

S.I. No. 542/2010 — European Communities (Ship-Source Pollution) Regulations 2010.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 19th November, 2010.*

I, NOEL DEMPSEY, Minister for Transport, 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 effect to Directive 2005/35/EC of the European Parliament and of the Council of 7 September 2005¹ (as amended by Directive 2009/123/EC of the European Parliament and of the Council of 21 October 2009²), hereby make the following regulations:

1. These Regulations may be cited as the European Communities (Ship-Source Pollution) Regulations 2010.

2. The Sea Pollution Act 1991 (No. 27 of 1991) is amended—

(a) in section 10, by inserting after subsection (2) the following:

“(2A) Without prejudice to subsection (2), any person (other than the persons specified in that subsection) responsible for a contravention of regulations under this section shall be guilty of an offence.

(2B) Subsection (2A) shall apply only in respect of a discharge of a polluting substance specified in Annex 1 or Annex II to the MARPOL Convention.”, and

(b) by inserting after section 29 the following:

“*Penalties for certain offences.*

29A. Where section 29(b) applies and the offence concerned is an offence under section 10(2A), the fine shall not exceed €500,000 and the term of imprisonment shall not exceed 3 years.”.



GIVEN under my Official Seal,

15 November 2010.

NOEL DEMPSEY,

Minister for Transport.

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 2005/35/EC, as amended by Directive 2009/123/EC, on ship-source pollution and on the introduction of penalties, including criminal penalties, for illegal discharges of polluting substances into the marine environment. The polluting substances are those covered by MARPOL 73/78 Annex I (oil) and Annex II (noxious liquid substances carried in bulk).

The Regulations apply to Irish ships everywhere and to other ships when they are in the inland waters, territorial seas, or exclusive economic zone of the State.

1 OJ L 255, 30.9.2005, p. 11.

2 OJ L 280, 27.10.2009, p. 52.