State Inspection and Certification) Regulations 2014* (S.I. No. 376 of 2014).

E52 Power pursuant to section exercised (20.08.2014) by *Merchant Shipping (Maritime Labour Convention) (Shipowners' Liabilities and Repatriation) Regulations 2014* (S.I. No. 375 of 2014).

E53 Power pursuant to section exercised (20.08.2014) by *Merchant Shipping (Maritime Labour Convention) (Accommodation, Recreational Facilities, Food, Catering and Ships Cooks) Regulations 2014* (S.I. No. 374 of 2014).

E54 Power pursuant to section exercised (20.08.2014) by *Merchant Shipping (Maritime Labour Convention) (Seafarer Employment Agreement and Wages) Regulations 2014* (S.I. No. 373 of 2014).

E55 Power pursuant to section exercised (4.07.2014) by *Merchant Shipping (Medical Examinations) Regulations 2014* (S.I. No. 246 of 2014).

E56 Power pursuant to section exercised (4.06.2014) by *Merchant Shipping Act 2010 (Section 87) (Commencement) Order 2014* (S.I. No. 241 of 2014).

2. The 4th day of July 2014 is appointed as the day on which section 87 of the Merchant Shipping Act 2010 (No. 14 of 2010) comes into operation.

E57 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(2) and table ref. no. 1, S.I. No. 662 of 2010.

PART 8

MISCELLANEOUS

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.

Annotations

Editorial Notes:

E58 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(2) and table ref. no. 1, S.I. No. 662 of 2010.

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.

(2) The judge, on hearing an application under *subsection (1)*, may make such order as he or she considers appropriate (including, where the application relates to a ship or vessel, the detention of the ship or vessel until the notice is complied with) or dismiss the application.

(3) (*a*) The owner or master of a ship who has been given a notice under any provision referred to in *subsection (1)(a)*, may appeal the requirements or any of them contained in the notice to the judge of the Circuit Court in whose Circuit the port in which the ship or vessel is berthed or docked is located.

(*b*) The person who operates a service station who has been given a notice under *section 83(5)* may appeal the requirements or any of them contained in the notice to the judge of the Circuit Court in whose Circuit the service station is situated.

(*c*) The lodging of an appeal does not cause the notice to be suspended.

(*d*) The appeal shall be made within 7 working days of being given the notice, unless the Court considers that there is good and sufficient reason for extending that period.

(*e*) The Court may confirm or vary the notice or allow or dismiss the appeal.

(4) A decision of the Circuit Court under this section is final, save that by leave of the Court, an appeal from its decision lies to the High Court on a specified point of law.

(5) In *subsection (1)* the reference to a surveyor of ships includes, in relation to a notice given under *section 87(5)(b)*, a reference to a person appointed under *section 87(5)(e)*.

Fees — Certificates and inspections under Act and surveys under Act of 1952.

90.— (1) The Minister may, with the consent of the Minister for Finance, prescribe by order ("fees order") the fees to be charged for—

(*a*) inspections made under *sections 14, 23, 32, 40, 48, 55, 62, 82* and *84* and certificates issued under *section 13*,

(*b*) surveys carried out in accordance with regulations made under sections 10(1)(*b*) and 15(1)(*c*) of the Act of 1952, *section 19(2)*, *28(2)*, *37(2)*, *45(2)(a)*, and

(*c*) certification and verification for—

(i) ships and companies under Regulation (EC) No. 336/2006 [1] of the European Parliament and of the Council of 15 February 2006, and

(ii) ships under Regulation (EC) No. 725/2004 [1] of the European Parliament and of the Council of 31 March 2004.

(2) Section 6 of the Act of 1952 applies to fees payable under a fees order.

(3) A fees order does not apply in respect of inspections made or surveys carried out by a recognised organisation.

Annotations

Editorial Notes:

E59 Power pursuant to section exercised (27.08.2012) by *Merchant Shipping (Fees) (Amendment) Order 2012* (S.I. No. 336 of 2012).

Fees — Merchant Shipping (Certification of Seamen) Act 1979.

91.— (1) The Merchant Shipping (Certification of Seamen) Act 1979 is amended—

(*a*) in section 3(2) by substituting for paragraph (*c*) the following:

"(*c*) provide for—

[3] OJ L 64, 4.3.2006, p.1
[4] OJ L129, 29.4.2006, p.6

(i) the issue, form and recording of certificates and other documents, and

(ii) with the consent of the Minister for Finance, the fees to be charged for the issue, recording and administration of such,",

and

(*b*) in section 8(1) by substituting for paragraph (*b*) the following:

"(*b*) in relation to a standard certified under this section, make regulations—

(i) corresponding to those provided under section 3(2)(*b*), and

(ii) prescribing, with the consent of the Minister for Finance, the fees to be charged for the issue, recording and administration of documents under paragraph (*a*).".

(2) Any fees payable under regulations made under section 3(2)(*c*) and 8(1)(*b*) of the Merchant Shipping (Certification of Seamen) Act of 1979 shall be paid into or disposed of for the benefit of the Exchequer.

Confirmation of acts of Marine Casualty Investigation Board.

92.— Any acts done or purported to have been done by the Marine Casualty Investigation Board or any consultant, adviser or investigator engaged by it or purported to be engaged by it between 5 June 2002 and 29 June 2007 for the purposes of the Board's functions under the Act of 2000 are not invalidated on the grounds—

(*a*) of the invalidity of the Marine Casualty Investigation Board (Establishment Day) Order 2002 (S.I. No. 290 of 2002), or

(*b*) that the Board did not have a quorum between 25 March 2003 and 29 June 2007.

Annotations

Modifications (not altering text):

C14 Prospective affecting provision: references to "Marine Casualty Investigation Board" construed by *Merchant Shipping (Investigation of Marine Accidents) Act 2025* (2/2025), s. 40(2), not commenced as of date of revision.

2. (1) In this Act—

...

"MCIB" means the Marine Casualty Investigation Board established by section 7 of the Act of 2000;

...

7. (1) There shall be a unit within the Department of Transport which shall be known as the Marine Accident Investigation Unit (in this Act referred to as the "MAIU") to perform the functions assigned to it under this Act or any other enactment.

...

40. (1) ...

(2) A reference to the MCIB in any enactment (other than this Act) or in the constitution of any company and relating to a function conferred on the MAIU by this Act shall, on and after the appointed day, be construed as a reference to the MAIU.

Medical fitness of pilots and repeal.

93.— (1) The following section is inserted after section 58 of the Harbours Act 1996:

"Medical fitness of pilots.

58A.— (1) It is the duty of a company, as a result of medical examination, to assess whether the health of a person who is—

(*a*) employed or applies to be employed by the company on its staff as a pilot, or

(*b*) an applicant for the grant or renewal of, or the holder of, a pilot's licence to perform acts of pilotage,

within its pilotage district is such as to enable the person to perform satisfactorily the duties of a pilot. The company in this regard must satisfy itself that the medical fitness of the person, particularly regarding eyesight, hearing and physical fitness, meets the standards required for certification of masters and officers in charge of a navigational watch under the International Convention on Standards of Training Certification and Watchkeeping for Seafarers 1978 done at London on 7 July 1978 and such other requirements as the company thinks appropriate.

(2) A person employed as a pilot or the holder of pilot's licence must, for the purposes of assessment under subsection (1) by the company in whose pilotage district he or she acts as a pilot, undergo medical examination at intervals specified by the company but not later than in each period of 2 years.

(3) Where a company considers that the physical health of a person it employs, or who has applied to be employed, as a pilot or an applicant for the grant or renewal of, or the holder of, a pilot's licence, within its pilotage district is not sufficient to enable the person to satisfactorily perform the duties of a pilot, the company may suspend or cease the employment, or refuse the application for employment, of the person as a pilot, or refuse the application for a pilot's licence or suspend or revoke the holder's pilot's licence, as the case may be.

(4) Where a company suspends the employment of a person as a pilot the suspension ceases to have effect when the person is able to satisfy the company concerned of his or her physical fitness to satisfactorily perform the duties of a pilot.

(5) A pilot's licence—

(*a*) if revoked under subsection (3) ceases to have effect, or

(*b*) if suspended under that subsection ceases to have effect until the holder is able to satisfy the company concerned of his or her physical fitness to satisfactorily perform the duties of a pilot.

(6) A decision under subsection (3) in respect of a pilot's licence shall be notified to the applicant or holder concerned personally or by post at the address at which he or she resides.

(7) Where a company refuses to grant or renew a pilot's licence or suspends or revokes a pilot's licence under subsection (3) the applicant or holder, as the case may be, may, within the period of 21 days beginning on the date of the decision to refuse the application for the grant or renewal of a pilot's licence or to suspend or revoke the pilot's licence, apply to the judge of the Circuit Court, for the circuit in which the registered office of the company concerned is registered, for an order cancelling or varying the decision. The judge may confirm, cancel or vary the decision or require the company concerned to re-assess the appellant's medical fitness in respect of his or her suitability to satisfactorily perform the duties of a pilot.".

(2) Section 69 of the Harbours Act 1996 is repealed.

(3) Part II of the Sixth Schedule to the Harbours Act 1996 is amended:

(*a*) by substituting for paragraph 46 the following:

"46. Prescribing requirements that must be complied with by or in respect of a person who applies to the company—

(*a*) to be employed as a pilot, or

(*b*) to be granted a pilot's licence to act as a pilot,

in its pilotage district, being requirements as to medical fitness (including particularly requirements regarding eyesight, hearing and physical fitness) completion of an apprenticeship, length of previous service as a pilot or mariner, local knowledge, skill, character and such other matters that the company deems appropriate.",

and

(*b*) in paragraph 47, by substituting "(including requirements as to medical fitness and in particular requirements regarding eyesight, hearing and physical fitness)" for "(including requirements as to physical fitness)".

Number 11 *of* 2012

MERCHANT SHIPPING ACT 2010

REVISED

Updated to 14 April 2026

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 2025: this Act is one of a group of Acts included in this collective citation (*Merchant Shipping (Investigation of Marine Accidents) Act 2025* (2/2025), s. 1(2)). The Acts in this group are:

- *Merchant Shipping Act 1894* (57 & 58 Vict. c. 60)
- *Merchant Shipping (Exemption from Pilotage) Act 1897* (60 & 61 Vict. c. 61)
- *Merchant Shipping (Liability of Shipowners) Act 1898* (61 & 62 Vict. c. 14)
- *Merchant Shipping (Mercantile Marine Fund) Act 1898* (61 & 62 Vict. c. 44)
- *Merchant Shipping Act 1906* (6 Edw. 7 c. 48)
- *Merchant Shipping Act 1907* (7 Edw. 7 c. 52)
- *Merchant Shipping (Amendment) Act 1920* (10 Geo. 5 c. 2)
- *Merchant Shipping Act 1921* (11 & 12 Geo. 5 c. 28)
- *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)
- *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 Act 1992* (2/1992)
- *Merchant Shipping (Salvage and Wreck) Act 1993* (34/1993)
- *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 s. 5(6) and sch. 2 part 6 (in so far as they amend the *Merchant Shipping (Salvage and Wreck) Act 1993*)
- *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)
- *Merchant Shipping (Investigation of Marine Accidents) Act 2025* (2/2025)

Acts previously included in the group but now repealed are:

- *Merchant Shipping (Liability of Shipowners & Others) Act 1900* (63 & 64 Vict. c. 32)
- *Pilotage Act 1913* (2 & 3 Geo. 5 c. 31)
- *Merchant Shipping (Certificates) Act 1914* (4 & 5 Geo. 5 c. 42)
- *Merchant Shipping (Convention) Act 1914* (4 & 5 Geo. 5 c. 50)
- *Merchant Shipping (Salvage) Act 1916* (6 & 7 Geo. 5 c. 41)
- *Merchant Shipping (Wireless Telegraphy) Act 1919* (9 & 10 Geo. 5 c. 38)
- *Merchant Shipping (Helm Orders) Act 1932* (32/1932)
- *Pilotage (Amendment) Act 1962* (2/1962)
- *Fisheries (Amendment) Act 1983* (27/1983), s. 8 in so far as it amends the *Merchant Shipping Act 1894* and s. 10(2)

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 Accidents) Act 2025* (2/2025)
- *Merchant Shipping (Registration of Ships) Act 2014* (43/2014)
- *Fines Act 2010* (8/2010)

All Acts up to and including *International Protection Act 2026* (9/2026), enacted 22 April 2026, were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

- *Merchant Shipping (Life-Saving Appliances) (Amendment) Rules 2026* (S.I. No. 148 of 2026)
- *Merchant Shipping (Cargo Ship Safety Equipment Survey) Rules 2025* (S.I. No. 382 of 2025)
- *Merchant Shipping (Health and Safety General Duties and Reporting of Marine Incidents) (Amendment) Regulations 2025* (S.I. No. 374 of 2025)
- *Merchant Shipping (Maritime Labour Convention) (Flag State Inspection and Certification) (Amendment) Regulations 2025* (S.I. No. 373 of 2025)
- *Merchant Shipping (Maritime Labour Convention) (Seafarer Employment Agreement and Wages) (Amendment) Regulations 2025* (S.I. No. 372 of 2025)
- *Merchant Shipping (Medical Examinations) (Amendment) Regulations 2025* (S.I. No. 371 of 2025)
- *Merchant Shipping (Maritime Labour Convention) (Shipowners' Liabilities and Repatriation) (Amendment) Regulations 2025* (S.I. No. 370 of 2025)
- *Merchant Shipping (Maritime Labour Convention) (Accommodation, Recreational Facilities, Food, Catering and Ships' Cooks) (Amendment) Regulations 2025* (S.I. No. 369 of 2025)
- *Merchant Shipping (Fire Protection) (Amendment) Rules 2025* (S.I. No. 62 of 2025)
- *Merchant Shipping (SOLAS V – Safe Manning and Watchkeeping) (Amendment) Regulations 2025* (S.I. No. 61 of 2025)

- *Merchant Shipping (Solas V-Navigational Equipment) (No. 2) Rules 2024* (S.I. No. 312 of 2024)
- *Merchant Shipping (Solas V-Navigational Equipment) Rules 2024* (S.I. No. 311 of 2024)
- *Merchant Shipping (Passenger Ships) (Amendment) Rules 2024* (S.I. No. 250 of 2024)
- *European Union (International Labour Organisation Work in Fishing Convention) (Safe Manning) Regulations 2024* (S.I. No. 52 of 2024)
- *Merchant Shipping (Health and Safety General Duties and Reporting of Marine Incidents) Regulations 2023* (S.I. No. 441 of 2023)
- *Merchant Shipping (Fire Protection) (No. 2) Rules 2023* (S.I. No. 380 of 2023)
- *Merchant Shipping (Fire Protection) Rules 2023* (S.I. No. 379 of 2023)
- *European Union (international Labour Organisation Work in Fishing Convention) (Safe Manning) Regulations 2023* (S.I. No. 315 of 2023)
- *Merchant Shipping (Solas V-Safe Manning and Watchkeeping) Regulations 2023* (S.I. No. 314 of 2023)
- *Merchant Shipping (Passenger Ships) (Amendment) Rules 2023* (S.I. No. 109 of 2023)
- *Merchant Shipping (Life-Saving Appliances) (Amendment) Rules 2022* (S.I. No. 466 of 2022)
- *Merchant Shipping (Passenger Ships) (Amendment) Rules 2022* (S.I. No. 49 of 2022)
- *Merchant Shipping (Pilot Transfer Arrangements) Rules 2020* (S.I. No. 686 of 2020)
- *Merchant Shipping (Passenger Ships) Rules 2020* (S.I. No. 640 of 2020)
- *Merchant Shipping (Maritime Labour Convention) (Shipowners' Liabilities and Repatriation) (Amendment) Regulations 2020* (S.I. No. 88 of 2020)
- *Merchant Shipping (Life-Saving Appliances) Rules 2018* (S.I. No. 438 of 2018)
- *Merchant Shipping (Maritime Labour Convention) (Flag State Inspection and Certification) Regulations 2014* (S.I. No. 376 of 2014)
- *Merchant Shipping (Maritime Labour Convention) (Shipowners' Liabilities and Repatriation) Regulations 2014* (S.I. No. 375 of 2014)
- *Merchant Shipping (Maritime Labour Convention) (Accommodation, Recreational Facilities, Food, Catering and Ships Cooks) Regulations 2014* (S.I. No. 374 of 2014)
- *Merchant Shipping (Maritime Labour Convention) (Seafarer Employment Agreement and Wages) Regulations 2014* (S.I. No. 373 of 2014)
- *Merchant Shipping (Medical Examinations) Regulations 2014* (S.I. No. 246 of 2014)
- *Merchant Shipping Act 2010 (Section 87) (Commencement) Order 2014* (S.I. No. 241 of 2014)
- *Merchant Shipping (Fees) (Amendment) Order 2012* (S.I. No. 336 of 2012)
- *Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2011* (S.I. No. 418 of 2011)

All statutory instruments up to and including *Merchant Shipping (Life-Saving Appliances) (Amendment) Rules 2026* (S.I. No. 148 of 2026), made 14 April 2026, were considered in the preparation of this revision.