

Changes to Legislation: as of 2 May 2025, there are changes to this Act which have not been implemented by the Revised Acts editorial team, see highlighted entries [here](#). Note that some amendments may not be in force until commenced by a commencement order or other provision.



Number 2 of 1992

MERCHANT SHIPPING ACT 1992

REVISED

Updated to 1 March 2022

This Revised Act is an administrative consolidation of the *Merchant Shipping Act 1992*. 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 *Electricity Costs (Domestic Electricity Accounts) Emergency Measures Act 2022* (1/2022), enacted 4 March 2022, and all statutory instruments up to and including the *Fishing Vessel (Radio Installations Survey) (Revocation) Regulations 2022* (S.I. No. 91 of 2022), made 1 March 2022, were considered in the preparation of this revision.

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 2 of 1992

MERCHANT SHIPPING ACT 1992

REVISED

Updated to 1 March 2022

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY AND GENERAL

Section

1. Short title, commencement, construction and collective citation.
2. Interpretation.
3. Laying of regulations before Houses of Oireachtas.
4. Repeals.
5. Expenses.

PART II

PASSENGER SHIPS

6. Annual survey.
7. Mode of survey and declaration of survey for purposes of issue of passenger ship's certificate.
8. Issue of passenger ship's certificate.
9. Revocation and suspension of certificate.
10. Display of certificate.
11. False declaration of survey or certificate.
12. Uncertificated passenger ship.
13. Insurance of passenger ships.

PART III

PASSENGER BOATS

14. Prohibition of unlicensed passenger boats.
- 14A. Exemptions from licensing requirements.
15. Passenger boat licences.
16. Revocation and suspension of licences.

- 17. Production of licences and marking of passenger boats.
- 18. Safety of passenger boats and their passengers and crews

PART IV

MISCELLANEOUS

- 19. Safety of fishing vessels and their crews.
- 20. Safety of pleasure craft and their occupants.
- 21. Appeal to District Court.
- 22. Forfeiture.
- 23. Conduct endangering vessels, structures or individuals. *(Repealed)*
- 24. Drunkenness, etc., of passengers or members of crew. *(Repealed)*
- 25. Powers of authorised officers.
- 26. Power to detain certain vessels.
- 27. Provisions regarding certain offences.
- 28. Amendment of Merchant Shipping Act, 1947.
- 29. Amendment of Merchant Shipping (Safety Convention) Act, 1952.
(Repealed)
- 30. Information.
- 31. Fees.
- 32. Provisions in relation to prosecutions.
- 33. Power or function may be exercised by a statutory authority or
body. *(Repealed)*
- 34. Provisions relating to certain offences under regulations made
under section 18, 19 or 20. *(Repealed)*
- 35. Careless navigation or operation of vessels. *(Repealed)*
- 36. Dangerous navigation or operation of vessels. *(Repealed)*
- 37. Recovery of cost of Minister. *(Repealed)*

SCHEDULE

ENACTMENTS REPEALED

 ACTS REFERRED TO

Harbours Act, 1946	1946, No. 9
Mercantile Marine Act, 1955	1955, No. 29
Merchant Shipping Act, 1894	1894, c. 60
Merchant Shipping Act, 1906	1906, c. 48
Merchant Shipping Act, 1947	1947, No. 46
Merchant Shipping (Safety Convention) Act, 1952	1952, No. 4
Merchant Shipping Act, 1966	1966, No. 29
Merchant Shipping (Certification of Seamen) Act, 1979	1979, No. 37
Merchant Shipping Act, 1981	1981, No. 33
Merchant Shipping Acts, 1894 to 1983	

[No. 2.]

Merchant Shipping Act 1992

[1992.]

Public Health Acts Amendment Act, 1907

1907, c. 53

Public Offices Fees Act, 1879

1879, c. 58



Number 2 of 1992

MERCHANT SHIPPING ACT 1992

REVISED

Updated to 1 March 2022

AN ACT TO MAKE FURTHER PROVISION IN RELATION TO THE SAFETY OF PASSENGER SHIPS, PASSENGER BOATS, FISHING VESSELS AND PLEASURE CRAFT, TO AMEND THE MERCHANT SHIPPING ACTS, 1894 TO 1983, AND TO PROVIDE FOR RELATED MATTERS. [11th March, 1992]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Annotations

Modifications (not altering text):

- C1** Application of Act restricted (21.09.2011) by *European Communities (Birds and Natural Habitats) Regulations 2011* (S.I. No. 477 of 2011), reg. 44(22) and sch. 2.

Screening for Appropriate Assessment and Appropriate Assessment of implications for European Sites

42.— ...

(22) Notwithstanding any provision of any statute listed in the Second Schedule that provides for the consent for a plan or project to which this Regulation applies to be obtained by default on the failure of the public authority to provide a response within a specified timescale or otherwise, that provision shall not have effect in respect of any plan or project to which this Regulation applies.

...

SECOND SCHEDULE

...

Maritime Safety Acts 1992 to 2006

...

- C2** Functions under collectively cited *Maritime Safety Acts* and *Merchant Shipping Acts* transferred and references to Department of and Minister for Communications, Marine and Natural Resources construed (1.01.2006) by *Maritime Transport, Safety and Security (Transfer of Departmental Administration and Ministerial Functions) Order 2005* (S.I. No. 842 of 2005), arts. 3, 4 and sch. 1 part 2, in effect as per art. 1(2), subject to transitional provisions in arts. 5-9.

3. (1) The administration and business in connection with the exercise, performance or execution of any functions transferred by Article 4 of this Order are transferred to the Department of Transport.

(2) References to the Department of Communications, Marine and Natural Resources contained in any Act or instrument made thereunder and relating to any administration and business

transferred by paragraph (1) of this Article shall, from the commencement of this Order, be construed as references to the Department of Transport.

4. (1) The functions vested in the Minister for Communications, Marine and Natural Resources

-

(a) by or under the Acts specified in Part 1,

(b) by or under the provisions of the Acts specified in Part 2, and

(c) under the Regulations specified in Part 3, of the Schedule to this Order are transferred to the Minister for Transport.

(2) References to the Minister for Communications, Marine and Natural Resources contained in any Act or instrument made thereunder and relating to any functions transferred by this Article shall, from the commencement of this Order, be construed as references to the Minister for Transport.

...

Schedule 1

Part 1

Acts

Free Ports Act 1986 (No. 6 of 1986)

Harbours Acts 1946 to 2005

Harbours Acts 1996 to 2005 (other than section 86 of the Harbours Act 1996 (No. 11 of 1996))

Irish Shipping Limited (Payments to Former Employees) Act 1994 (No. 10 of 1994)

Lough Corrib Navigation Act 1945 (No. 37 of 1945)

Maritime Safety Acts 1992 to 2005

Mercantile Marine Acts 1955 to 1983

Merchant Shipping Acts 1894 to 2005

Oil Pollution of the Sea (Civil Liability and Compensation) Acts 1988 to 2005

Sea Pollution Acts 1991 to 1999

Sea Pollution (Hazardous Substances) (Compensation) Act 2005 (No. 9 of 2005)

Shipping Investment Grants Act 1987 (No. 21 of 1987).

...

PART I

PRELIMINARY AND GENERAL

Short title, commencement, construction and collective citation.

1. — (1) This Act may be cited as the Merchant Shipping Act, 1992.

(2) This Act shall come into operation on such day or days as, by order or orders made by the Minister under this section, may be fixed therefor either generally or with reference to any particular purpose or provision and different days may be so fixed for different purposes and different provisions.

(3) This Act shall be construed as one with the Merchant Shipping Acts, 1894 to 1983, and may be cited together therewith as the Merchant Shipping Acts, 1894 to 1992.

Interpretation.

2. — (1) In this Act, save where the context otherwise requires—

“ authorised officer ” means—

- (a) any person authorised in writing by the Minister to exercise the powers conferred on an authorised officer by this Act,
- (b) a person holding commissioned naval rank in the Permanent Defence Forces, while in uniform,
- (c) a member of the Garda Síochána, while in uniform, or

F1[(d) as respects the harbour of which he or she is the harbour master or is in charge of, a person appointed to be such by one of the following, that is to say:

- (i) a company within the meaning of the Harbours Act 1996;
- (ii) the Minister for Agriculture, Food and the Marine, in respect of a fishery harbour centre (within the meaning of the Fishery Harbour Centres Act 1968);
- (iii) a local authority (within the meaning of section 2 (as amended by Part 1 of Schedule 1 to the Local Government Reform Act 2014) of the Local Government Act 2001);
- (iv) Iarnród Éireann - Irish Rail, in respect of Rosslare Harbour;]

“ authorised person ” means a surveyor or a person authorised in writing by the Minister to carry out inspections of vessels for the purposes of *Part III*;

“ certificate ” means a passenger ship's certificate issued under *section 8* and in force and cognate words shall be construed accordingly;

F2[“fishing vessel” means a vessel designed, equipped or used commercially for catching or taking fish or other living resources of the sea (including the sea bed) or freshwater;]

“ licence ” means a passenger boat licence granted under *section 15* and in force and cognate words shall be construed accordingly;

“ master ”, in relation to a vessel, means the person having, for the time being, the command or charge of the vessel;

“ the Minister ” means the F3[Minister for Transport];

“ owner ”, in relation to a vessel, means the person registered under the *Mercantile Marine Act, 1955*, as its owner or, if no person is so registered, the person who owns the vessel, and includes any part owner, charterer, manager or operator of the vessel;

“ passenger ” means any person carried on a vessel other than—

- (a) the owner or a person to whom the vessel is on hire or a person employed or engaged in any capacity on board the vessel on the business of the vessel, or
- (b) a person on board the vessel either in pursuance of the obligation laid upon the master of the vessel to carry shipwrecked, distressed or other persons or by reason of any circumstances that could not have been prevented or forestalled by the master or the owner of the vessel;

“ passenger boat ” means—

- (a) a vessel carrying not more than 12 passengers for reward or having on board for the purposes of carriage for reward not more than 12 passengers, or
- (b) a vessel that is carrying not more than 12 passengers, or has on board for the purposes of carriage not more than 12 passengers, and is on hire pursuant

to a contract or other arrangement under which a crew or part of a crew is provided for the vessel by its owner,

and includes a vessel carrying not more than 12 persons to or from their place of work, or having on board not more than 12 persons for the purposes of such carriage, and owned by or on hire to their employer and a vessel registered outside the State and carrying not more than 12 passengers between places in the State, or having on board not more than 12 passengers for the purposes of such carriage, but does not include such a vessel carrying passengers to or from the State or having on board passengers for the purposes of such carriage, F4[...] F5[...] or a vessel in respect of which a certificate is in force;

“ passenger ship ” means a vessel carrying more than 12 passengers or having on board more than 12 passengers for the purposes of carriage and includes a vessel carrying more than 12 persons to or from their place of work, or having on board more than 12 persons for the purposes of such carriage, and owned by or on hire to their employer and a vessel registered outside the State and carrying more than 12 passengers between places in the State, or having on board more than 12 passengers for the purposes of such carriage, but does not include such a vessel carrying passengers to or from the State or having passengers on board for the purposes of such carriage F4[...] F5[...];

F6[‘personal watercraft’ means a craft of less than 4 metres in length which uses an internal combustion engine having a water jet pump as its primary source of propulsion and which is designed to be operated by a person or persons sitting, standing or kneeling on, rather than within the confines of, a hull;]

“ prescribed ” means prescribed by regulations made by the Minister;

“ the Principal Act ” means the Merchant Shipping Act, 1894;

“ radio surveyor ” means a radio surveyor within the meaning of section 16 of the Merchant Shipping (Safety Convention) Act, 1952;

“ registered ” means registered under the Merchant Shipping Acts, 1894 to 1983;

“ skipper ”, in relation to a fishing vessel, means the person having for the time being the command or charge of the vessel;

“ surveyor ” means a person appointed under section 724 of the Principal Act to be a surveyor of ships for the purposes of that Act;

“ vessel ” includes any ship or boat and any other vessel used in navigation F6[and personal watercraft].

(2) In this Act—

- (a) a reference to a Part or section is a reference to a Part or section of this Act, unless it is indicated that reference to some other enactment is intended,
- (b) a reference to a subsection, paragraph or subparagraph is a reference to the subsection, paragraph or subparagraph of the provision in which the reference occurs, unless it is indicated that reference to some other provision is intended, and
- (c) a reference to an enactment shall be construed as a reference to that enactment as amended, adapted or extended by or under any subsequent enactment including this Act.

Annotations**Amendments:**

- F1** Substituted (25.12.2015) by *Harbours Act 2015* (61/2015), s. 51(a), commenced on enactment.
- F2** Substituted (1.08.2000) by *Merchant Shipping (Investigation of Marine Casualties) Act 2000* (14/2000), s. 44(1)(a), S.I. No. 252 of 2000.
- F3** Substituted (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 15(a), commenced on enactment.
- F4** Deleted (1.08.2000) by *Merchant Shipping (Investigation of Marine Casualties) Act 2000* (14/2000), s. 44(1)(b), (c), S.I. No. 252 of 2000.
- F5** Deleted (16.06.1998) by *Merchant Shipping (Miscellaneous Provisions) Act 1998* (20/1998), s. 4(a)(i), (ii), commenced on enactment.
- F6** Inserted (1.08.2000) by *Merchant Shipping (Investigation of Marine Casualties) Act 2000* (14/2000), s. 44(1)(d), (e), S.I. No. 252 of 2000.
- F7** Substituted by *Merchant Shipping (Registration of Ships) Act 2014* (43/2014), s. 68 and sch. 4, not commenced as of date of revision.

Modifications (not altering text):

- C3** Prospective affecting provision: definition of owner substituted by *Merchant Shipping (Registration of Ships) Act 2014* (43/2014), s. 68 and sch. 4, not commenced as of date of revision.
- F7**['owner', in relation to a vessel, means the person registered under the *Merchant Shipping (Registration of Ships) Act 2014* as its owner or, if no person is so registered, the person who owns the vessel, and includes any part owner, charterer, manager or operator of the vessel;]

Laying of regulations before Houses of Oireachtas.

3. — Regulations 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 regulations is passed by either such House within the next subsequent 21 days on which that House has sat after the regulations are laid before it, the regulations shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

Repeals.

4. — (1) Each enactment mentioned in *column (2)* of the *Schedule* to this Act is hereby repealed to the extent specified in *column (3)* of that Schedule.

(2) All instruments or documents (other than licences under section 94 of the Public Health Acts Amendment Act, 1907, for pleasure boats or pleasure vessels to be used for carrying passengers for hire) made, issued or granted under a provision of the enactments repealed by this section and in force immediately before the commencement of the corresponding provision of this Act shall continue in force after such commencement as if made or issued under the said corresponding provision and may be amended or revoked accordingly.

Expenses.

5. — 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.

PART II

PASSENGER SHIPS

Annual survey. **6.** — (1) A vessel being used as a passenger ship shall be surveyed at least once in each year in accordance with this Part.

(2) If, in respect of a vessel, there is a failure or refusal to comply with *subsection (1)*, the owner of the vessel shall be guilty of an offence and shall be liable—

(a) on summary conviction, to a fine not exceeding F8[€5,000] or to imprisonment for a term not exceeding 6 months or to both, or

(b) on conviction on indictment, to a fine not exceeding F8[€100,000] or to imprisonment for a term not exceeding 2 years or to both.

Annotations

Amendments:

F8 Substituted (29.07.2005) by *Maritime Safety Act 2005* (11/2005), s. 50(a)(i), (ii), commenced as per s. 1(10). A fine of €5,000 translates into a class A fine not exceeding €5,000 as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3, 4(3) and table ref. no. 1, S.I. No. 662 of 2010.

Modifications (not altering text):

C4 Application of section restricted (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 51(3)(c), commenced on enactment.

Application (Chapter 5).

51.— ...

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

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

...

Mode of survey and declaration of survey for purposes of issue of passenger ship's certificate.

7. — The survey of a vessel for the purposes of this Part shall be carried out by a surveyor and, if the vessel is required to be provided with a F9[**radiocommunications**] installation, by a radio surveyor, and the surveyor or each surveyor, if satisfied on the survey that it is proper to do so, shall deliver to the owner a declaration (in this Part referred to as “a declaration of survey”) in such form, and containing statements in relation to such matters concerning the vessel and disclosed by the survey as may be prescribed.

Annotations

Amendments:

F9 Substituted (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 8(4), commenced on enactment.

Editorial Notes:

E1 Previous affecting provision: power pursuant to section exercised (1.01.1999) by *Merchant Shipping (Passenger Ships) Regulations 1998* (S.I. No. 548 of 1998), in effect as per reg. 1; revoked (13.08.2002) by *European Communities (Passenger Ships) Regulations 2002* (S.I. No. 419 of 2002), reg. 12.

Issue of passenger ship's certificate.

8. — (1) On the receipt of a declaration of survey in relation to a survey carried out not more than 2 months before the date of such receipt, the Minister, if he is satisfied that this Part has been complied with, shall, subject to *subsection (4)*, issue to the owner of the vessel concerned a certificate in relation to the vessel (which shall be known as a passenger ship's certificate and is referred to in this Act as “a certificate

) stating such compliance and containing requirements, in accordance with the declarations in the declaration of survey delivered by the surveyor concerned, as to—

- (a) the limits (if any) beyond which the vessel shall not ply,
- (b) the maximum number of passengers that the vessel shall carry (specifying, if necessary, the numbers to be carried in different parts of the vessel) and any conditions and variations to which the number is subject.

(2) A certificate shall be subject to such conditions and restrictions (if any) as the Minister may impose, at the time of the grant of the certificate or subsequently, and any such conditions or restrictions shall be specified in the certificate or in another document given or sent to the holder of the certificate by the Minister.

(3) A certificate shall, unless previously revoked or suspended, remain in force for one year or for such period, being less than one year, as may be specified in the certificate and shall then expire.

(4) Subject to the provisions of this section, a certificate shall be in such form as the Minister may determine.

(5) Notwithstanding anything contained in a declaration of survey, if the owner of the vessel concerned has been convicted of—

- (a) an offence under *subsection (6) (c)*, or
- (b) any other offence that, in the opinion of the Minister, is of such a nature that, in the interests of safety, the person should not be the holder of a certificate in relation to the vessel,

the Minister may refuse to grant a certificate in relation to the vessel to the person.

(6) If in respect of a vessel there is a failure or refusal to comply with a condition, restriction or requirement specified in the certificate relating to it, the owner (or, if the vessel is on hire, the person to whom it is on hire) and the master shall each be guilty of an offence and shall each be liable—

- (a) on summary conviction, to a fine not exceeding F10[€5,000] or to imprisonment for a term not exceeding 6 months or to both, or
- (b) on conviction on indictment of an offence consisting of a failure or refusal to comply with a condition or restriction specified in the certificate, to a fine not exceeding F10[€100,000] or to imprisonment for a term not exceeding 2 years or to both, or
- (c) on conviction on indictment of an offence consisting of a failure or refusal to comply with a requirement specified in the certificate, to a fine not exceeding F10[€100,000] or to imprisonment for a term not exceeding 2 years or to both.

Annotations

Amendments:

- F10** Substituted (29.07.2005) by *Maritime Safety Act 2005* (11/2005), s. 50(b)(i)-(iii) commenced as per s. 1(10). A fine of €5,000 translates into a class A fine not exceeding €5,000 as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3, 4(3) and table ref. no. 1, S.I. No. 662 of 2010.

Modifications (not altering text):

- C5** Application of section restricted (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 51(3)(d), commenced on enactment. Note that S.I. No. 716 of 2004 is revoked, see below.

Application (Chapter 5).

51.— ...

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

(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

...

Editorial Notes:

- E2** Previous affecting provision: application of section modified (29.06.2011) by *European Communities (Passenger Ships) Regulations 2011* (S.I. No. 322 of 2011), reg. 10(2); revoked (21.12.2019) by *European Union (Passenger Ships) Regulations 2019* (S.I. No. 676 of 2019), reg. 25, in effect as per reg. 1(2), subject to transitional provision in reg. 26.
- E3** Previous affecting provision: application of section modified (16.11.2004) by *European Communities (Passenger Ships) Regulations 2004* (S.I. No. 716 of 2004), reg. 10(2); revoked (29.06.2011) by *European Communities (Passenger Ships) Regulations 2011* (S.I. No. 322 of 2011), reg. 15, in effect as per reg. 1(2).
- E4** Previous affecting provision: application of section modified (13.08.2002) by *European Communities (Passenger Ships) Regulations 2002* (S.I. No. 419 of 2002), reg. 8(2); revoked (16.11.2004) by *European Communities (Passenger Ships) Regulations 2004* (S.I. No. 716 of 2004), reg. 14.

Revocation and suspension of certificate.

9. — (1) If the Minister is satisfied that—

- (a) a declaration of survey on which a certificate was founded was in any material particular made erroneously,
- (b) information furnished to the Minister in relation to the issue of a certificate was false or misleading in a material particular, or
- (c) since the making of such a declaration as aforesaid, the hull, equipment or machinery of the vessel concerned has suffered any damage or the vessel has become unsuitable for the carriage of passengers or for the carriage of the maximum number of passengers specified in the certificate or for plying to the limits so specified,

he may, if he considers it appropriate to do so, revoke the certificate.

(2) The Minister may, if he considers it appropriate to do so, revoke or suspend a certificate if there is a failure or refusal to comply with a condition, restriction or requirement specified in the certificate.

F11[(2A) Where the Minister revokes or suspends a certificate in respect of a particular vessel, and is of opinion that it is in the interests of safety that the holder of the certificate should not be the holder of a certificate or licence in relation to other vessels, then the Minister may revoke or suspend any other certificate or licence held by the holder in relation to any other vessel.]

(3) If a certificate is suspended, the Minister may, if he so thinks fit, refuse to remove the suspension unless the vessel concerned has been surveyed and a declaration of survey in respect of it has been delivered to its owner since the suspension.

Annotations

Amendments:

- F11** Inserted (29.07.2005) by *Maritime Safety Act 2005* (11/2005), s. 50(c), commenced as per s. 1(10).

Editorial Notes:

- E5** Previous affecting provision: application of section modified (29.06.2011) by *European Communities (Passenger Ships) Regulations 2011* (S.I. No. 322 of 2011), reg. 10(1); revoked (21.12.2019) by *European Union (Passenger Ships) Regulations 2019* (S.I. No. 676 of 2019), reg. 25, in effect as per reg. 1(2), subject to transitional provision in reg. 26.
- E6** Previous affecting provision: application of section modified (16.11.2004) by *European Communities (Passenger Ships) Regulations 2004* (S.I. No. 716 of 2004), reg. 10(1); revoked (29.06.2011) by *European Communities (Passenger Ships) Regulations 2011* (S.I. No. 322 of 2011), reg. 15, in effect as per reg. 1(2).
- E7** Previous affecting provision: application of section modified (13.08.2002) by *European Communities (Passenger Ships) Regulations 2002* (S.I. No. 419 of 2002), reg. 8(1); revoked (16.11.2004) by *European Communities (Passenger Ships) Regulations 2004* (S.I. No. 716 of 2004), reg. 14.

Display of
certificate.

10. — (1) Whenever a certificate is in force in relation to a vessel, the certificate or a copy thereof, shall be displayed in the vessel in a position in which it is visible to and legible by all persons on board.

(2) (a) If, without reasonable cause, there is a contravention of *subsection (1)* in respect of a vessel, the owner of the vessel shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding F12[€1,000].

(b) If a vessel is being used as a passenger ship and there is, without reasonable cause, a contravention of *subsection (1)* in respect of the vessel, the owner and the master of the vessel shall each be guilty of an offence and shall each be liable on summary conviction to a fine not exceeding F12[€5,000].

Annotations**Amendments:**

- F12** Substituted (29.07.2005) by *Maritime Safety Act 2005* (11/2005), s. 50(d)(i), (ii), commenced as per s. 1(10). A fine of €1,000 translates into a class D fine not exceeding €1,000 as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3, 7(3) and table ref. no. 1, S.I. No. 662 of 2010. A fine of €5,000 translates into a class A fine not exceeding €5,000 as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3, 4(3) and table ref. no. 1, S.I. No. 662 of 2010.

Editorial Notes:

- E8** Power pursuant to section exercised (1.07.1994) by *Merchant Shipping (Passenger Ship Construction and Survey) (Amendment No. 2) Rules 1994* (S.I. No. 131 of 1994), in effect as per reg. 1.
- E9** Power pursuant to section exercised (1.04.1994) by *Merchant Shipping (Passenger Ship Construction and Survey) (Amendment) Rules 1994* (S.I. No. 12 of 1994), in effect as per reg. 1.
- E10** Previous affecting provision: application of section modified (29.06.2011) by *European Communities (Passenger Ships) Regulations 2011* (S.I. No. 322 of 2011), reg. 10(1); revoked (21.12.2019) by *European Union (Passenger Ships) Regulations 2019* (S.I. No. 676 of 2019), reg. 25, in effect as per reg. 1(2), subject to transitional provision in reg. 26.
- E11** Previous affecting provision: application of section modified (16.11.2004) by *European Communities (Passenger Ships) Regulations 2004* (S.I. No. 716 of 2004), reg. 10(1); revoked (29.06.2011) by *European Communities (Passenger Ships) Regulations 2011* (S.I. No. 322 of 2011), reg. 15, in effect as per reg. 1(2).
- E12** Previous affecting provision: application of section modified (13.08.2002) by *European Communities (Passenger Ships) Regulations 2002* (S.I. No. 419 of 2002), reg. 8(1); revoked (16.11.2004) by *European Communities (Passenger Ships) Regulations 2004* (S.I. No. 716 of 2004), reg. 14.

False declaration of survey or certificate.

11. — (1) A person shall not knowingly and wilfully make or assist in making, or procure the making of, a false or fraudulent declaration of survey or certificate or a fraudulent alteration of a declaration of survey or certificate.

(2) A person who contravenes *subsection (1)* shall be guilty of an offence and shall be liable—

(a) on summary conviction, to a fine not exceeding F13[€5,000] or to imprisonment for a term not exceeding 6 months or to both, or

(b) on conviction on indictment, to a fine not exceeding F13[€100,000] or to imprisonment for a term not exceeding 2 years or to both.

Annotations

Amendments:

F13 Substituted (29.07.2005) by *Maritime Safety Act 2005* (11/2005), s. 50(e)(i), (ii), commenced as per s. 1(10). A fine of €5,000 translates into a class A fine not exceeding €5,000 as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3, 4(3) and table ref. no. 1, S.I. No. 662 of 2010.

Editorial Notes:

E13 Previous affecting provision: application of subs. (1) modified (29.06.2011) by *European Communities (Passenger Ships) Regulations 2011* (S.I. No. 322 of 2011), reg. 10(1); revoked (21.12.2019) by *European Union (Passenger Ships) Regulations 2019* (S.I. No. 676 of 2019), reg. 25, in effect as per reg. 1(2), subject to transitional provision in reg. 26.

E14 Previous affecting provision: application of section modified (16.11.2004) by *European Communities (Passenger Ships) Regulations 2004* (S.I. No. 716 of 2004), reg. 10(1); revoked (29.06.2011) by *European Communities (Passenger Ships) Regulations 2011* (S.I. No. 322 of 2011), reg. 15, in effect as per reg. 1(2).

E15 Previous affecting provision: application of section modified (13.08.2002) by *European Communities (Passenger Ships) Regulations 2002* (S.I. No. 419 of 2002), reg. 8(1); revoked (16.11.2004) by *European Communities (Passenger Ships) Regulations 2004* (S.I. No. 716 of 2004), reg. 14.

Uncertificated passenger ship.

12. — (1) A vessel shall not be used as a passenger ship unless a certificate is in force in relation to it.

(2) If in respect of a vessel there is a contravention of *subsection (1)*, the owner and the master of the vessel shall each be guilty of an offence and shall each be liable—

(a) on summary conviction, to a fine not exceeding F14[€5,000] or to imprisonment for a term not exceeding 6 months or to both, or

(b) on conviction on indictment, to a fine not exceeding F14[€100,000] or to imprisonment for a term not exceeding 2 years or to both.

Annotations

Amendments:

F14 Substituted (29.07.2005) by *Maritime Safety Act 2005* (11/2005), s. 50(f)(i), (ii), commenced as per s. 1(10). A fine of €5,000 translates into a class A fine not exceeding €5,000 as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3, 4(3) and table ref. no. 1, S.I. No. 662 of 2010.

Modifications (not altering text):

- C6** Application of section restricted (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 43(2)(g), commenced on enactment. Chapter 4 relates to high-speed craft.

Application (Chapter 4).

43. — ...

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

(g) the provisions of— ...

(ii) section 12 of the Act of 1992.

...

Insurance of
passenger ships.

13. — (1) A vessel shall not be used as a passenger ship unless there is in force a policy of insurance under which the owner of the vessel or, if the vessel is on hire, the person to whom it is on hire is insured against any sum which he or his personal representative may become liable to pay by way of compensation, damages or costs in respect of injury, loss or damage to a passenger or property on the vessel, or to a person or property not on the vessel, caused by or arising out of the operation of the vessel.

(2) Whenever a person enters into a contract of insurance for the purposes of *subsection (1)* with the owner or the hirer of a vessel, the person shall give to the owner or the hirer, as the case may be, a certificate in relation to the policy in such form and containing such particulars as may be prescribed and—

(a) the owner or the hirer, as the case may be, shall cause a copy of the certificate to be given or sent by registered post to the Minister, and

(b) the certificate or a copy thereof shall be displayed on the vessel while the vessel is in use as a passenger ship so as to be visible to and legible by all persons on board.

(3) (a) If in respect of a vessel there is a contravention of *subsection (1)*, the owner of the vessel or, if the vessel is on hire, the person to whom it is on hire shall be guilty of an offence and shall be liable—

(i) on summary conviction, to a fine not exceeding F15[€5,000] or to imprisonment for a term not exceeding 6 months or to both, or

(ii) on conviction on indictment, to a fine not exceeding F15[€100,000] or to imprisonment for a term not exceeding 2 years or to both.

(b) If in respect of a vessel there is, without reasonable cause, a contravention of *subsection (2) (a)*, the owner or, if the vessel is on hire, the person to whom it is on hire shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding F15[€2,000].

(c) If in respect of a vessel there is, without reasonable cause, a contravention of *subsection (2) (b)*, the owner (or, if the vessel is on hire, the person to whom it is on hire) and the master of the vessel shall each be guilty of an offence and shall each be liable on summary conviction to a fine not exceeding F15[€5,000].

Annotations**Amendments:**

- F15** Substituted (29.07.2005) by *Maritime Safety Act 2005* (11/2005), s. 50(g)(i)-(iv), commenced as per s. 1(10). A fine of €5,000 translates into a class A fine not exceeding €5,000 as provided

(4.01.2011) by *Fines Act 2010* (8/2010), ss. 3, 4(3) and table ref. no. 1, S.I. No. 662 of 2010. A fine of €2,000 translates into a class C fine not exceeding €2,500 as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3, 6(3) and table ref. no. 1, S.I. No. 662 of 2010.

PART III

PASSENGER BOATS

Prohibition of
unlicensed
passenger boats.

14. — (1) A vessel shall not be used as a passenger boat unless a licence is in force in relation to it.

(2) If in respect of a vessel there is a contravention of *subsection (1)*, the owner and the master of the vessel shall each be guilty of an offence and shall each be liable—

(a) on summary conviction, to a fine not exceeding F16[€5,000] or to imprisonment for a term not exceeding 6 months or to both, or

(b) on conviction on indictment, to a fine not exceeding F16[€100,000] or to imprisonment for a term not exceeding 2 years or to both.

F17[(3) Notwithstanding *subsection (2)*, in proceedings for an offence under this section it shall be a defence to prove that the contravention of *subsection (1)* was necessary for the purpose of securing the safety of a vessel or of saving life or otherwise to prevent an accident.]

Annotations

Amendments:

F16 Substituted (29.07.2005) by *Maritime Safety Act 2005* (11/2005), s. 50(h)(i), (ii), commenced as per s. 1(10). A fine of €5,000 translates into a class A fine not exceeding €5,000 as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3, 4(3) and table ref. no. 1, S.I. No. 662 of 2010.

F17 Inserted (16.06.1998) by *Merchant Shipping (Miscellaneous Provisions) Act 1998* (20/1998), s. 4(b), commenced on enactment.

Editorial Notes:

E16 Prospective affecting provision: certain ships exempted from requirement to be licensed under regulations made under section are required to be registered by *Merchant Shipping (Registration of Ships) Act 2014* (43/2014), s. 11(1)(c), not commenced as of date of revision.

E17 Prospective affecting provision: certain vessels exempted from requirement to be licensed under regulations made under section are required to be registered by *Merchant Shipping (Registration of Ships) Act 2014* (43/2014), s. 24(1)(d), not commenced as of date of revision.

F18[Exemptions
from licensing
requirements

14A. (1) The Minister may by regulations—

(a) exempt from the requirement to be licensed under *section 14*, on such terms and conditions as the Minister sees fit, a specified class or classes of vessel where in the opinion of the Minister it is appropriate to do so having regard to the nature of the vessels and the use to which they are to be put, and

(b) in exceptional circumstances, exempt from the requirement to be licensed under *section 14*, on such terms and conditions as the Minister sees fit, any class of vessel carrying passengers between any inhabited island and the mainland of the State or between islands, where in the opinion of the Minister it is appropriate to do so.

(2) Regulations made under *subsection (1)* may make provision for safety and other requirements to be met by unlicensed vessels.

(3) If, in respect of a vessel, there is a contravention of regulations made under this section, the owner and the master of the vessel shall each be guilty of an offence and shall each be liable—

(a) on summary conviction, to a fine not exceeding F19[€5,000] or to imprisonment for a term not exceeding 6 months or to both, or

(b) on conviction on indictment, to a fine not exceeding F19[€100,000] or to imprisonment for a term not exceeding 2 years or to both.]

Annotations

Amendments:

F18 Inserted (16.06.1998) by *Merchant Shipping (Miscellaneous Provisions) Act 1998* (20/1998), s. 4(c), commenced on enactment.

F19 Substituted (29.07.2005) by *Maritime Safety Act 2005* (11/2005), s. 50(i)(i), (ii), commenced as per s. 1(10). A fine of €5,000 translates into a class A fine not exceeding €5,000 as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3, 4(3) and table ref. no. 1, S.I. No. 662 of 2010.

Editorial Notes:

E18 Power pursuant to subs. (1)(a) exercised (1.01.2003) by *Licensing of Passenger Boats (Exemption) Regulations 2002* (S.I. No. 274 of 2002, in effect as per reg. 1(ii), as amended (5.12.2002) by *Licensing of Passenger Boats (Exemption) (Amendment) Regulations 2002* (S.I. No. 556 of 2002, reg. 2.

E19 Previous affecting provision: power pursuant to section exercised (1.01.2002) by *Licensing of Passenger Boats (Exemption) (Number 2) Regulations 2001* (S.I. No. 631 of 2001), in effect as per reg. 1(b); ceased to have effect (31.12.2001) as per reg. 1(b).

E20 Previous affecting provision: power pursuant to section exercised (11.04.2001) by *Licensing of Passenger Boats (Exemption) Regulations 2001* (S.I. No. 172 of 2001), in effect as per reg. 1(b); ceased to have effect (31.12.2001) as per reg. 2(b).

Passenger boat
licences.

15. — (1) On application to the Minister in that behalf by the owner of a vessel, the Minister shall, subject to *subsection (5)*, grant a licence to the owner in relation to the vessel (which shall be known as a passenger boat licence and is referred to in this Act as “ a licence ”) if, but only if, an authorised person has inspected the vessel not more than 2 months before the date of the application and has stated in a report of the inspection to the Minister in writing that, in his opinion—

(a) the vessel is suitable, subject to such conditions and restrictions (if any) as he may specify, for use as a passenger boat, and

(b) if regulations under *section 18* are in force, that it complies with the regulations.

(2) A licence shall contain requirements as to—

(a) the limits (if any) beyond which the vessel shall not ply, and

(b) the maximum number of persons that the vessel concerned is fit to carry.

(3) A licence shall be subject to such conditions and restrictions (if any) as the Minister may impose, at the time of the grant of the licence or subsequently, and any such conditions or restrictions shall be specified in the licence or in another document given or sent to the holder of the licence by the Minister.

(4) Subject to the provisions of this section, a licence shall be in such form as the Minister may determine.

(5) A licence shall, unless previously revoked or suspended, remain in force for such period not exceeding 2 years as the Minister may determine and specify in the licence.

(6) Notwithstanding anything contained in a report for the purposes of *subsection (1)*, if the owner of the vessel concerned has been convicted of—

(a) an offence under *subsection (7) (c)*, or

(b) any other offence that, in the opinion of the Minister, is of such a nature that, in the interests of safety, the person should not be the holder of a licence in relation to the vessel,

the Minister may refuse to grant a licence in relation to the vessel to the person.

(7) If in respect of a vessel there is a failure or refusal to comply with a condition, restriction or requirement specified in the licence relating to it, the owner (or, if the vessel is on hire, the person to whom it is on hire) and the master shall each be guilty of an offence and shall be liable—

(a) on summary conviction, to a fine not exceeding F20[€5,000] or to imprisonment for a term not exceeding 6 months or to both, or

(b) on conviction on indictment of an offence consisting of a failure or refusal to comply with a condition or restriction specified in the licence, to a fine not exceeding F20[€100,000] or to imprisonment for a term not exceeding 2 years or to both, or

(c) on conviction on indictment of an offence consisting of a failure or refusal to comply with a requirement specified in the licence, to a fine not exceeding F20[€100,000] or to imprisonment for a term not exceeding 2 years or to both.

Annotations

Amendments:

F20 Substituted (29.07.2005) by *Maritime Safety Act 2005* (11/2005), s. 50(j)(i)-(iii), commenced as per s. 1(10). A fine of €5,000 translates into a class A fine not exceeding €5,000 as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3, 4(3) and table ref. no. 1, S.I. No. 662 of 2010.

Modifications (not altering text):

C7 Application of section restricted (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 51(3)(c), commenced on enactment.

Application (Chapter 5).

51.— ...

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

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

...

Revocation and suspension of licences.

16. — (1) If the Minister is satisfied that—

(a) the report of an authorised person furnished to the Minister for the purpose of the grant of a licence was in any material particular made erroneously,

(b) information furnished to the Minister in relation to the grant of a licence was false or misleading in a material particular, or

(c) since the furnishing of such a report as aforesaid to the Minister, the hull, equipment or machinery of the vessel concerned has suffered any damage or the vessel has become unsuitable for the carriage of passengers or for the carriage of the maximum number of passengers specified in the licence or for plying to the limits so specified,

he may, if he considers it appropriate to do so, revoke the licence.

(2) The Minister may, if he considers it appropriate to do so, revoke or suspend a licence if there is a failure or refusal to comply with a condition, restriction or requirement specified in the licence.

F21[(2A) Where the Minister revokes or suspends a licence in respect of a particular vessel under *subsection (2)*, and is of opinion that it is in the interests of safety that the holder of the licence should not be the holder of a licence or certificate in relation to other vessels, then the Minister may revoke or suspend any other licence or certificate held by the holder in relation to any other vessel.]

(3) If a licence is suspended, the Minister may, if he so thinks fit, refuse to remove the suspension unless an authorised person has inspected the vessel concerned since the suspension and has stated in a report of the inspection to the Minister in writing that, in his opinion—

(a) the vessel is suitable, subject to such conditions and restrictions (if any) as he may specify, for use for hiring or for the carriage of passengers, and

(b) if regulations under *section 18* are in force, it complies with the regulations.

Annotations

Amendments:

F21 Inserted (29.07.2005) by *Maritime Safety Act 2005* (11/2005), s. 50(k), commenced as per s. 1(10).

Production of
licences and
marking of
passenger boats.

17. — (1) (a) An authorised officer may request the master of a passenger boat to produce—

(i) the licence in respect of the boat or a copy thereof, or

(ii) proof of compliance in relation to the boat with any regulations under *section 18* (2) (d), or both and, if the master fails or refuses to do so forthwith, he shall be guilty of an offence unless, within 10 days after the date of the request, he produces the licence or copy or, as the case may be, the proof in person to an authorised officer at a place specified by the authorised officer at the time of the request or to a member of the Garda Síochána at a Garda Síochána station so specified.

(b) In a prosecution for an offence under this subsection, it shall be presumed, unless the contrary is shown by the defendant, that he did not within 10 days after the date of the request concerned produce a licence or copy, or, as the case may be, the proof referred to in *paragraph (a)*, in accordance with that paragraph.

(c) A person who, when the production of a licence or a copy of a licence or the proof aforesaid is requested of him under this section, does not produce the licence or copy or, as the case may be, the proof aforesaid because a licence was not in force at the time of the request in respect of the passenger boat concerned or does not produce such proof because of non-compliance in respect of the passenger boat concerned with regulations under *section 18*

(2) (d) shall be deemed, for the purposes of *paragraph (a)*, to fail to produce the licence or a copy thereof or, as the case may be, the proof aforesaid.

(2) A vessel shall not be used as a passenger boat unless there is painted on the outside of each side of the vessel above the waterline, in a colour contrasting with that of the outside of the vessel and in letters and figures that are not less than 3 centimetres in height and are formed by lines that are not less than one-half centimetre in width—

(a) the first name and the surname of the owner of the vessel, the serial number of the licence in relation to the vessel, and

(b) an indication, in the form “licensed to carry.....passengers” or in the form “ceadúnaithe chun.....paisinéirí a iompar”, that the vessel is the subject of a licence and of the maximum number of passengers whose carriage in the vessel is authorised by the licence.

(3) (a) A person guilty of an offence under *subsection (1) (a)* shall be liable, on summary conviction, to a fine not exceeding F22[€500].

(b) If in relation to a vessel there is a contravention of *subsection (2)*, the owner and the master of the vessel shall each be guilty of an offence and shall each be liable on summary conviction to a fine not exceeding F22[€2,000].

Annotations

Amendments:

F22 Substituted (29.07.2005) by *Maritime Safety Act 2005* (11/2005), s. 50(I)(i), (ii), commenced as per s. 1(10). A fine of €500 translates into a class E fine not exceeding €500 provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3, 8(3) and table ref. no. 1, S.I. No. 662 of 2010. A fine of €2,000 translates into a class C fine not exceeding €2,500 as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3, 6(3) and table ref. no. 1, S.I. No. 662 of 2010.

F24[Safety of passenger boats and their passengers and crews.

18.—(1) The Minister may, by regulations, make such provisions as the Minister thinks necessary or expedient for the purpose of ensuring—

(a) the safety of—

(i) passenger boats,

(ii) the passengers and crews of passenger boats, and

(iii) other persons, and of property, from injury or damage caused by, resulting from or arising out of the use of passenger boats,

or

(b) that the use of a passenger boat does not create a disturbance or constitute a nuisance.

(2) Without prejudice to the generality of *subsection (1)*, regulations under *subsection (1)* may—

(a) require passenger boats to comply with specified standards of seaworthiness (including stability),

(b) require passenger boats to comply with specified standards of construction and maintenance,

(c) require specified classes of passenger boats to carry one or more of the following, that is to say, specified life-saving, fire-fighting, radio and navigation equipment,

- (d) prohibit the having on board or the carriage of passengers by vessels, or specified classes of vessels, the subject of licences unless there are in force policies of insurance under which the owners of the vessels or, if the vessels are on hire, the persons to whom they are on hire are insured to a specified extent against specified risks,
- (e) make provision for ascertaining and testing the standards of competence of masters and of any other members of the crews of vessels the subject of licences, whether by examination, interview or otherwise, and the prohibition of those who do not reach such standards of competence as the Minister considers appropriate from working as masters or, as the case may be, other members of the crews of such vessels and the prohibition of owners of such vessels from employing as captains or other members of the crews of the vessels those who do not reach such standards as aforesaid,
- (f) provide for the registration of passenger boats or specified classes of passenger boats and the licensing or certification of masters or persons in control of or operating passenger boats or passenger boats of a specified class,
- (g) regulate the use of passenger boats or specified classes of passenger boats by reference to the age or other qualifications of masters or persons in control of or operating passenger boats or passenger boats of a specified class,
- (h) regulate or prohibit the use of passenger boats or specified classes of passenger boats in particular circumstances, and the consumption of alcohol or drugs by masters or persons in control of or operating passenger boats or passenger boats of a specified class,
- (i) require and regulate the use of personal flotation devices on specified classes of passenger boats,
- (j) regulate vehicles or prohibit classes of vehicles being carried on board a passenger boat designed to carry vehicles,
- (k) regulate or prohibit the carriage of goods or materials of a specified class on passenger boats or on passenger boats of a specified class,
- (l) regulate the number of persons that may be carried on passenger boats of a specified class, and
- (m) regulate or prohibit the towing of anything by or from passenger boats or passenger boats of a specified class.

(3) Regulations under this section may make provision for such 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.

F25[(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.]

(4) Different provision may be made in regulations under this section for different classes of passenger boats.

F26[(5) If in respect of a vessel there is a contravention of a regulation under this section—

(a) (other than in respect of a matter referred to in *subsection (2)(d)*), the owner and (if the vessel is in use) the master of the vessel each commits an offence and each is liable on summary conviction to a class A fine, or

(b) in respect of a matter referred to in *subsection (2)(d)*, the owner of the vessel (or, if the vessel is on hire, the person to whom it is on hire) and the master of the vessel each commits an offence and each is liable—

(i) on summary conviction, to a class A fine or to imprisonment for a term not exceeding 6 months, or to both, or

(ii) on conviction on indictment, to a fine not exceeding €100,000 or to imprisonment for a term not exceeding 2 years, or to both.]]

Annotations

Amendments:

- F23** Substituted (29.07.2005) by *Maritime Safety Act 2005* (11/2005), s. 47(1), commenced as per s. 1(10).
- F24** Substituted (29.07.2005) by *Maritime Safety Act 2005* (11/2005), s. 47(1), commenced as per s. 1(10).
- F25** Inserted by (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 15(b), commenced on enactment.
- F26** Substituted (25.12.2015) by *Harbours Act 2015* (61/2055), s. 51(b), commenced on enactment. A class A fine means a fine not exceeding €5,000 as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3, 4(1), S.I. No. 662 of 2010.

Modifications (not altering text):

- C8** Functions under subs. (3) transferred and references to “Department of Finance” and “Minister for Finance” construed (29.07.2011) by *Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2011* (S.I. No. 418 of 2011), arts. 2, 3, 5 and sch. 1 part 2, in effect as per art. 1(2), subject to transitional provisions in arts. 6-9.

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

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

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

(a) the enactments specified in Schedule 1, and

(b) the statutory instruments specified in Schedule 2,

are transferred to the Minister for Public Expenditure and Reform.

...

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

...

Schedule 1

Enactments

...

Part 2

1922 to 2011 Enactments

Number and Year (1)	Short Title (2)	Provision (3)
...
No. 2 of 1992	Merchant Shipping Act 1992	Sections 18(3), 19(3), 20(3) and 31(1)
...

Editorial Notes:

- E21** Power pursuant to section exercised (15.12.2010) by *Merchant Shipping (Fees) Regulations 2010* (S.I. No. 595 of 2010), in effect as per reg. 1(2).
- E22** Power pursuant to section exercised (1.11.2005, 1.04.2006) by *Merchant Shipping (Passenger Boat Manning) Regulations 2005* (S.I. No. 649 of 2005), in effect as per reg. 1(2), (3).
- E23** Power pursuant to section exercised (24.11.2003) by *Merchant Shipping (Passenger Boat) (Amendment) Regulations 2003* (S.I. No. 648 of 2003); continued in force (29.07.2005) by *Maritime Safety Act 2005* (11/2005), s. 47(3), in effect as per s. 1(10).
- E24** Power pursuant to section exercised (5.12.2002) by *Merchant Shipping (Passenger Boat) (Amendment) Regulations 2002*; continued in force (29.07.2005) by *Maritime Safety Act 2005* (11/2005), s. 47(3), in effect as per s. 1(10).
- E25** Power pursuant to section exercised (6.06.2003) by *Merchant Shipping (Passenger Boat) Regulations 2002* (S.I. No. 273 of 2002), in effect as per reg. 1(ii); continued in force (29.07.2005) by *Maritime Safety Act 2005* (11/2005), s. 47(3), in effect as per s. 1(10).
- E26** Previous affecting provision: subs. (1) substituted (1.08.2000) by *Merchant Shipping (Investigation of Marine Casualties) Act 2000* (14/2000), s. 44(2), S.I. No. 252 of 2000; section substituted as per F-note above.
- E27** Previous affecting provision: subs. 18(2)(d), (e) substituted, (f), (g), (h) inserted (1.08.2000) by *Merchant Shipping (Investigation of Marine Casualties) Act 2000* (14/2000), s. 44(3)(a)-(c), S.I. No. 252 of 2000; section substituted as per F-note above.
- E28** Previous affecting provision: subss. (4), (5) amended (1.08.2000) by *Merchant Shipping (Investigation of Marine Casualties) Act 2000* (14/2000), s. 44(4), (5), S.I. No. 252 of 2000; section substituted as per F-note above.

PART IV

MISCELLANEOUS

F27[Safety of
fishing vessels
and their crews

19.—(1) The Minister may, by regulations, make such provision as the Minister thinks necessary or expedient for the purpose of ensuring—

(a) the safety of—

(i) fishing vessels,

(ii) the crews of fishing vessels, and

- (iii) other persons, and of property, from injury or damage caused by, resulting from or arising out of the use of fishing vessels, or
 - (b) that the use of a fishing vessel does not create a disturbance or constitute a nuisance.
- (2) Without prejudice to the generality of *subsection (1)*, regulations under this section may—
- (a) require fishing vessels or specified classes of fishing vessels to comply with specified standards of seaworthiness (including stability),
 - (b) require fishing vessels or specified classes of fishing vessels to comply with specified standards of construction and maintenance,
 - (c) require fishing vessels or specified classes of fishing vessels to carry one or more of the following, that is to say, specified life-saving, fire-fighting, radio and navigation equipment,
 - (d) make provision for periodic surveys of fishing vessels or specified classes of fishing vessels and their equipment and the prohibition of the use for fishing of fishing vessels that have not been surveyed in accordance with the regulations or that, following such a survey, are declared by the person who carried it out to be unsafe for use for fishing, angling in the sea or angling in fresh water, and for appeals against such declarations and against other findings of such surveys,
 - (e) make provision for ascertaining and testing the standards of competence of skippers and of any other members of the crews of fishing vessels or specified classes of fishing vessels, whether by examination, interview or otherwise, and the prohibition of those who do not reach such standards of competence as the Minister considers appropriate from working as skippers or, as the case may be, other members of the crews of such vessels and the prohibition of owners of such vessels from employing as skippers or other members of the crews of such vessels those who do not reach such standards as aforesaid,
 - (f) require and regulate the use of personal flotation devices on specified classes of fishing vessels, and
 - (g) regulate or prohibit the towing of anything (other than fishing nets) by or from fishing vessels or fishing vessels of a specified class.
- (3) Regulations under this section may make provision for such 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 by the Minister) as the Minister considers necessary or expedient.
- F28[(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.]
- (4) Different provision may be made in regulations under this section for different classes of fishing vessels.

F29[(5) If in respect of a fishing vessel there is a contravention of a regulation under this section—

- (a) (other than in respect of a matter referred to in *subsection (2)(f)*), the owner and (if the vessel is in use) the master of the vessel each commits an offence and each is liable on summary conviction to a class A fine, or
- (b) in respect of a matter referred to in *subsection (2)(f)* —
 - (i) the owner and (if the vessel is in use) the master of the vessel, and
 - (ii) where the person contravening the regulation is not the owner or master of the vessel, that person, each commits an offence and each is liable on summary conviction to a class A fine.]]

Annotations

Amendments:

- F27** Substituted (29.07.2005) by *Maritime Safety Act 2005* (11/2005), s. 47(1), commenced as per s. 1(10).
- F28** Inserted (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 15(c), commenced on enactment.
- F29** Substituted (25.12.2015) by *Harbours Act 2015* (61/2015), s. 51(c), commenced on enactment. A class A fine means a fine not exceeding €5,000 as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3, 4(1), S.I. No. 662 of 2010.

Modifications (not altering text):

- C9** Functions under subs. (3) transferred and references to “Department of Finance” and “Minister for Finance” construed (29.07.2011) by *Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2011* (S.I. No. 418 of 2011), arts. 2, 3, 5 and sch. 1 part 2, in effect as per art. 1(2), subject to transitional provisions in arts. 6-9.

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

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

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

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

are transferred to the Minister for Public Expenditure and Reform.

...

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

...

Schedule 1

Enactments

...

Part 2

1922 to 2011 Enactments

Number and Year (1)	Short Title (2)	Provision (3)
...
No. 2 of 1992	Merchant Shipping Act 1992	Sections 18(3), 19(3), 20(3) and 31(1)
...

Editorial Notes:

- E29** Power pursuant to section exercised (1.03.2022) by *Fishing Vessel (Radio Installations Survey) (Revocation) Regulations 2022* (S.I. No. 91 of 2022).
- E30** Power pursuant to section exercised (3.10.2018) by *Fishing Vessel (Personal Flotation Devices) (Amendment) Regulations 2018* (S.I. No. 401 of 2018), in effect as per reg. 1(2).
- E31** Power pursuant to section exercised (7.02.2011) by *Safety of Fishing Vessels Regulations 2007 (Revocation) Regulations 2011* (S.I. No. 53 of 2011), in effect as per reg. 1(2).
- E32** Power pursuant to section exercised (15.12.2010) by *Merchant Shipping (Fees) Regulations 2010* (S.I. No. 595 of 2010), in effect as per reg. 1(2).
- E33** Power pursuant to section exercised (3.07.2008) by *Fishing Vessel (Fees) Regulations 2008* (S.I. No. 246 of 2008).
- E34** Power pursuant to section exercised (1.10.2007, 1.10.2008, 1.10.2009, 1.10.2010) by *Merchant Shipping (Safety of Fishing Vessels) (15-24 Metres) Regulations 2007* (S.I. No. 640 of 2007), in effect as per reg. 1(2)(a)-(d).
- E35** Power pursuant to section exercised (8.10.2002) by *Fishing Vessel (Radio Installations) (Amendment) Regulations 2002* (S.I. No. 472 of 2002); continued in force (29.07.2005) by *Maritime Safety Act 2005* (11/2005), s. 47(3), in effect as per s. 1(10).
- E36** Power pursuant to section exercised (13.08.2002) by *Fishing Vessel (Safety Provisions) Regulations 2002* (S.I. No. 418 of 2002); continued in force (29.07.2005) by *Maritime Safety Act 2005* (11/2005), s. 47(3), in effect as per s. 1(10).
- E37** Power pursuant to section exercised (1.03.2002) by *Fishing Vessel (Basic Safety Training) Regulations 2001* (S.I. No. 587 of 2001), in effect as per reg. 1(2); continued in force (29.07.2005) by *Maritime Safety Act 2005* (11/2005), s. 47(3), in effect as per s. 1(10).
- E38** Power pursuant to section exercised (1.03.2002) by *Fishing Vessel (Personal Flotation Devices) Regulations 2001* (S.I. No. 586 of 2001), in effect as per reg. 1(2); continued in force (29.07.2005) by *Maritime Safety Act 2005* (11/2005), s. 47(3), in effect as per s. 1(10).
- E39** Power pursuant to section exercised (1.01.1999) by *Fishing Vessel (Radio Installations) Regulations 1998* (S.I. No. 544 of 1998), in effect as per reg. 1(1); continued in force (29.07.2005) by *Maritime Safety Act 2005* (11/2005), s. 47(3), in effect as per s. 1(10).
- E40** Power pursuant to section exercised (17.02.1993) by *Merchant Shipping (Musters) (Fishing Vessels) Regulations 1993* (S.I. No. 48 of 1993); continued in force (29.07.2005) by *Maritime Safety Act 2005* (11/2005), s. 47(3), in effect as per s. 1(10).
- E41** Previous affecting provision: power pursuant to section exercised (29.02.2008) by *Fishing Vessel (Personal Flotation Devices) (Amendment) Regulations 2008* (S.I. No. 63 of 2008); revoked (3.10.2018) by *Fishing Vessel (Personal Flotation Devices) (Amendment) Regulations 2018* (S.I. No. 401 of 2018), reg. 3, in effect as per reg. 1(2).
- E42** Previous affecting provision: power pursuant to section exercised (1.10.2007) by *Fishing Vessel (Fees) Regulations 2007* (S.I. No. 669 of 2007), in effect as per reg. 1(2); revoked (3.07.2008) by *Fishing Vessel (Fees) Regulations 2008* (S.I. No. 246 of 2008), reg. 5.

- E43** Previous affecting provision: power pursuant to section exercised (22.07.2005) by *Fishing Vessel (Fees) Regulations 2005* (S.I. No. 504 of 2005); continued in force (29.07.2005) by *Maritime Safety Act 2005* (11/2005), s. 47(3), in effect as per s. 1(10); revoked (1.10.2007) by *Fishing Vessel (Fees) Regulations 2007* (S.I. No. 669 of 2007), reg. 5, in effect as per reg. 1(2).
- E44** Previous affecting provision: power pursuant to section exercised (30.07.2007) by *Safety of Fishing Vessels Regulations 2007* (S.I. No. 563 of 2007); revoked (7.02.2011) by *Safety of Fishing Vessels Regulations 2007 (Revocation) Regulations 2011* (S.I. No. 53 of 2011), reg. 2.
- E45** Previous affecting provision: subs. (1) substituted (1.08.2000) by *Merchant Shipping (Investigation of Marine Casualties) Act 2000* (14/2000), s. 44(6), S.I. No. 252 of 2000; section substituted as per F-note above.
- E46** Previous affecting provision: subs. (2)(d), (e) substituted and (f) inserted (1.08.2000) by *Merchant Shipping (Investigation of Marine Casualties) Act 2000* (14/2000), s. 44(7)(a)-(c), S.I. No. 252 of 2000; section substituted as per F-note above.
- E47** Previous affecting provision: subs. (5) amended (1.08.2000) by *Merchant Shipping (Investigation of Marine Casualties) Act 2000* (14/2000), s. 44(8), S.I. No. 252 of 2000; section substituted as per F-note above.
- E48** Previous affecting provision: power pursuant to section exercised (2.02.1999) by *Fishing Vessel (Radio Installations Survey) Regulations 1999* (S.I. No. 40 of 1999); continued in force (29.07.2005) by *Maritime Safety Act 2005* (11/2005), s. 47(3), in effect as per s. 1(10); revoked (1.03.2022) by *Fishing Vessel (Radio Installations Survey) (Revocation) Regulations 2022* (S.I. No. 91 of 2022), reg. 2.
- E49** Previous affecting provision: power pursuant to section exercised (30.12.1998) by *Fishing Vessel (Safety Provisions) Regulations 1998* (S.I. No. 550 of 1998); revoked (13.08.2002) by *Fishing Vessels (Safety Provisions) Regulations 2002* (S.I. No. 418 of 2002), reg. 12(1).

F30[Safety of pleasure craft and their occupants.

20.—(1) The Minister may, by regulations, make such provision as he or she thinks necessary or expedient for the purpose of ensuring—

(a) the safety of—

(i) pleasure craft,

(ii) the occupants of pleasure craft, and

(iii) other persons, and of property, from injury or damage caused by, resulting from or arising out of the use of pleasure craft, or

(b) that the use of a pleasure craft does not create a disturbance or constitute a nuisance.

(2) Without prejudice to the generality of *subsection (1)*, regulations under *subsection (1)* may—

(a) require pleasure craft or specified classes of pleasure craft to comply with specified standards of seaworthiness (including stability),

(b) require pleasure craft or specified classes of pleasure craft to comply with specified standards of construction and maintenance,

(c) require pleasure craft or specified classes of pleasure craft to carry specified life-saving, fire-fighting, radio and navigation equipment,

(d) make provision for periodic survey of specified classes of pleasure craft and their appliances and equipment and the prohibition of the use of specified classes of pleasure craft that have not been surveyed in accordance with the regulations or that, following such a survey, are declared by the person who

carried it out to be unsafe for use and for appeals against such declarations or against other findings of such surveys,

- (e) provide for the registration of specified classes of pleasure craft and the licensing or certification of masters or persons in control of or operating pleasure craft or specified classes of pleasure craft,
- (f) regulate the use of pleasure craft or specified classes of pleasure craft by reference to the age or other qualifications of masters or persons in control of or operating pleasure craft or pleasure craft of a specified class,
- (g) regulate or prohibit the use of pleasure craft or specified classes of pleasure craft in particular circumstances, and the consumption of alcohol or drugs by masters or persons in control of or operating pleasure craft or pleasure craft of a specified class,
- (h) prohibit the use of pleasure craft or specified classes of pleasure craft unless there are in force policies of insurance under which the owners of the pleasure craft or, if the pleasure craft are on hire, the persons to whom they are on hire are insured to a specified extent against specified risks relating to the use of the pleasure craft,
- (i) require and regulate the use of personal flotation devices on specified classes of pleasure craft,
- (j) regulate the number of persons that may be carried on pleasure craft of a specified class, and
- (k) regulate or prohibit the towing of anything by or from pleasure craft or pleasure craft of a specified class.

(3) Regulations under this section may make provision for such 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 by the Minister) as the Minister considers necessary or expedient.

F31[(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.]

(4) Different provision may be made in regulations under this section for different classes of pleasure craft or persons on or using pleasure craft.

F32[(5) If in respect of a pleasure craft there is a contravention of a regulation under this section—

- (a) the owner and (if the craft is in use) the master of the craft, and
- (b) where the person contravening the regulation is not the owner or master of the craft, that person, each commits an offence and each is liable on summary conviction to a class A fine.]

(6) In this section ‘pleasure craft’ means vessels used otherwise than for profit and used wholly or mainly for sport or recreation but includes mechanically propelled

vessels that are on hire pursuant to contracts or other arrangements that do not require the owners of the vessels to provide crews or parts of crews for them.]

Annotations

Amendments:

- F30** Substituted (29.07.2005) by *Maritime Safety Act 2005* (11/2005), s. 47(1), commenced as per s. 1(10).
- F31** Inserted by (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 15(d), commenced on enactment.
- F32** Substituted (25.12.2015) by *Harbours Act 2015* (61/2055), s. 51(d), commenced on enactment. A class A fine means a fine not exceeding €5,000 as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3, 4(1), S.I. No. 662 of 2010.

Modifications (not altering text):

- C10** Functions under subs. (3) transferred and references to “Department of Finance” and “Minister for Finance” construed (29.07.2011) by *Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2011* (S.I. No. 418 of 2011), arts. 2, 3, 5 and sch. 1 part 2, in effect as per art. 1(2), subject to transitional provisions in arts. 6-9.

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

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

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

(a) the enactments specified in Schedule 1, and

(b) the statutory instruments specified in Schedule 2,

are transferred to the Minister for Public Expenditure and Reform.

...

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

...

Schedule 1

Enactments

...

Part 2

1922 to 2011 Enactments

Number and Year	Short Title	Provision
(1)	(2)	(3)
...
No. 2 of 1992	Merchant Shipping Act 1992	Sections 18(3), 19(3), 20(3) and 31(1)
...

Editorial Notes:

- E50** Power pursuant to section exercised (3.10.2018) by *Pleasure Craft (Personal Flotation Devices and Operation) (Safety) (Amendment) Regulations 2018* (S.I. No. 400 of 2018).
- E51** Power pursuant to section exercised (9.09.2012) by *Pleasure Craft (Personal Flotation Devices and Operation) (Safety) (Amendment) Regulations 2012* (S.I. No. 349 of 2012).
- E52** Power pursuant to section exercised (15.12.2010) by *Merchant Shipping (Fees) Regulations 2010* (S.I. No. 595 of 2010), in effect as per reg. 1(2).
- E53** Power pursuant to section exercised (22.12.2005) by *Pleasure Craft (Personal Flotation Devices and Operation) (Safety) Regulations 2005* (S.I. No. 921 of 2005).
- E54** Previous affecting provision: power pursuant to section exercised (2.06.2004) by *Merchant Shipping (Pleasure Craft) (Lifejackets and Operation) (Safety) Regulations 2004* (S.I. No. 259 of 2004); revoked (22.12.2005) by *Pleasure Craft (Personal Flotation Devices and Operation) (Safety) Regulations 2005* (S.I. No. 921 of 2005), reg. 11.
- E55** Previous affecting provision: power pursuant to section exercised (1.07.2001) by *Merchant Shipping (Mechanically Propelled Pleasure Craft) (Safety) Regulations 2001* (S.I. No. 284 of 2001), in effect as per reg. 1(2); revoked (2.06.2004) by *Merchant Shipping (Pleasure Craft) (Lifejackets and Operation) (Safety) Regulations 2004* (S.I. No. 259 of 2004), reg. 11.
- E56** Previous affecting provision: subss. (1), (2)(c), (d) substituted and (e)-(h) inserted (1.08.2000) by *Merchant Shipping (Investigation of Marine Casualties) Act 2000* (14/2000), s. 44(9)(a)-(d) S.I. No. 252 of 2000; section substituted as per F-note above.
- E57** Previous affecting provision: subss. (4) substituted and (5) amended (1.08.2000) by *Merchant Shipping (Investigation of Marine Casualties) Act 2000* (14/2000), s. 44(9)(e), (f), S.I. No. 252 of 2000; section substituted as per F-note above.
- E58** Previous affecting provision: power pursuant to section exercised (1.04.1993) by *Merchant Shipping (Jet Skis and Fast Power Boats) Regulations 1992* (S.I. No. 387 of 1992), in effect as per reg. 1(1); revoked (1.07.2001) by *Merchant Shipping (Mechanically Propelled Pleasure Craft) (Safety) Regulations 2001* (S.I. No. 284 of 2001), reg. 11, in effect as per reg. 1(2).

Appeal to District Court.

21. — (1) The owner of a vessel may appeal to the District Court against—

- (a) a declaration in a declaration of survey,
- (b) the refusal by a surveyor of ships or a radio surveyor to deliver a declaration of survey to the owner in respect of the vessel,
- (c) the revocation or suspension of a certificate in respect of the vessel by the Minister,
- (d) the refusal by the Minister to grant a certificate or a licence in respect of the vessel,
- (e) a condition, restriction or requirement specified in a certificate or licence, or
- (f) the revocation or suspension of a licence in respect of the vessel by the Minister.

(2) The jurisdiction conferred on the District Court by this section shall be exercised by the judges for the time being assigned to the district court district in which the vessel concerned is lying or where the owner concerned ordinarily resides or carries on any profession, business or occupation.

Forfeiture.

22. — (1) Where the owner of, or of a share in, a vessel is convicted on indictment of an offence referred to in [section 8 \(6\) \(c\)](#) or [15 \(7\) \(c\)](#) or an offence under [section 12 \(2\)](#), [13 \(3\) \(a\)](#) or [18 \(5\) \(b\)](#) and the person has been convicted previously of any

of those offences, the court concerned may, in addition to or instead of any penalty that it may impose under the provision concerned, order the vessel with its equipment, fittings and furnishings, or the appropriate share thereof, to be and to be adjudged forfeited to the State and may make such other orders as it considers necessary or expedient for the purpose of giving effect to the forfeiture.

(2) Whenever an order is made under this section, an authorised officer may, for the purpose of giving effect thereto—

(a) seize and detain the vessel concerned, and

(b) do such other things as are authorised by the order or are necessary for the purpose aforesaid.

Conduct endangering vessels, structures or individuals.

23. — F33[...]

Annotations

Amendments:

F33 Repealed (29.07.2005) by *Maritime Safety Act 2005* (11/2005), s. 3 and sch., commenced as per s. 1(10).

Drunkenness, etc., of passengers or members of crew.

24. — F34[...]

Annotations

Amendments:

F34 Repealed (29.07.2005) by *Maritime Safety Act 2005* (11/2005), s. 3 and sch., commenced as per s. 1(10).

Powers of authorised officers.

25. — (1) An authorised officer may, on production (in the case of an officer of the Minister) of his authorisation if so requested by any person affected, for the purposes of the *Merchant Shipping Acts, 1894 to 1992*, and any rules or regulations thereunder, board any vessel and—

(a) inspect and examine the vessel,

(b) inspect and take copies of, or of extracts from, the vessel's log (if any) and the vessel's manifest (if any) and any other records or documents pertaining to the vessel or its owner found on the vessel.

(2) An authorised officer may, for the purposes of his functions under this Act or regulations thereunder, stop a vessel and request any member of the crew of the vessel to furnish him with such information, and to produce to him such records and documents in his possession or within his procurement, as he may reasonably require for the purpose of such functions.

(3) A person who obstructs or interferes with an authorised officer in the exercise of his functions under this Act or who fails or refuses to comply with a request of an authorised officer under this Act shall be guilty of an offence and shall be liable on

summary conviction to a fine not exceeding F35[€5,000] or to imprisonment for a term not exceeding 6 months or to both.

Annotations

Amendments:

- F35** Substituted (29.07.2005) by *Maritime Safety Act 2005* (11/2005), s. 50(m), commenced as per s. 1(10). A fine of €5,000 translates into a class A fine not exceeding €5,000 as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3, 4(3) and table ref. no. 1, S.I. No. 662 of 2010.

Modifications (not altering text):

- C11** Application of section extended (13.08.2002) by *European Communities (Passenger Ships) Regulations 2002* (S.I. No. 417 of 2002), reg. 6.

6. Section 25 of the Act of 1992 applies for the purposes of these Regulations as it applies for the purposes of regulations made under that Act.

Editorial Notes:

- E59** Previous affecting provision: application of section modified (29.06.2011) by *European Communities (Passenger Ships) Regulations 2011* (S.I. No. 322 of 2011), reg. 12, in effect as per reg. 1(2); revoked (21.12.2019) by *European Union (Passenger Ships) Regulations 2019* (S.I. No. 676 of 2019), reg. 25, in effect as per reg. 1(2), subject to transitional provision in reg. 26.
- E60** Previous affecting provision: application of section modified (16.11.2004) by *European Communities (Passenger Ships) Regulations 2004* (S.I. No. 716 of 2004), reg. 12; revoked (29.06.2011) by *European Communities (Passenger Ships) Regulations 2011* (S.I. No. 322 of 2011), reg. 15, in effect as per reg. 1(2).
- E61** Previous affecting provision: application of section extended (13.08.2002) by *European Communities (Passenger Ships) Regulations 2002* (S.I. No. 419 of 2002), reg. 10; revoked (16.11.2004) by *European Communities (Passenger Ships) Regulations 2004* (S.I. No. 716 of 2004), reg. 14.

Power to detain certain vessels.

26. — (1) Section 459 (which provides for the detention of unsafe ships) of the Principal Act shall apply in relation to any vessel as respects which the Minister or a detaining officer (within the meaning of the said section 459) is of opinion that, owing to a contravention of this Act or of a regulation thereunder, the vessel is unfit to proceed on any voyage or excursion because of the danger to human life that the voyage or excursion would entail.

(2) Where a vessel is found by a detaining officer (within the meaning aforesaid) anywhere in the State and the vessel is a vessel to which, in the opinion of the officer, the said section 459 applies, the officer may detain the vessel at the place where it is found or take it to the nearest convenient port or other place (including a port or other place on a river or lake) and detain it there.

Annotations

Editorial Notes:

- E62** Previous affecting provision: application of section modified (29.06.2011) by *European Communities (Passenger Ships) Regulations 2011* (S.I. No. 322 of 2011), reg. 12, in effect as per reg. 1(2); revoked (21.12.2019) by *European Union (Passenger Ships) Regulations 2019* (S.I. No. 676 of 2019), reg. 25, in effect as per reg. 1(2), subject to transitional provision in reg. 26.
- E63** Previous affecting provision: application of section modified (16.11.2004) by *European Communities (Passenger Ships) Regulations 2004* (S.I. No. 716 of 2004), reg. 12; revoked (29.06.2011) by *European Communities (Passenger Ships) Regulations 2011* (S.I. No. 322 of 2011), reg. 15, in effect as per reg. 1(2).

- E64** Previous affecting provision: application of section extended (13.08.2002) by *European Communities (Passenger Ships) Regulations 2002* (S.I. No. 419 of 2002), reg. 10; revoked (16.11.2004) by *European Communities (Passenger Ships) Regulations 2004* (S.I. No. 716 of 2004), reg. 14.
- E65** Previous affecting provision: application of section extended (30.12.1998) by *European Communities (Fishing Vessel Safety) Regulations 1998* (S.I. No. 549 of 1998), reg. 4(7); revoked (13.08.2002) by *European Communities (Safety of Fishing Vessels) Regulations 2002* (S.I. No. 417 of 2002), reg. 9.

F36[Fixed
payment notice.

27.—F37[(1) The Minister may prescribe that this section applies to a contravention or a contravention in particular circumstances of a regulation made under *section 18* (other than in respect of a matter referred to in *subsection (2)(d))*, *19* or *20*.]

(2) Where an authorised officer has reasonable grounds for believing that a person is committing or has committed an offence under F38[*section 18(5)(a)*, *19(5)* or *20(5)*] in relation to a contravention of regulations made under *section 18*, *19* or *20* to which this section applies or under *section 33 (3)* or *34 (2)* of the Maritime Safety Act 2005 he or she may serve on the person a notice in the prescribed form or in a form to like effect stating that—

- (a) the person is alleged to have committed the offence in respect of the contravention,
- (b) the person may during the period of 21 days beginning on the date of the notice make to the organisation specified at the address specified in the notice a payment of €150, or such other amount prescribed under *subsection (5)*, accompanied by the notice, and
- (c) 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.

(3) Where notice is given under *subsection (2)*—

- (a) a person to whom the notice applies may, during the period specified in the notice, make to the organisation specified at the address specified in the notice the payment specified in the notice accompanied by the notice,
- (b) the organisation specified may receive the payment, issue a receipt for it and retain the money so paid, and any payment so received shall not be recoverable in any circumstances 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.

(4) In a prosecution for an offence under *section 18*, *19* or *20* or *section 33 (3)* or *34(2)* of the Maritime Safety Act 2005 the onus of proving that a payment pursuant to a notice under this section has been made lies on the defendant.

(5) The Minister may prescribe another amount, or different amounts in respect of different contraventions or different classes of vessels, in lieu of the amount specified in *subsection (2)(b)*.

(6) In this section ‘organisation’ means the Department of Communications, Marine and Natural Resources or such other person as specified in a notice issued under this section.]

Annotations**Amendments:**

- F36** Substituted (29.07.2005) by *Maritime Safety Act 2005* (11/2005), s. 47(2), commenced as per s. 1(10).
- F37** Substituted (25.12.2015) by *Harbours Act 2015* (61/2015), s. 51(e)(i), commenced on enactment.
- F38** Substituted (25.12.2015) by *Harbours Act 2015* (61/2015), s. 51(e)(ii), commenced on enactment.

Editorial Notes:

- E66** Power pursuant to section exercised (22.12.2005) by *Pleasure Craft (Personal Flotation Devices and Operation) (Safety) Regulations 2005* (S.I. No. 921 of 2005).
- E67** Power pursuant to section exercised (10.05.2005) by *Maritime Safety Act 2005 (Fixed Payment Notices) (Sections 33 and 34) Regulations 2005* (S.I. No. 512 of 2005); continued in force (29.07.2005) by *Maritime Safety Act 2005* (11/2005), s. 47(3), in effect as per s. 1(10).

Amendment of
Merchant
Shipping Act,
1947.

28. — (1) **Section 7** of the **Merchant Shipping Act, 1947** is hereby amended by the substitution of the following subsection for subsection (1):

“(1) Where the Government of another state provides for the holding of examinations for the grant of certificates of competency as deck officers, engineer officers or engine operators on board ship or as skippers, second hands or engineer officers on board fishing vessels and the Minister is satisfied that the certificates so granted are granted on such principles as to show qualifications of competency which are adequate qualifications for service in Irish-registered ships or Irish-registered fishing vessels, as may be appropriate, the Minister may by order provide that certificates so granted shall be of the same force within the State as if they had been granted by the Minister under (as may be appropriate) Part II or section 414 of the Principal Act or **section 3** or **8** of the **Merchant Shipping (Certification of Seamen) Act, 1979**, and such certificates shall have effect within the State and may, as respects their effect within the State, be suspended or cancelled accordingly.”.

(2) An order made under subsection (1) of the said section 7 and in force immediately before the commencement of this section shall continue in force as if made under the said section 7 as amended by this section and may be amended or revoked accordingly.

Amendment of
Merchant
Shipping (Safety
Convention) Act,
1952.

29. — F39[...]

Annotations**Amendments:**

- F39** Repealed (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 7(2), commenced on enactment.

Editorial Notes:

- E68** Previous affecting provision: power pursuant to section and s. 10 exercised (1.07.1994) by *Merchant Shipping (Passenger Ship Construction and Survey) (Amendment No. 2) Rules 1994* (S.I. No. 131 of 1994), in effect as per reg. 1; section repealed as per F-note above.
- E69** Previous affecting provision: power pursuant to section and s. 10 exercised (1.04.1994) by *Merchant Shipping (Passenger Ship Construction and Survey) (Amendment) Rules 1994* (S.I. No. 12 of 1994), in effect as per reg. 1; section repealed as per F-note above.

Information.

30. — (1) The owner of a vessel who applies to the Minister for the issue of a certificate or the grant of a licence in respect of the vessel shall furnish the Minister with such information as he may reasonably require for the purposes of his functions under this Act.

(2) The Minister may refuse to issue a certificate or grant a licence if the owner of the vessel concerned contravenes *subsection (1)*.

(3) A person who, pursuant to a requirement under this Act, furnishes information to the Minister that is to his knowledge false or misleading in a material particular shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding F40[€5,000] or to imprisonment for a term not exceeding 6 months or to both.

Annotations**Amendments:**

- F40** Substituted (29.07.2005) by *Maritime Safety Act 2005* (11/2005), s. 50(n), commenced as per s. 1(10). A fine of €5,000 translates into a class A fine not exceeding €5,000 as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3, 4(3) and table ref. no. 1, S.I. No. 662 of 2010.

Fees.

31. — (1) (a) There shall be paid to the Minister by the owner of the vessel concerned in respect of the issue of a certificate or the grant of a licence F41[(including a certificate of registration, licence or certification issued or granted by the Minister under regulations made under this Act)] a fee of such amount as may be prescribed with the consent of the Minister for Finance.

(b) There shall be paid to a surveyor and a radio surveyor by the owner of the vessel concerned in respect of a survey for the purposes of *Part II* a fee of such amount as may be prescribed with the consent of the Minister for Finance.

(c) There shall be paid to an authorised person by the owner of the vessel concerned in respect of an inspection by the authorised person for the purposes of *Part III* a fee of such amount as may be prescribed with the consent of the Minister for Finance.

(d) Fees of different amounts may be prescribed under this section in respect of the issue of certificates for, and surveys of, vessels of different sizes for the purposes of *Part II* and in respect of the grant of licences for, and inspections of, vessels of different classes for the purposes of *Part III*.

(2) The Minister may refuse to issue a certificate or grant a licence if the appropriate fee in respect of the issue or grant and the appropriate fee in respect of the relevant survey or inspection has not been paid.

(3) A fee payable under this section may be recovered by the person to whom it is payable from the person by whom it is payable as a simple contract debt in any court of competent jurisdiction.

(4) The Public Offices Fees Act, 1879, shall not apply in relation to a fee under this section.

Annotations

Amendments:

- F41** Inserted (1.08.2000) by *Merchant Shipping (Investigation of Marine Casualties) Act 2000* (14/2000), s. 44(10), S.I. No. 252 of 2000.

Modifications (not altering text):

- C12** Functions under subs. (1) transferred and references to “Department of Finance ”and “Minister for Finance” construed (29.07.2011) by *Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2011* (S.I. No. 418 of 2011), arts. 2, 3, 5 and sch. 1 part 2, in effect as per art. 1(2), subject to transitional provisions in arts. 6-9.

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

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

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

(a) the enactments specified in Schedule 1, and

(b) the statutory instruments specified in Schedule 2,

are transferred to the Minister for Public Expenditure and Reform.

...

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

...

Schedule 1

Enactments

...

Part 2

1922 to 2011 Enactments

Number and Year	Short Title	Provision
(1)	(2)	(3)
...
No. 2 of 1992	Merchant Shipping Act 1992	Sections 18(3), 19(3), 20(3) and 31(1)
...

Editorial Notes:

- E70** Power pursuant to section exercised (15.12.2010) by *Merchant Shipping (Fees) Regulations 2010* (S.I. No. 595 of 2010), in effect as per reg. 1(2).
- E71** Power pursuant to section exercised (3.07.2008) by *Fishing Vessel (Fees) Regulations 2008* (S.I. No. 246 of 2008).

- E72** Previous affecting provision: power pursuant to section exercised (26.09.2008) by *Merchant Shipping Fees (Amendment) Order 2008* (S.I. No. 390 of 2008); rendered obsolete by revocation of *Merchant Shipping (Fees) Order 1998* (S.I. No. 475 of 1998) (15.12.2010) by *Merchant Shipping (Fees) Order 2010* (S.I. No. 594 of 2010), art. 12, in effect as per art. 1(2).
- E73** Previous affecting provision: power pursuant to section exercised (1.10.2007) by *Fishing Vessel (Fees) Regulations 2007* (S.I. No. 669 of 2007), in effect as per reg. 1(2); revoked (3.07.2008) by *Fishing Vessel (Fees) Regulations 2008* (S.I. No. 246 of 2008), reg. 5.
- E74** Previous affecting provision: power pursuant to section exercised (22.07.2005) by *Fishing Vessel (Fees) Regulations 2005* (S.I. No. 504 of 2005); revoked (1.10.2007) by *Fishing Vessel (Fees) Regulations 2007* (S.I. No. 669 of 2007), reg. 5, in effect as per reg. 1(2).
- E75** Power pursuant to section exercised (14.12.1998) by *Merchant Shipping (Fees) Order 1998* (S.I. No. 475 of 1998), in effect as per art. 1(1); revoked (15.12.2010) by *Merchant Shipping (Fees) Order 2010* (S.I. No. 594 of 2010), art. 12, in effect as pr art. 1(2).
- E76** Previous affecting provision: power pursuant to section exercised (14.10.1992) by *Merchant Shipping (Fees) (Passenger Boats) Order 1992* (S.I. No. 295 of 1992); revoked (14.12.1998) by *Merchant Shipping (Fees) Order 1998* (S.I. No. 475 of 1998), art. 4, in effect as per art. 1(1).

Provisions in relation to prosecutions.

32. — (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, shall be guilty of an offence and shall be liable to be proceeded against and punished as if he were guilty of the first-mentioned offence.

(2) In a prosecution for an offence under *Part III*, if it is proved that on the occasion concerned passengers were being carried on a vessel or were on board the vessel for the purposes of carriage, it shall be presumed until the contrary is proved that the carriage concerned was for reward.

(3) Proceedings for a summary offence under this Act may be brought and prosecuted by the Minister.

F42[Power or function may be exercised by a statutory authority or body.

33.— F43[...]

Annotations

Amendments:

- F42** Inserted (1.08.2000) by *Merchant Shipping (Investigation of Marine Casualties) Act 2000* (14/2000), s. 44(11), S.I. No. 252 of 2000.
- F43** Repealed (29.07.2005) by *Maritime Safety Act 2005* (11/2005), s. 3 and sch., commenced as per s. 1(10).

F44[Provisions relating to certain offences under regulations made under section 18, 19 or 20.

34.—F45[...]

Annotations

Amendments:

- F44** Inserted (1.08.2000) by *Merchant Shipping (Investigation of Marine Casualties) Act 2000* (14/2000), s. 44(11), S.I. No. 252 of 2000.
- F45** Repealed (29.07.2005) by *Maritime Safety Act 2005* (11/2005), s. 3 and sch., commenced as per s. 1(10).

Editorial Notes:

- E77** Previous affecting provision: power pursuant to section exercised (2.06.2004) by *Merchant Shipping (Pleasure Craft) (Lifejackets and Operation) (Safety) Regulations 2004* (S.I. No. 259 of 2004); revoked (22.12.2005) by *Pleasure Craft (Personal Flotation Devices and Operation) (Safety) Regulations 2005* (S.I. No. 921 of 2005), reg. 11.
- E78** Previous affecting provision: power pursuant to section exercised (1.07.2001) by *Merchant Shipping (Mechanically Propelled Pleasure Craft) (Safety) Regulations 2001* (S.I. No. 284 of 2001), in effect as per reg. 1(2); revoked (2.06.2004) by *Merchant Shipping (Pleasure Craft) (Lifejackets and Operation) (Safety) Regulations 2004* (S.I. No. 259 of 2004), reg. 11.

F46[Careless navigation or operation of vessels.

35.—F47[...]

Annotations

Amendments:

- F46** Inserted (1.08.2000) by *Merchant Shipping (Investigation of Marine Casualties) Act 2000* (14/2000), s. 44(11), S.I. No. 252 of 2000.
- F47** Repealed (29.07.2005) by *Maritime Safety Act 2005* (11/2005), s. 3 and sch., commenced as per s. 1(10).

Editorial Notes:

- E79** Previous affecting provision: power pursuant to subs. (1) exercised (1.07.2001) by *Merchant Shipping (Investigation of Marine Casualties) Act, 2000 (Prescribed Classes of Vessels) Regulations 2001* (S.I. No. 285 of 2001), in effect as per reg. 1; section repealed as per F-note above.

F48[Dangerous navigation or operation of vessels.

36.—F49[...]

Annotations**Amendments:**

- F48** Inserted (1.08.2000) by *Merchant Shipping (Investigation of Marine Casualties) Act 2000* (14/2000), s. 44(11), S.I. No. 252 of 2000.
- F49** Repealed (29.07.2005) by *Maritime Safety Act 2005* (11/2005), s. 3 and sch., commenced as per s. 1(10).

Editorial Notes:

- E80** Previous affecting provision: power pursuant to subs. (1) exercised (1.07.2001) by *Merchant Shipping (Investigation of Marine Casualties) Act, 2000 (Prescribed Classes of Vessels) Regulations 2001* (S.I. No. 285 of 2001), in effect as per reg. 1; section repealed as per F-note above.

F50[Recovery of
cost of Minister.

37.—F51[...]

Annotations**Amendments:**

- F50** Inserted (1.08.2000) by *Merchant Shipping (Investigation of Marine Casualties) Act 2000* (14/2000), s. 44(11), S.I. No. 252 of 2000.
- F51** Repealed (29.07.2005) by *Maritime Safety Act 2005* (11/2005), s. 3 and sch., commenced as per s. 1(10).

Section 4 .

SCHEDULE

ENACTMENTS REPEALED

Session and Chapter or Number and Year (1)	Short Title (2)	Extent of Repeal (3)
57 & 58 Vict., c. 60	Merchant Shipping Act, 1894	Sections 271 to 286 and section 288
6 Edw. 7, c. 48	Merchant Shipping Act, 1906	Sections 21, 22 and 27
7 Edw. 7, c. 53	Public Health Acts Amendment Act, 1907	In section 94, the words “ or to be used for carrying passengers for hire ” in subsection (1), the words “ , nor shall any person carry or permit to be carried passengers for hire in any pleasure boat or vessel not so licensed or at any time during the suspension of the licence for the boat or vessel ” in subsection (3) and subsection (5)
1952, No. 4	Merchant Shipping (Safety Convention) Act, 1952	Section 17 (1)
1966, No. 29	Merchant Shipping Act, 1966	Section 19 (1)
1981, No. 33	Merchant Shipping Act, 1981	Sections 7 and 9



Number 2 of 1992

MERCHANT SHIPPING ACT 1992

REVISED

Updated to 1 March 2022

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

Maritime Safety Acts 1992 to 2006: this Act is one of a group of Acts included in this collective citation (*Sea-Fisheries and Maritime Jurisdiction Act 2006* (8/2006), s. 1(8)). The Acts in this group are:

- *Merchant Shipping Act 1992* (2/1992)
- *Merchant Shipping (Investigation of Marine Casualties) Act 2000* (14/2000)
- *Maritime Safety Act 2005* (11/2005), Parts 2, 3, 4 (ss. 5-51)
- *Sea-Fisheries and Maritime Jurisdiction Act 2006* (8/2006), s. 104

Merchant Shipping Acts 1894 to 2015: this Act is one of a group of Acts included in this collective citation, to be construed together as one (*Harbours Act 2015* (61/2015), s. 1(3)). The Acts in this group are:

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

- *Merchant Shipping (Safety Convention) Act 1952* (29/1952)
- *Pilotage (Amendment) Act 1962* (2/1962) (*Repealed*)
- *Merchant Shipping Act 1966* (20/1966)
- *Merchant Shipping (Load Lines) Act 1968* (17/1968)
- *Merchant Shipping (Certification of Seamen) Act 1979* (37/1979)
- *Merchant Shipping Act 1981* (33/1981)
- *Merchant Shipping (Light Dues) Act 1983* (18/1983)
- *Fisheries (Amendment) Act 1983* (27/1983), s. 8 in so far as it amends the *Merchant Shipping Act 1894* and s. 10(2) (*Repealed*)
- *Merchant Shipping Act 1992* (2/1992)
- *Merchant Shipping (Salvage and Wreck) Act 1993* (34/1993)
- *Fisheries (Amendment) Act 1994* (23/1994) (*Repealed*)
- *Merchant Shipping (Liability of Shipowners and Others) Act 1996* (35/1996)
- *Merchant Shipping (Commissioners of Irish Lights) Act 1997* (37/1997)
- *Merchant Shipping (Miscellaneous Provisions) Act 1998* (20/1998)
- *Merchant Shipping (Investigation of Marine Casualties) Act 2000* (14/2000)
- *Sea Pollution (Hazardous Substances) (Compensation) Act 2005* (9/2005), s. 28
- *Maritime Safety Act 2005* (11/2005), other than Parts 5 and 6
- *Merchant Shipping Act 2010* (14/2010), other than s. 93
- *Local Government Reform Act 2014* (1/2014), s. 1(15) and the amendment to the *Merchant Shipping (Salvage and Wreck) Act 1993* provided for in s. 5(6) and Schedule 2, Part 6 (note: the reference to s. 5(6) appears to refer to s. 5(8))
- *Merchant Shipping (Registration of Ships) Act 2014* (43/2014)
- *Harbours Act 2015* (61/2015), s. 51

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

- *Harbours Act 2015* (61/2015)
- *Merchant Shipping (Registration of Ships) Act 2014* (43/2014)
- *Merchant Shipping Act 2010* (14/2010)
- *Fines Act 2010* (8/2010)
- *Maritime Safety Act 2005* (11/2005)
- *Merchant Shipping (Investigation of Marine Casualties) Act 2000* (14/2000)
- *Merchant Shipping (Miscellaneous Provisions) Act 1998* (20/1998)

All Acts up to and including *Electricity Costs (Domestic Electricity Accounts) Emergency Measures Act 2022* (1/2022), enacted 4 March 2022, were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

- *Fishing Vessel (Radio Installations Survey) (Revocation) Regulations 2022* (S.I. No. 91 of 2022)
- *Fishing Vessel (Personal Flotation Devices) (Amendment) Regulations 2018* (S.I. No. 401 of 2018)
- *Pleasure Craft (Personal Flotation Devices and Operation) (Safety) (Amendment) Regulations 2018* (S.I. No. 400 of 2018)
- *Pleasure Craft (Personal Flotation Devices and Operation) (Safety) (Amendment) Regulations 2012* (S.I. No. 349 of 2012)
- *Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2011* (S.I. No. 418 of 2011)
- *European Communities (Passenger Ships) Regulations 2011* (S.I. No. 322 of 2011)
- *Safety of Fishing Vessels Regulations 2007 (Revocation) Regulations 2011* (S.I. No. 53 of 2011)
- *Merchant Shipping (Fees) Regulations 2010* (S.I. No. 595 of 2010)
- *Merchant Shipping Fees (Amendment) Order 2008* (S.I. No. 390 of 2008)
- *Fishing Vessel (Fees) Regulations 2008* (S.I. No. 246 of 2008)
- *Fishing Vessel (Personal Flotation Devices) (Amendment) Regulations 2008* (S.I. No. 63 of 2008)
- *Fishing Vessel (Fees) Regulations 2007* (S.I. No. 669 of 2007)
- *Merchant Shipping (Safety of Fishing Vessels) (15-24 Metres) Regulations 2007* (S.I. No. 640 of 2007)
- *Safety of Fishing Vessels Regulations 2007* (S.I. No. 563 of 2007)
- *Pleasure Craft (Personal Flotation Devices and Operation) (Safety) Regulations 2005 Section 10(1)(2)* (S.I. No. 921 of 2005)
- *Merchant Shipping (Passenger Boat Manning) Regulations 2005* (S.I. No. 649 of 2005)
- *Maritime Safety Act 2005 (Fixed Payment Notices) (Sections 33 and 34) Regulations 2005* (S.I. No. 512 of 2005)
- *Fishing Vessel (Fees) Regulations 2005* (S.I. No. 504 of 2005)
- *Merchant Shipping (Pleasure Craft) (Lifejackets and Operation) (Safety) Regulations 2004 Regulation 10(1)(2)* (S.I. No. 259 of 2004)
- *Merchant Shipping (Passenger Boat) (Amendment) Regulations 2003* (S.I. No. 648 of 2003)
- *Licensing of Passenger Boats (Exemption) (Amendment) Regulations 2002* (S.I. No. 556 of 2002)
- *Merchant Shipping (Passenger Boat) (Amendment) Regulations 2002* (S.I. No. 555 of 2002)
- *Fishing Vessel (Radio Installations) (Amendment) Regulations 2002* (S.I. No. 472 of 2002)
- *Fishing Vessels (Safety Provisions) Regulations 2002* (S.I. No. 418 of 2002)
- *Licensing of Passenger Boats (Exemption) Regulations 2002* (S.I. No. 274 of 2002)
- *Merchant Shipping (Passenger Boat) Regulations 2002* (S.I. No. 273 of 2002)
- *Licensing of Passenger Boats (Exemption) (Number 2) Regulations 2001* (S.I. No. 631 of 2001)
- *Fishing Vessel (Basic Safety Training) Regulations 2001* (S.I. No. 587 of 2001)
- *Fishing Vessel (Personal Flotation Devices) Regulations 2001* (S.I. No. 586 of 2001)
- *Merchant Shipping (Investigation of Marine Casualties) Act 2000 (Prescribed Classes of Vessels) Regulations 2001* (S.I. No. 285 of 2001)
- *Merchant Shipping (Mechanically Propelled Pleasure Craft) (Safety) Regulations 2001* (S.I. No. 284 of 2001)
- *Licensing of Passenger Boats (Exemption) Regulations 2001* (S.I. No. 172 of 2001)
- *Fishing Vessel (Radio Installations Survey) Regulations 1999* (S.I. No. 40 of 1999)
- *Fishing Vessel (Safety Provisions) Regulations 1998* (S.I. No. 550 of 1998)
- *Merchant Shipping (Passenger Ships) Regulations 1998* (S.I. No. 548 of 1998)
- *Fishing Vessel (Radio Installations) Regulations 1998* (S.I. No. 544 of 1998)
- *Merchant Shipping (Fees) Order 1998* (S.I. No. 475 of 1998)
- *Merchant Shipping Act, 1992 (Part II) (Commencement) Order 1998* (S.I. No. 547 of 1998)
- *Merchant Shipping (Passenger Ship Construction and Survey) (Amendment No. 2) Rules 1994* (S.I. No. 131 of 1994)
- *Merchant Shipping (Passenger Ship Construction and Survey) (Amendment) Rules 1994* (S.I. No. 12 of 1994)
- *Merchant Shipping (Jet Skis and Fast Power Boats) Regulations 1992* (S.I. No. 387 of 1992)
- *Merchant Shipping (Fees) (Passenger Boats) Order 1992* (S.I. No. 295 of 1992)
- *Merchant Shipping Act, 1992 (Commencement) Order 1992* (S.I. No. 205 of 1992)

- *Merchant Shipping (Musters) (Fishing Vessels) Regulations 1993* (S.I. No. 48 of 1993)

All statutory instruments up to and including *Fishing Vessel (Radio Installations Survey) (Revocation) Regulations 2022* (S.I. No. 91 of 2022), made 1 March 2022, were considered in the preparation of this revision.