



STATUTORY INSTRUMENTS.

**S.I. No. 676 of 2019**



EUROPEAN UNION (PASSENGER SHIPS) REGULATIONS 2019

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SCHEDULE 1

*Regulation 3 (3)*

PART 1

FIRE APPLIANCES RULES

FIRE PROTECTION RULES

LIFE-SAVING APPLIANCES

PASSENGER SHIP CONSTRUCTION

PART 2

LIFE-SAVING APPLIANCES

SCHEDULE 2

*Regulation 4 (4)*

SEA AREAS

S.I. No. 676 of 2019

European Union (Passenger Ships) Regulations 2019

I, SHANE ROSS, Minister for Transport, Tourism and Sport, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972), and for the purpose of giving further effect to Directive 2009/45/EC of the European Parliament and of the Council of 6 May 2009<sup>1</sup>, as amended by Directive (EU) 2017/2108 of the European Parliament and of the Council of 15 November 2017<sup>2</sup>, hereby make the following regulations:

*Citation and commencement*

1. (1) These Regulations may be cited as the European Union (Passenger Ships) Regulations 2019.

(2) These Regulations come into operation on 21 December 2019.

*Interpretation*

2. (1) In these Regulations—

“Act of 1952” means Merchant Shipping (Safety Convention) Act 1952 (No. 29 of 1952);

“Act of 1955” means Mercantile Marine Act 1955 (No. 29 of 1955);

“Act of 1992” means Merchant Shipping Act 1992 (No. 2 of 1992);

“Act of 2006” means Sea Fisheries and Maritime Jurisdiction Act 2006 (No. 8 of 2006);

“craft constructed” means a craft the keel of which is laid or which is at a similar stage of construction;

“direction” means a direction served under Regulation 20;

“Directive” means Directive 2009/45/EC of the European Parliament and of the Council of 6 May 2009<sup>1</sup>, as amended by Commission Directive 2010/36/EU of 1 June 2010<sup>3</sup> and Commission Directive (EU) 2016/844 of 27 May 2016<sup>4</sup> and Directive (EU) 2017/2108 of the European Parliament and of the Council of 15 November 2017<sup>2</sup>;

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<sup>1</sup> OJ L 163, 25.6.2009, p. 1–140

<sup>2</sup> OJ L 315, 30.11.2017, p. 40–51

<sup>3</sup> OJ L 162, 29.6.2010, p. 1–135

<sup>4</sup> OJ L 141, 28.5.2016, p. 51–65

“domestic voyage” means a voyage in sea areas from a port in the State to the same or another port within the State;

“DSC” means Dynamically Supported Craft;

“DSC Code” means the ‘Code of Safety for Dynamically Supported Craft’ contained in IMO Assembly Resolution A.373(10) of 14 November 1977, in its up-to-date version;

“existing ship” means a ship which is not a new ship;

“HSC Code” means for a high speed passenger craft constructed—

- (a) before 1 July 2002 – the HSC Code 1994, and
- (b) on or after 1 July 2002 – the HSC Code 2000;

“high-speed passenger craft” means a high-speed craft as defined in Regulation X/1 of the 1974 SOLAS Convention, as amended, which carries more than 12 passengers, with the exception of passenger ships engaged on domestic voyages in sea areas B, C or D when—

- (a) its displacement corresponding to the design waterline is less than 500m<sup>3</sup>, or
- (b) its maximum speed, as defined in Regulation 1.4.30 of the HSC Code 1994 and Regulation 1.4.38 of the HSC Code 2000, is less than 20 knots;

“HSC Code 1994” means the ‘International Code for Safety of High-Speed Craft’ contained in IMO Maritime Safety Committee Resolution MSC.36(63) of 20 May 1994, in its up-to-date version;

“HSC Code 2000” means the ‘International Code of Safety for High-Speed Craft, 2000’ contained in IMO Maritime Safety Committee Resolution MSC.97(73) of 5 December 2000, in its up-to-date version;

“IMO” means International Maritime Organization;

“internal waters of the State” shall be construed in accordance with section 86 of the Act of 2006;

“Irish high-speed passenger craft” means a high-speed passenger craft that is entitled to wear the proper national colours within the meaning of section 10 of the Act of 1955 or that is a ship to which section 18(3) of that Act applies;

“Irish passenger ship” means a passenger ship that is entitled to wear the proper national colours within the meaning of section 10 of the Act of 1955 or that is a ship to which section 18(3) of that Act applies;

“line of coast” means land being the mainland of the State or any island which is normally inhabited and which has piers or berthing facilities which are in regular use;

“maritime administration” in relation to a Member State (other than the State) or a third country, means the person who, in that Member State or third country, exercises functions the same as or similar to those exercised by the Minister under these Regulations;

“mile” means nautical mile or 1,852 metres;

“Minister” means Minister for Transport, Tourism and Sport;

“new ship” means a ship the keel of which was laid or which was at a similar stage of construction on or after 1 July 1998;

“notice of detention” means a notice of detention served under Regulation 19(2);

“passenger” means every person other than—

- (a) the master and the members of the crew or other persons employed or engaged in any capacity on board a ship on the business of that ship, and
- (b) a child under one year of age;

“passenger ship” means a passenger ship which carries more than 12 passengers engaged on a domestic voyage other than passenger ships which are—

- (a) ships of war and troopships,
- (b) sailing ships,
- (c) ships not propelled by mechanical means,
- (d) vessels constructed in material other than steel or equivalent and not covered by the standards concerning High Speed Craft (Resolution MSC 36(63) or MSC.97(73)) or Dynamically Supported Craft (Resolution A.373(10)),
- (e) wooden ships of primitive build,
- (f) traditional ships,
- (g) pleasure yachts not engaged in trade, regardless of the means of propulsion,
- (h) ships exclusively engaged in port areas,
- (i) offshore service ships, or
- (j) tenders;

“port area” means an area other than a sea area, specified in Schedule 2, extending to the outermost permanent harbour works forming an integral part of the harbour system, or to the limits defined by natural geographical features protecting an estuary or similar sheltered area;

“recognised organisation” means a recognised organisation to which an authorisation under the European Communities (Ship Inspection and Survey Organisations) Regulations 2011 (S.I. No. 275 of 2011) has been granted or continued;

“ro-ro passenger ship” means a ship carrying more than 12 passengers, having ro-ro cargo spaces or special category spaces, as defined in Regulation II-2/A/2 contained in Annex I to the Directive;

“similar stage of construction” means the stage at which—

- (a) for a ship—
  - (i) construction identifiable with a specific ship begins, and
  - (ii) assembly of that ship has commenced comprising at least 50 tonnes or 1 per cent of the estimated mass of all structural material, whichever is less,
- and
- (b) for a high speed passenger craft—
  - (i) construction identifiable with a specific craft begins, and
  - (ii) assembly of that craft has commenced comprising at least 50 tonnes or 3 per cent of the estimated mass of all structural material, whichever is the less;

“surveyor of ships” means a person appointed under section 724 of the Merchant Shipping Act 1894 (c. 60) to be a surveyor of ships;

“territorial seas” means the territorial seas of the State and shall be construed in accordance with section 82 of the Act of 2006;

“third country” means a state other than a Member State.

(2) A word or expression that is used in these Regulations and that is also used in the Directive has, unless the contrary intention appears, the same meaning in these Regulations as it has in the Directive.

### *Application*

3. (1) These Regulations apply to—
- (a) new and existing passenger ships of Class A, B, C and D being 24 metres in length and above, and
  - (b) high-speed passenger craft,

regardless of their flag, when engaged on a domestic voyage.

(2) These Regulations shall have effect notwithstanding any provision to the contrary in regulations, rules or orders applying to passenger ships or any class of passenger ship immediately before the coming into operation of these Regulations.

(3) The instruments specified—

- (a) in Part 1 of Schedule 1 shall not apply to Class A, Class B and new Class C or D passenger ships to which these Regulations apply, and
- (b) in Part 2 of Schedule 1 shall not apply to existing Class C and Class D passenger ships to which these Regulations apply.

*Categorisation of sea areas and classes of passenger ships*

4. (1) The sea areas of the State are divided into the following categories:

“Area A”	means a sea area outside of areas B, C and D.
“Area B”	means a sea area, whose geographical coordinates are at no point more than 20 miles from the line of coast of the State, corresponding to the medium tide height, but which is outside of areas C and D.
“Area C”	means a sea area whose geographical coordinates are at any point no more than 5 miles from the line of coast of the State, corresponding to the medium tide height, but outside of sea area D if any, and the probability of the significant wave height exceeding 2.5 metres is smaller than 10 per cent for a period of one year for all-year-round operation, or for a specific period for seasonal operation, such as summer period operation.
“Area D”	means a sea area whose geographical coordinates are at any point no more than 3 miles from the line of coast of the State, corresponding to the medium tide height, and the probability of the significant wave height exceeding 1.5 metres is smaller than 10 per cent for a period of one year for all-year-round operation, or for a specific period for seasonal operation, such as summer period operation.

(2) Passenger ships are divided into the following classes according to the sea area in which they may operate:

“Class A”	means a passenger ship engaged on a domestic voyage in Areas A, B, C and D.
“Class B”	means a passenger ship engaged on a domestic voyage in Areas B, C and D.



“Class C”	means a passenger ship engaged on domestic voyages in Areas C and D.
“Class D”	means a passenger ship engaged on domestic voyages in Area D.

(3) For high-speed passenger craft the categories defined in Chapter 1 (1.4.10) and (1.4.11) of the HSC Code 1994 or Chapter 1 (1.4.12) and (1.4.13) of the HSC Code 2000 shall apply.

(4) A list of the sea areas of the State for the purposes of Article 4(2) of the Directive is set out in Schedule 2.

*Safety requirements — passenger ships*

5. (1) New and existing Irish passenger ships shall comply with the safety requirements of Article 6 of the Directive.

(2) Where, in respect of a new or existing Irish passenger ship—

- (a) the standards referred to in subparagraph (a) of Article 6(1) of the Directive, or
- (b) the provisions specified in subparagraph (b) of Article 6(1) of the Directive,

are not complied with, the owner, operator and master of the passenger ship concerned each commits an offence.

(3) Where, in respect of a new Irish passenger ship—

- (a) the general requirements specified in subparagraph (a) of Article 6(2) of the Directive, or
- (b) notwithstanding Regulation 3(1)(e) of the Merchant Shipping (Load Lines) (Exemption) Order 2002 (S.I. No. 416 of 2002), the load line requirements specified in subparagraph (b) of Article 6(2) of the Directive,

are not complied with, the owner, operator and master of the passenger ship concerned each commits an offence.

(4) The owner, operator and master of an existing Irish passenger ship of Class A, engaged on a domestic voyage, in respect of which there has been a failure to comply with these Regulations or specific relevant requirements referred to in subparagraph (a) of Article 6(3) of the Directive each commits an offence.

(5) The owner, operator and master of—

- (a) an existing Irish passenger ship of Class B in respect of which there has been a failure to comply with the specific relevant

requirements referred to in subparagraph (b) of Article 6(3) of the Directive, or

- (b) an existing Irish passenger ship of Class C or D in respect of which there has been a failure to comply with the specific relevant requirements referred to in subparagraph (c) of Article 6(3) of the Directive,

each commits an offence.

(6) With regard to new and existing Irish passenger ships, repairs, alterations and modifications of a major nature shall comply with the requirements of subparagraph (a) of Article 6(2) of the Directive; however, alterations made to a passenger ship that are intended solely to achieve a higher survivability standard shall not be regarded as modifications of a major nature.

(7) Where, in respect of a new or existing Irish passenger ship, there has been a failure to comply with paragraph (6), the owner, operator and master of the passenger ship concerned each commits an offence.

(8) References in this Regulation to an Irish passenger ship shall include references to a passenger ship, while in the internal waters of the State or the territorial seas, that is entitled to fly the flag of a Member State (other than the State) or a third country.

*Safety requirements — high-speed passenger craft*

6. (1) Irish high-speed passenger craft shall comply with Article 6(4) of the Directive.

(2) Where, in respect of an Irish high-speed passenger craft, there has been a contravention of paragraph (1) the owner, operator and master of the high-speed passenger craft concerned each commits an offence.

(3) References in this Regulation to an Irish high-speed passenger craft shall include a reference to a high-speed passenger craft, while in the internal waters of the State or the territorial seas, that is entitled to fly the flag of a Member State (other than the State) or a third country.

*Stability requirements and phasing out of ro-ro passenger ships*

7. Where, in respect of a ro-ro passenger ship—

- (a) of Class A or B, or
- (b) of Class C, the keel of which is, on or after 1 October 2004, laid or at a similar stage of construction,

there has been a failure to comply with Article 7 of the Directive, the owner, operator and master of the ro-ro passenger ship concerned each commits an offence.

*Safety requirements for persons with reduced mobility*

8. (1) Every owner, operator and master of a passenger ship of Class A, B, C or D and all high-speed passenger craft, used for public transport, the keel of which is laid or which is at a similar stage of construction on or after 1 October 2004, shall in respect of each such ship and craft, ensure that appropriate measures are taken, based, where practicable, on the guidelines in Annex III to the Directive, to enable persons with reduced mobility to have safe access to the ship or craft.

(2) For the purpose of modification of a passenger ship of Class A, B, C and D and high-speed passenger craft, used for public transport, the keel of which is laid or which is at a similar stage of construction before 1 October 2004, the owner, operator and master of each such ship and craft shall apply the guidelines in Annex III to the Directive as far as reasonable and practicable in economic terms.

*Exemptions*

9. (1) The Minister may, subject to paragraphs (3) and (4) of Article 9 of the Directive, grant an exemption from such provisions of these Regulations and the specific requirements of the Directive as are specified in the exemption concerned, in respect of such Irish passenger ships or high-speed passenger craft (other than those to which section 18(3) of the Act of 1955 applies) as he or she considers appropriate.

(2) The Minister may, subject to paragraph (4) of Article 9 of the Directive, attach such conditions to an exemption granted under this Regulation as he or she considers appropriate and the owner, operator and master of a passenger ship or high-speed craft shall comply with any such conditions.

(3) An exemption granted by the Minister under this Regulation in respect of an Irish passenger ship shall be specified in the passenger ship safety certificate issued in respect thereof.

(4) An exemption granted by the Minister under this Regulation in respect of an Irish high-speed passenger craft shall be specified in the High Speed Craft Safety Certificate or DSC Construction and Equipment Certificate, as the case may be, issued in respect thereof.

(5) An owner, operator or master who fails to comply with the conditions, if any, attached to an exemption granted under this Regulation each commits an offence.

*Surveys — passenger ships*

10. (1) Each Irish passenger ship shall, in addition to being surveyed in accordance with section 6 of the Act of 1992, be surveyed—

- (a) before the passenger ship concerned is put into service, and
- (b) at such other intervals as may be determined by the Minister.

(2) If in respect of an Irish passenger ship there is a failure or refusal to comply with paragraph (1), the owner, operator and master of the passenger ship concerned each commits an offence.

(3) A survey to which this Regulation applies shall be carried out by a surveyor of ships or a recognised organisation.

(4) A survey under this Regulation shall be carried out in accordance with the relevant procedures and guidelines referred to in Article 12(4) of the Directive.

*Surveys — high-speed passenger craft*

11. (1) If in respect of an Irish high-speed passenger craft there is a failure or refusal to comply with the provisions of the HSC Code or the DSC Code, as may be appropriate, relating to the carrying out of surveys on such craft, the owner, operator and master of the high-speed passenger craft concerned each commits an offence.

(2) A survey to which this Regulation applies shall be carried out by a surveyor of ships or a recognised organisation.

*Certificates — passenger ships*

12. (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 satisfied that a survey has been carried out in compliance with Regulation 10, will, subject to paragraph (4), issue to the owner of the Irish passenger ship concerned a certificate in relation to the passenger ship (which is known as a passenger ship safety certificate and is referred to in this Regulation and Regulations 13, 14 and 15 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 passenger ship shall not ply,
- (b) the maximum number of passengers that the passenger ship shall carry (specifying, if necessary, the numbers to be carried in different parts of the passenger ship) 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 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) A certificate shall be in the format as laid down in Annex II to the Directive.

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

- (a) an offence under paragraph (6), 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 passenger ship,

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

(6) If in respect of an Irish passenger ship there is a failure or refusal to comply with a condition, restriction or requirement specified in the certificate relating to it, the owner, operator and master of the passenger ship concerned each commits an offence.

*Revocation and suspension of certificate*

13. (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 a declaration of survey, the hull, equipment or machinery of the passenger ship concerned has suffered any damage or the passenger ship has become unsuitable for the carriage of passengers specified in the certificate or for plying to the limits so specified,

he or she may, if considered appropriate to do so, revoke the certificate.

(2) The Minister may, if considered 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.

(3) Where the Minister revokes or suspends a certificate in respect of a particular passenger ship, and is of the opinion that it is in the interests of safety that the holder of the certificate should not be the holder of a certificate in relation to other passenger ships, then the Minister may revoke or suspend any other certificate held by the holder in relation to any other passenger ship.

(4) If a certificate is suspended, the Minister may, if thought fit, refuse to remove the suspension unless the passenger ship concerned has been surveyed and a declaration of survey in respect of it has been delivered to its owner since the suspension.

*Display of certificate*

14. (1) Whenever a certificate is in force in relation to an Irish passenger ship, the certificate or a copy of it, shall be displayed in the passenger ship concerned in a position in which it is visible to and legible by all persons on board.

(2) If, without reasonable cause, there is a contravention of paragraph (1) in respect of a passenger ship, the owner, operator and master of the passenger ship concerned each commits an offence.

*False declaration of survey or certificate*

15. (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 paragraph (1) commits an offence.

*Foreign passenger ships*

16. (1) A passenger ship entitled to fly the flag of a Member State (other than the State) or a third country must have on board a valid Passenger Ship Safety Certificate issued by the maritime administration of that Member State or third country, as the case may be, while the passenger ship concerned is in the internal waters of the State or the territorial seas.

(2) Whenever a Passenger Ship Safety Certificate referred to in paragraph (1) is in force in relation to a passenger ship, it or a copy of it, shall be displayed in the passenger ship concerned in a position in which it is visible to and legible by all persons on board.

(3) The owner, operator and master of a passenger ship referred to in paragraph (1) that does not have such a Passenger Ship Safety Certificate on board each commits an offence.

(4) If, without reasonable cause, there is a contravention of paragraph (2) in respect of a passenger ship, the owner, operator and master of the passenger ship concerned each commits an offence.

*Certificates — high-speed passenger craft*

17. (1) Where, in relation to an Irish high-speed passenger craft, there is compliance with the requirements of the HSC Code, the Minister shall, in accordance with the provisions of that Code, issue to the owner of that craft—

- (a) a High Speed Craft Safety Certificate, and
- (b) a Permit to Operate High Speed Craft.

(2) The Minister may, having considered any representations made to him or her by the owner, operator and master withdraw a High Speed Craft Safety

Certificate, or a Permit to Operate High Speed Craft, issued by him or her under paragraph (1) where, in relation to the Irish high-speed passenger craft concerned, he or she is satisfied that there is a failure to comply with the applicable requirements of the HSC Code.

(3) Where, in relation to an Irish high-speed passenger craft, there is compliance with the requirements of the DSC Code, the Minister shall, in accordance with the provisions of that Code, issue to the owner of that craft—

- (a) a DSC Construction and Equipment Certificate, and
- (b) a DSC Permit to Operate High Speed Craft.

(4) The Minister may, having considered any representations made to him or her by the owner, operator and master withdraw a DSC Construction and Equipment Certificate, or a DSC Permit to Operate High Speed Craft, issued by him or her under paragraph (1) where, in relation to the Irish high-speed passenger craft concerned, he or she is satisfied that there is a failure to comply with the requirements of the DSC Code.

(5) The owner, operator and master of an Irish high-speed passenger craft that does not have on board—

- (a) a valid—
  - (i) High Speed Craft Safety Certificate, and
  - (ii) Permit to Operate High Speed Craft,
 or
- (b) a valid—
  - (i) DSC Construction and Equipment Certificate, and
  - (ii) DSC Permit to Operate High Speed Craft,

each commits an offence.

(6) The owner, operator and master of a high-speed passenger craft that is entitled to fly the flag of a Member State (other than the State) or a third country that does not have on board—

- (a) a valid—
  - (i) High Speed Craft Safety Certificate, and
  - (ii) Permit to Operate High Speed Craft,
 or
- (b) a valid—
  - (i) DSC Construction and Equipment Certificate, and
  - (ii) DSC Permit to Operate High Speed Craft,

issued by the maritime administration of that Member State or third country, as the case may be, while the high-speed passenger craft concerned is in the internal waters of the State or the territorial seas, each commits an offence.

*Powers of surveyor of ships*

18. (1) A surveyor of ships may, on production of his or her warrant of appointment if so requested by a person affected, for the purposes of his or her functions under these Regulations stop, board, or stop and board a passenger ship or high-speed passenger craft (in this Regulation and Regulation 19 referred to as the “vessel”) to—

- (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 pertaining to the vessel or its owner found on the vessel, or
- (c) request the master or any member of the crew of the vessel to furnish to the surveyor of ships such information and records in his or her possession or within his or her procurement, as the surveyor of ships may reasonably require.

(2) A person who—

- (a) prevents, obstructs, impedes or delays a surveyor of ships in the performance of his or her functions under these Regulations,
- (b) fails or refuses to comply with a request of a surveyor of ships under this Regulation, or
- (c) gives to a surveyor of ships any information which is false or misleading in any material respect, knowing it to be so false or misleading,

commits an offence.

(4) In this Regulation “record” includes any memorandum, book, report, statement, certificate, register, plan, chart, map, drawing, specification, diagram, pictorial or graphic work or other document, any photograph, film or recording (whether of sound or images or both), any form (including machine-readable form) or thing in which information is held or stored manually, mechanically or electronically, and anything that is a part or copy, in any form, of any of, or any combination of, the foregoing.

*Power to detain certain vessels*

19. (1) A surveyor of ships may detain a vessel in a port in the State where he or she is of the opinion—

- (a) that there has been a failure to comply with Regulation 5, 6, 7, 9, 10, 11, 12, 16 or 17,



- (b) that the detention is necessary for the protection of the health and safety of the crew and passengers on board the vessel and of other seafarers and any other vessels, ships or other craft, and
- (c) that there is a need for a surveyor of ships to check onboard that the vessel has been brought into compliance with the Regulations specified in subparagraph (a) before the vessel proceeds to sea.

(2) Where a vessel has been detained under paragraph (1), a surveyor of ships shall serve a notice (in this Regulation referred to as a “notice of detention”) on the owner, operator or master of the vessel concerned.

(3) A notice of detention shall—

- (a) state the grounds upon which the vessel is being detained,
- (b) identify the provision of these Regulations that has not been or is not being complied with by the person,
- (c) specify the remedial action to be taken before the notice of detention will be withdrawn,
- (d) inform the person of the requirement to confirm compliance with the notice of detention in accordance with paragraph (4),
- (e) inform the person of the right to appeal the notice of detention under Regulation 21,
- (f) state that if the person on whom the notice of detention is served fails to comply with the notice then the person commits an offence, and
- (g) be signed and dated by a surveyor of ships.

(4) A person on whom a notice of detention has been served who is of the opinion that the notice of detention has been complied with shall confirm such compliance in writing to a surveyor of ships.

(5) Where a person confirms compliance under paragraph (4), the relevant surveyor of ships shall, on being satisfied that the person has so complied, withdraw the notice of detention.

(6) Notwithstanding paragraph (5), the relevant surveyor of ships may, by notice in writing to the person on whom a notice of detention was served under paragraph (2), withdraw the notice where he or she considers it appropriate to do so.

(7) A person on whom a notice of detention has been served may under Regulation 21 appeal the notice.

(8) A person who fails to comply with a notice of detention commits an offence.

*Directions*

20. (1) Where a surveyor of ships considers that an owner, operator or master is failing to comply with these Regulations, he or she may serve a direction on that person.

(2) A person on whom a direction is served under paragraph (1) may, within 14 days of the service of the direction, make representations in writing to a surveyor of ships in relation to the direction.

(3) Any representations made under paragraph (2) shall be considered by the surveyor of ships in deciding to confirm, modify or withdraw the direction.

(4) A direction under paragraph (1) shall—

- (a) state the grounds upon which the direction is made,
- (b) identify the provision of these Regulations that has not been or is not being complied with,
- (c) specify the action to be taken by the person on whom the direction is served and, where appropriate, the period within which that action shall be taken,
- (d) inform the person of the requirement to confirm compliance with the direction in accordance with paragraph (6),
- (e) inform the person of the right to appeal the direction under Regulation 21, and
- (f) be signed and dated by a surveyor of ships.

(5) A direction shall be complied with within such period as may be specified in the direction.

(6) A person on whom a direction has been served who is of the opinion that the direction has been complied with shall confirm such compliance in writing to the surveyor of ships, as soon as practicable after so complying.

(7) Where a person confirms compliance under paragraph (6), the relevant surveyor of ships shall, on being satisfied that the person has so complied, give notice to the person confirming such compliance.

(8) Notwithstanding paragraph (7), the relevant surveyor of ships may, by notice in writing to the person on whom a direction was served under paragraph (1), withdraw the direction where he or she considers it appropriate to do so.

(9) A person on whom a direction is served may under Regulation 21 appeal the direction.

(10) Where a surveyor of ships considers that a direction that has been served on a person under paragraph (1) is not being complied with, he or she may, subject to Regulation 21(7), make an application to the Circuit Court in whose Circuit the port in which the passenger ship or high-speed passenger craft concerned is or was berthed at the time of making the application to ensure compliance with the direction and the Court may make such order as it considers appropriate regarding the direction, including its confirmation, variation or revocation.

### *Appeals*

21. (1) A person may appeal against a notice of detention or a direction within 14 days of its service to the District Court.

(2) An appeal under paragraph (1) shall be made to a judge of the District Court in whose district the notice of detention or the direction was served.

(3) A notice of an appeal shall contain a statement of the grounds on which the appeal is made and be made by written notice, which shall be lodged with the appropriate office of the Court by the appellant not later than 14 days from the date upon which—

- (a) the notice of detention was served under Regulation 19(2), or
- (b) the direction was served under Regulation 20(1) or confirmed or modified under Regulation 20(3).

(4) A copy of the notice by which a person makes an appeal under this Regulation shall be given by him or her to the relevant surveyor of ships, not less than 48 hours before the hearing of the appeal and the surveyor of ships shall be entitled to appear, be heard and adduce evidence on the hearing of the appeal and at the hearing of any application referred to in paragraph (5).

(5) The bringing of an appeal shall not have the effect of suspending the operation of the notice of detention or the direction as the case may be, but the Court may, on application to it by the appellant, suspend its operation until the appeal is determined or withdrawn.

(6) On the hearing of an appeal the Court may make such order as it considers appropriate regarding the notice of detention or direction, as the case may be, including its confirmation, variation or revocation.

(7) An application under Regulation 20(10) shall not be made until the expiration of the period referred to in paragraph (1) or in the event of an appeal under that paragraph the determination or withdrawal of the appeal.

### *Service of directions, etc.*

22. (1) A direction, notice or other document that is required to be served on or given to a person by these Regulations shall be addressed to the person

concerned by name, and may be so served on or given to the person in one of the following ways:

- (a) by delivering it to the person;
- (b) by leaving it at the address at which the person ordinarily resides or, in a case in which an address for service has been furnished, at that address;
- (c) by sending it by post in a prepaid registered letter to the address at which the person ordinarily resides or, in a case in which an address for service has been furnished, to that address; or
- (d) by electronic means, in a case in which the person has given notice in writing to the person serving or giving the direction, notice or document concerned of his or her consent to the direction, notice or document (or documents of a class to which the direction, notice or document belongs) being served on, or given to him or her in that manner.

(2) For the purpose of this Regulation, a company formed and registered under the Companies Act 2014 (No. 38 of 2014) or an existing company within the meaning of that Act shall be deemed to be ordinarily resident at its registered office, and every other person shall be deemed to be ordinarily resident at its principal office or place of business.

(3) Where an opinion, finding, statement or decision of a surveyor of ships is contained in a document which—

- (a) purports to have been made by or at the direction of the surveyor of ships, and
- (b) is produced in evidence by a surveyor of ships in any proceeding,

such document shall be admissible in evidence and shall be evidence of any such opinion, finding, statement or decision in such proceedings without further proof.

#### *Penalties and prosecution*

23. (1) A person who commits an offence under Regulation 14, 16(4) or 18 is liable on summary conviction to a class A fine.

(2) A person who commits an offence under Regulation 5, 6, 7 or 9 is liable—

- (a) on summary conviction to a class A fine, or
- (b) on conviction on indictment to a fine not exceeding €250,000.

(3) A person who commits an offence under Regulation 10, 11, 12, 13, 15, 16(3), 17 or 19 is liable—

- (a) on summary conviction to a class A fine or imprisonment for a term not exceeding 6 months or both, or
- (b) on conviction on indictment to a fine not exceeding €250,000 or imprisonment for a term not exceeding 2 years or both.

(4) An offence under these Regulations may be brought and prosecuted summarily by the Minister.

*Offences by body corporate*

24. (1) Where an offence under these Regulations 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 shall be guilty of an offence and shall be liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

(2) Where the affairs of a body corporate are managed by its members, paragraph (1) applies in relation to acts and defaults of a member in connection with his or her functions of management as if he or she were a director or manager of the body corporate.

*Revocation*

25. The European Communities (Passenger Ships) Regulations 2011 (S.I. No. 322 of 2011) are revoked.

*Saver*

26. Notwithstanding Regulation 25, a certificate issued under the Regulations revoked by that Regulation in respect of a passenger ship or high-speed passenger craft to which these Regulations apply that is in force immediately before the coming into force of these Regulations continues to have effect as if the certificate concerned was issued under these Regulations.

SCHEDULE 1  
PART 1

FIRE APPLIANCES RULES

*Regulation 3(3)*

Merchant Shipping (Fire Appliances) (Post-1980 Ships) Rules 1983 (S.I. No. 303 of 1983)

Merchant Shipping (Fire Appliances) (Amendment) Rules 1983 (S.I. No. 304 of 1983)

Merchant Shipping (Fire Appliances — Application to Other Ships) Rules 1983 (S.I. No. 305 of 1983)

Merchant Shipping (Fire Appliances) (Amendment) Rules 1985 (S.I. No. 277 of 1985)

Merchant Shipping (Fire Appliances) (Post-1980 Ships) (Amendment) Rules 1985 (S.I. No. 278 of 1985)

#### FIRE PROTECTION RULES

Merchant Shipping (Fire Protection) Rules 1985 (S.I. No. 279 of 1985)

Merchant Shipping (Fire Protection) (Amendment) Rules 1990 (S.I. No. 86 of 1990)

#### LIFE-SAVING APPLIANCES

Merchant Shipping (Life-Saving Appliances) (Amendment) Rules 1978 (S.I. No. 216 of 1978)

Merchant Shipping (Life-Saving Appliances) Rules 1983 (S.I. No. 302 of 1983)

Merchant Shipping (Life-Saving Appliances) Rules 1993 (S.I. No. 380 of 1993)

Merchant Shipping (Life-Saving Appliances) Rules 1983 (Amendment) (No. 2) Rules 1993 (S.I. No. 382 of 1993)

Merchant Shipping (Life-Saving Appliances) Rules 2018 (S.I. No. 438 of 2018)

#### PASSENGER SHIP CONSTRUCTION

Merchant Shipping (Passenger Ship Construction) Rules 1983 (S.I. No. 300 of 1983)

Merchant Shipping (Passenger Ship Construction and Survey) Rules 1985 (S.I. No. 274 of 1985)

Merchant Shipping (Passenger Ship Construction and Survey) (Amendment) Rules 1994 (S.I. No. 12 of 1994)

Merchant Shipping (Passenger Ship Construction and Survey) (Amendment No. 2) Rules 1994 (S.I. No. 131 of 1994)

## LIFE-SAVING APPLIANCES

Merchant Shipping (Life-Saving Appliances) (Amendment) Rules 1978 (S.I. No. 216 of 1978)

Merchant Shipping (Life-Saving Appliances) Rules 1983 (S.I. No. 302 of 1983)

Merchant Shipping (Life-Saving Appliances) Rules 1993 (S.I. No. 380 of 1993)

Merchant Shipping (Life-Saving Appliances) Rules 1983 (Amendment) (No. 2) Rules 1993 (S.I. No. 382 of 1993)

Merchant Shipping (Life-Saving Appliances) Rules 2018 (S.I. No. 438 of 2018)

## SCHEDULE 2

*Regulation 4(4)*

## SEA AREAS

East Coast of Ireland

Carlingford Lough to Tuskar Rock Lighthouse

Location	Sea Area EU		Sea Area EU		Region
	Area D		Area C		
	Summer	All Year	Summer	All Year	
Carlingford Lough Entrance to Dunany Point	✓	X	✓	X	Carlingford Lough
Clogher Head to Cardy Rocks	✓	X	✓	X	Louth Coast
Rush to Baily Lighthouse	✓	X	✓	X	Dublin Coast
Baily Lighthouse to Dalkey Island	✓	X	✓	X	Dublin Bay
Dalkey Island to Wicklow Head (Lighthouse)	✓	X	✓	X	Dublin to Wicklow
Wicklow Head to Cahore Point	✓	X	✓	X	Wicklow/Wex ford
Raven Point to Rosslare Harbour	✓	X	✓	X	Wexford

South Coast of Ireland

Tuskar Rock Lighthouse to Mizzen Head Lighthouse

Location	Sea Area EU	Sea Area EU	Region
	Area D	Area C	

	Summer	All Year	Summer	All Year	
Carnsore Point to Hook Head	X	X	✓	X	South Wexford Coast
Hook Head to Brownstown Head	X	X	✓	X	Approaches to Waterford
Helvick Head to Ballyvoyle Head	✓	X	✓	X	Approaches to Dungarvan
Ram Head to Knockadoon Head	✓	X	✓	X	Approaches to Youghal
Knockadoon Head to Ballycotton Island	X	X	✓	X	Approaches to Ballycotton
Power Head to Roberts Head	X	X	✓	X	Approaches to Cork
Frower Point to Old Head of Kinsale	X	X	✓	X	Approaches to Kinsale
Old Head of Kinsale to Galley Head	X	X	✓	X	Courtmacsherry to Clonakilty
Galley Head to Toe Head	X	X	✓	X	Rosscarberry to Castle Haven
Toe Head to Cape Clear South Harbour	✓	X	✓	X	Approaches to Baltimore and Cape Clear Island
Cape Clear North Harbour to Streek Head	✓	X	✓	X	Long Island Bay

### Southwest Coast of Ireland

#### Mizen Head Lighthouse to Loop Head Lighthouse

Location	Sea Area EU		Sea Area EU		Region
	Area D		Area C		
	Summer	All Year	Summer	All Year	
Rough Point to Crow Rock	X	X	✓	X	Tralee Bay
Kilcredaun Head to Beal Point	X	X	✓	X	Shannon Estuary
Beal Point to Kilrush	✓	X	✓	✓	Shannon Estuary
Dunmanus Bay East of Longitude 9°40.4'W.	✓	✓	✓	✓	Dunmanus Bay
Sheep's Head to Three Castle Head	X	X	✓	X	Dunmanus Bay
Sheep's Head to Blackball Head	X	X	✓	X	Bantry Bay



Bantry Bay, East of Longitude 9°32.4'W.	✓	X	✓	X	Bantry Bay
Lamb's Head to Cod's Head	X	X	✓	X	Kenmare River
East of Longitude 9°54.7'W.	✓	✓	✓	✓	Kenmare River
Ballinskelligs Bay Hogs Head to Horse Island	X	X	✓	X	Ballinskelligs Bay
Parkmore Point to Keownglas Head	✓	X	✓	X	Dingle Bay
East Sister to Duncapple Islets	✓	X	✓	X	Smerwick Harbour
Brandon Point to Inishtooskert Island	X	X	✓	X	Brandon Bay

## West Coast of Ireland

## Loop Head Lighthouse to Eagle Island Lighthouse

Location	Sea Area EU		Sea Area EU		Region
	Area D		Area C		
	Summer	All Year	Summer	All Year	
Inside of a line joining Errislannan Point to Inishshark Island to Bofin Harbour to Inishturk Island to Rinvyle Point	X	X	✓	X	Cleggan to Inishshark Island to Inishbofin Island to Inishturk Island
Ballaghaline Point to Trawkeera Point	X	X	✓	X	Doolin to Aran Islands
Pipe Rock to Clogharone	X	X	✓	X	Inisheer to Inishmaan
Aillinera to Illaunaur	X	X	✓	X	Inishmaan to Inishmore
Curranghduff to Golam Head	X	X	✓	X	Inishmore to Mainland
Black Head to Ballywilliam Point	✓	X	✓	X	Midway Galway Bay
Finavarra Point to Mutton Island	✓	✓	✓	✓	Upper end Galway Bay
Inside of a line joining Ardmore Point to Illaunmaan to North Point of Inishbarra Island	✓	✓	✓	✓	Kilkieran Bay Inner
Inside of a line joining Baun Rock to Inishlackan to	✓	X	✓	X	Roundstone Bay

Treh Point					
Baun Rock to Inishlackan to Treh Point	X	X	✓	X	Roundstone
Clifden Bay. East of Longitude 10°05'W.	✓	X	✓	✓	Clifden

## Northwest Coast of Ireland

## Eagle Island Lighthouse to Lough Foyle

Location	Sea Area EU		Sea Area EU		Region
	Area D		Area C		
	Summer	All Year	Summer	All Year	
Erris Head to Kid Island	X	X	✓	X	Off Broadhaven Bay
Kilcummin Head to Lenadoon Point	X	X	✓	X	Killala Bay
Lenadoon Point to Ballyconnell Point	X	X	✓	X	Sligo Bay
Ballyconnell Point to Carrigan Head	X	X	✓	X	Donegal Bay
St. John's Point to Drumanoo	✓	X	✓	X	Killybegs
Inside Aran Island	✓	X	✓	X	Burtonport
South of a line joining Horn Head to Rinnafaghla Point	X	X	✓	X	Sheephaven Bay
South of a line joining Binrobin to Rinnaskeagh	✓	✓	✓	✓	Sheephaven Bay
South of a line joining Greencastle Pier to Magilligan Point	✓	✓	✓	✓	Lough Foyle
Inishowen Head to Ballyaghra Point	X	X	✓	X	Lough Foyle

Area B is any area within the sea areas of the State whose geographical coordinates are at no point more than 20 miles from the line of coast but which is outside Areas C and D.

Area A is any area within the sea areas of the State outside of Areas B, C and D.



GIVEN under my Official Seal,  
19 December, 2019.

SHANE ROSS,  
Minister for Transport, Tourism  
and Sport.

EXPLANATORY NOTE

*(This note is not part of the Instrument and does not purport to be a legal interpretation.)*

These Regulations give effect to Directive (EU) 2017/2108 of the European Parliament and of the Council of 15 November 2017, which amends Directive 2009/45/EC of the European Parliament and of the Council of 6 May 2009 on safety rules and standards for passenger ships.

The purpose of the Directive (EU) 2017/2108 is to maintain a high level of safety for passenger ships and high-speed passenger craft operating in EU waters by updating Directive 2009/45/EC to reflect developments at EU and international level.

These Regulations revoke the European Communities (Passenger Ships) Regulations 2011 (S.I. No. 322 of 2011).

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