

S.I. No. 38/2003 — European Communities (Marine Equipment) Regulations 2003

S.I. No. 38 of 2003

European Communities (Marine Equipment) Regulations 2003

I, Dermot Ahern, Minister for Communications, Marine and Natural Resources, 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 Council Directive No. 96/98EC¹ of 20 December 1996, as amended by Commission Directive 98/85/EC² Commission Directive 2001/53/EC³ and Commission Directive 2002/75/EC⁴ hereby make the following Regulations:—

Citation and Commencement

1. These Regulations may be cited as the European Communities (Marine Equipment) Regulations 2003.

Definitions.

2. (1) In these Regulations, unless the context otherwise requires,

“*Directive*” means Council Directive No. 96/98/EC¹ of 20 December, 1996 as amended by Commission Directive 98/85/EC² Commission Directive 2001/53/EC³ and Commission Directive 2002/75/EC⁴

“*Minister*” means the Minister for Communications, Marine and Natural Resources;

“*Irish Ship*” means a ship registered in the State under the Merchant Shipping Acts 1894 to 1998, where ship is as defined in the Directive.

- (2) A word or expression that is used in these Regulations and 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. The provisions of the Directive shall have effect in the State and on Irish ships wherever they may be.
4. With effect from 1 January 1999, equipment specified in Annex A.1 of the Directive shall not be placed on board:—

a new Irish ship, or

an existing Irish ship

— where such equipment was not previously carried on board

or

— where equipment, which was previously carried on board the ship, is replaced, except where international conventions permit otherwise,

unless it meets with the applicable requirements of the International Instruments referred to at the appropriate line in Annex A.1 and bears the mark referred to in Annex D of the Directive.

5. Notwithstanding the provisions of Regulation 4 of these Regulations, equipment may be placed on board an Irish ship in the period up to 1 January, 2001, if it was manufactured before 1 January, 1999 in accordance with procedures for type approval already in force within the State before 27 February, 1997.
6. Safety certificates under the International Conventions and the relevant provisions of the Merchant Shipping Acts, 1894 to 1998 may be withheld or withdrawn where the provisions of Regulations 4 and 5 of these Regulations are not complied with.
7. Where application is made for registration in the State of a ship which is not already registered in a Member State of the European Union the provisions of Article 8 of the Directive shall be applied.
8. The Minister may from time to time, on being satisfied that a body or bodies are in compliance with the criteria laid down in Annex C of the Directive, designate such body or bodies for the purposes of the Conformity Assessment Procedures provided for in Article 10 of the Directive.
9. The Minister shall be responsible for taking the measures and implementing the provisions in Articles 12 and 13 of the Directive and for ensuring that the provisions of Article 16 of the Directive are complied with.
10. The provisions of these Regulations and the Directive may be enforced by any surveyor of ship's appointed by the Minister under the Merchant Shipping Acts, 1894 to 2002, who shall have for that purpose all powers vested in him or her under those Acts.

Revocation.

11. The following are revoked:
 - (a) the European Communities (Marine Equipment) Regulations, 1998, S.I. No. 545 of 1998 .
 - (b) the European Communities (Marine Equipment) (Amendment) Regulations, 1999, S.I. No. 112 of 1999 .

- (c) the European Communities (Marine Equipment) (Amendment) Regulations, 2002, S.I. No. 36 of 2002 .



Given under my Official Seal,

this 6th day of February 2003

Dermot Ahern

Minister for Communications, Marine and Natural Resources

EXPLANATORY NOTE

(THIS NOTE IS NOT PART OF THE INSTRUMENT AND DOES NOT PURPORT TO BE A LEGAL INTERPRECTATION)

The Regulations replace the European Communities (Marine Equipment) Regulations, 1998 (S.I. No. 545 of 1998), the European Communities (Marine Equipment) (Amendment) Regulations 1999 (S.I. No. 112 of 1999) and the European Communities (Marine Equipment) (Amendment) Regulations 2002 (S.I. No. 36 of 2002) which implemented Council Directive No. 96/98 EC of 20 December 1996, as amended by Commission Directive 98/85/EC and Commission Directive 2001/53/EC and implement Directive 2002/75/EC which were introduced by the European Community to enhance safety at sea and prevention of marine pollution through the uniform application of the relevant international instruments relating to certain marine equipment.

¹ O.J. No. L46, 17.2.97, Page 25

² O.J. No. L315, 25.11.98 Page 14

³ O.J. No. L204, 28.07.01 Page 1

⁴ O.J. No. L254, 23.09.02 Page 1

¹ O.J. No. L46, 17.2.97, Page 25

² O.J. No. L315, 25.11.98 Page 14

³ O.J. No. L204, 28.07.01 Page 1

⁴ O.J. No. L254, 23.09.02 Page 1

