

Home > Acts > 2014 > Merchant Shipping (Registration of Ships) Act 2014

Merchant Shipping (Registration of Ships) Act 2014



Number 43 of 2014

MERCHANT SHIPPING (REGISTRATION OF SHIPS) ACT 2014

CONTENTS

PART 1

Preliminary and General

Section

1. Short title, collective citation and commencement

2. Interpretation

3. Fees

4. Expenses

5. Regulations

6. Laying of orders and regulations

7. Repeals

8. Revocations

PART 2

Registration of Ships

9. Irish Register of Ships

- [10. Service agreements — administration of Register](#)
- [11. Requirement to register certain ships](#)
- [12. Entitlement to register certain ships on Register](#)
- [13. Registration of property in ships](#)
- [14. Transitional provisions](#)
- [15. Persons qualified to register on Register](#)
- [16. Representative persons](#)
- [17. Appointment of registrars of ships](#)
- [18. Procedure for application to register ship on Register and grant registration](#)
- [19. Procedure for application to renew the registration of ship on Register](#)
- [20. Measurement of ships](#)
- [21. Refusal of registration and removal of ships from Register](#)
- [22. Appeal process against refusal to register or removal of ship from Register](#)
- [23. Temporary registration — recreational craft under 24 metres in load line length](#)
- [24. Visitor registration — certain vessels](#)
- [25. Naming, power to disallow proposed names and change of name](#)
- [26. Carving and marking](#)
- [27. Foreign ships operating domestically must carry on board their certificate of registration](#)
- [28. Certificate of registry](#)
- [29. Delivery up of certificate of registry of ship lost or ceasing to be owned by qualified persons](#)
- [30. Ports of registry](#)
- [31. Transfer of port of registry](#)
- [32. Forms of documents and instruments](#)

PART 3

Irish Ships, National Colour and Character

33. Irish ships

34. National colours for Irish ships

35. Obligation to hoist national colours

36. Prohibition on hoisting colours other than national colours

37. Prohibition on assuming Irish character

38. Prohibition on concealment of Irish character or assuming of foreign character

PART 4

Enforcement

39. Authorised persons

40. Powers of authorised persons

41. Power to detain ships and procedure for detention and appeal

42. Fixed payment notice

PART 5

Legal Issues

43. Documents admissible in evidence

44. Mode of making declarations

45. False declarations concerning ownership, etc., of ships, and liability

46. Notice of trusts not received

47. Equities not excluded by Act

PART 6

Private Law Provisions

48. Private law provisions for registered ships and liability of owner

49. Transfers etc. of registered ships

50. Transfer of property in ship on death, bankruptcy, etc.

51. Order for sale on transfer to unqualified person

52. Transfer of ship on sale by order of the court

53. Power of court to prohibit transfer

54. Mortgages of registered ships

55. Priority of registered mortgages

56. Notices by intending mortgagees — priority notices

57. Registered mortgagee's power of sale

58. Protection of registered mortgages

59. Mortgage not affected by bankruptcy

60. Transfer of registered mortgage

61. Transfer of registered mortgage on death, bankruptcy, etc.

62. Discharge of registered mortgage

PART 7

Proceedings

63. Proceedings

64. Summary penalties

65. Liability of owner and master

66. Offence — body corporate

67. Service of notification

PART 8

Consequential Amendments

68. Consequential amendments of certain enactmentsPART 9

Safety Convention

69. Safety ConventionSCHEDULE 1

Repeals

SCHEDULE 2

Revocations

SCHEDULE 3

Ports of Registry

SCHEDULE 4

Consequential Amendment of Certain Enactments

Acts Referred to

Biological Weapons Act 2011 (No. 13)

Broadcasting Act 2009 (No. 18)

Civil Registration Act 2004 (No. 3)

Cluster Munitions and Anti-Personnel Mines Act 2008 (No. 20)

Companies Act 1963 (No. 33)

Companies Acts

Criminal Justice (Amendment) Act 2009 (No. 32)

Criminal Justice (Female Genital Mutilation) Act 2012 (No. 11)

Criminal Justice (Money Laundering and Terrorist Financing) Act 2010 (No. 6)

[Criminal Justice \(Terrorist Offences\) Act 2005 \(No. 2\)](#)

[Criminal Justice Act 1994 \(No. 15\)](#)

[Criminal Justice Act 1999 \(No. 10\)](#)

[Criminal Justice Act 2006 \(No. 26\)](#)

[Criminal Law \(Human Trafficking\) Act 2008 \(No. 8\)](#)

[Criminal Law Act 1997 \(No. 14\)](#)

[Defence Act 1954 \(No. 18\)](#)

[Diplomatic Relations and Immunities Act 1967 \(No. 8\)](#)

[Dumping at Sea Act 1996 \(No. 14\)](#)

[Finance Act 2002 \(No. 5\)](#)

Firearms Acts 1925 to 2009

[Fisheries \(Amendment\) Act 2003 \(No. 21\)](#)

[Fisheries \(Consolidation\) Act 1959 \(No. 14\)](#)

[Fishery Harbour Centres Act 1968 \(No. 18\)](#)

[Harbours Act 1996 \(No. 11\)](#)

[Illegal Immigrants \(Trafficking\) Act 2000 \(No. 29\)](#)

[Inland Fisheries Act 2010 \(No. 10\)](#)

[International Criminal Court Act 2006 \(No. 30\)](#)

[Irish Nationality and Citizenship Act 1956 \(No. 26\)](#)

[Maritime Safety Act 2005 \(No. 11\)](#)

[Maritime Security Act 2004 \(No. 29\)](#)

[Mercantile Marine Act 1955 \(No. 29\)](#)

[Merchant Shipping \(Load Lines\) Act 1968 \(No. 17\)](#)

Merchant Shipping (Miscellaneous Provisions) Act 1998 (No. 20)

Merchant Shipping (Safety Convention) Act 1952 (No. 29)

Merchant Shipping Act 1894 (57 & 58 Vic., c.60)

Merchant Shipping Act 1966 (No. 20)

Merchant Shipping Act 1992 (No. 2)

Merchant Shipping Act 2010 (No. 14)

Merchant Shipping Acts 1894 to 2014

National Cultural Institutions Act 1997 (No. 11)

Offences Against the State Act 1939 (No. 13)

Refugee Act 1996 (No. 17)

Sea Pollution (Amendment) Act 1999 (No. 18)

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

Sea Pollution (Miscellaneous Provisions) Act 2006 (No. 29)

Sea Pollution Acts 1991 to 2014

Sea-Fisheries and Maritime Jurisdiction Act 2006 (No. 8)

Shipping Investment Grants Act 1987 (No. 21)

Taxes Consolidation Act 1997 (No. 39)

Wireless Telegraphy Act 1926 (No. 45)



Number 43 of 2014

MERCHANT SHIPPING (REGISTRATION OF SHIPS) ACT 2014

An Act to revise the law on the registration, national character, mortgage, sale, transfer, ownership and measurement of Irish ships, to repeal the Mercantile Marine Act 1955 , to amend certain enactments in this regard, to amend the definition of “Safety Convention” in the Merchant Shipping (Safety Convention) Act 1952 and to provide for connected matters.

[25 *th* December, 2014]

Be it enacted by the Oireachtas as follows:

PART 1

Preliminary and General

Short title, collective citation and commencement

1. (1) This Act may be cited as the Merchant Shipping (Registration of Ships) Act 2014.
- (2) The collective citation the “Merchant Shipping Acts 1894 to 2014” includes this Act.
- (3) This Act (other than section 69) comes into operation on such day or days as the Minister may appoint by order or orders, either generally or with reference to any particular purpose or provision, and different days may be so appointed for different purposes and different provisions.

Interpretation

2. In this Act—

“Act of 1955” means Mercantile Marine Act 1955 ;

“Act of 2003” means Fisheries (Amendment) Act 2003 ;

“Act of 2005” means Maritime Safety Act 2005 ;

“Act of 2006” means Sea-Fisheries and Maritime Jurisdiction Act 2006 ;

“approved form” means a form approved of by the Minister under section 32 for the purposes of this Act;

“authorised person” means a person referred to in *subsection (1)*, or appointed under *subsection (2)*, of section 39 ;

“certificate of deletion” means the certificate issued by a state to prove that a ship has been deleted from the ship register of that state;

“certificate of measurement” means a certificate of measurement issued under section 20 (1);

“certificate of registry” means, as the case may be—

(a) a certificate of registry, a certificate of registry of provisional registration or a certificate of registry of non-operative registration granted by the Minister under section 28,

(b) a certificate of registry of temporary registration granted by the Minister under section 23, or

(c) a certificate of registry of visitor registration granted by the Minister under section 24,

and contains particulars of the ship;

“company” in relation to a ship, means the owner of the ship or any other organisation or person such as the manager, or the bareboat charterer, responsible for the operation of the ship and for all duties and responsibilities under the International Safety Management (ISM) Code if that Code applies to the ship;

“consular officer” means a career consular officer or an honorary consular officer both of which shall be construed in accordance with Article 1 of the Vienna Convention on Consular Relations done at Vienna on 24 April 1963, which Convention is set out in the Second Schedule to the Diplomatic Relations and Immunities Act 1967 ;

“conventions” means international conventions applying to ships;

“Defence Forces” means the defence forces raised and maintained under the Defence Act 1954 ;

“diplomatic officer” means a person in the Civil Service of the State who is an ambassador extraordinary and plenipotentiary, an envoy extraordinary and minister plenipotentiary, a chargé d’affaires, a counsellor of embassy or legation, a secretary of embassy or legation or an attaché ;

“document of compliance” means a document issued to a company to indicate compliance with the requirements of the International Safety Management (ISM) Code in relation to the safe management and operation of ships and pollution prevention;

“draft of water” means the vertical distance from the waterline to the underside of the keel of a vessel;

“EEA Agreement” means the Agreement on the European Economic Area done at Oporto on 2 May 1992 as adjusted by the Protocol done at Brussels on 17 March 1993;

“EEA state” means a state which is a contracting party to the EEA Agreement;

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

“flag warrant” means an authorisation under section 34 (3) to use a special flag on a ship in lieu of the national flag;

“foreign ship” means a ship that is not an Irish ship;

“IMO” means the International Maritime Organization;

“International Safety Management (ISM) Code” means the International Management Code for the Safe Operation of Ships and for Pollution Prevention as adopted by the International Maritime Organization (IMO) which is given effect by Regulation (EC) No. 336/2006 of the European Parliament and of the Council of 15 February 2006¹ ;

“International Tonnage Convention” means the International Convention on Tonnage Measurement of Ships 1969;

“international voyage” means—

(a) a voyage by sea from the State to another state, or conversely,

(b) a voyage by sea from the State to a point at sea that is outside the State, or conversely,
or

(c) a voyage by sea that does not originate or terminate in the State;

“Irish body corporate” means a company formed and registered under the Companies Act 1963 , or a body corporate established by or under statute, and subject to the law of the State and having its principal place of business in the State;

“Irish citizen” has the meaning assigned to it in the Irish Nationality and Citizenship Act 1956 ;

“Irish Coast Guard” means that part of the Department of Transport, Tourism and Sport that is known by that name;

“Irish ship” has the meaning assigned to it by section 33;

“Irish waters” includes the territorial seas, the waters on the landward side of the territorial seas, and the estuaries, rivers, lakes and other inland waters (whether or not artificially created or modified) of the State;

“load line length”, in relation to a ship, means its length ascertained in accordance with load line rules made under section 3, or regulations made under section 1 (6), of the Merchant Shipping (Load Lines) Act 1968 ;

“local authority” means a local authority within the meaning of section 5 of the Act of 2005;

“manager” means a representative resident in the State who controls and directs the operations of a ship and is responsible for the maintenance or safety of the ship;

“master” means the person having, for the time being, the command or charge of a ship;

“Merchant Shipping Acts” means Merchant Shipping Acts 1894 to 2014;

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

“national colours” has the meaning assigned to it in section 34;

“national flag” means the tricolour of green, white and orange in accordance with Article 7 of the Constitution;

“non-operative registration” means registration granted under section 18 (3);

“operating domestically” means any voyage which is wholly or partially in Irish waters other than an international voyage which does not originate or terminate in the State;

“owner” in relation to a ship, means the person or body corporate registered under this Act as its owner or, if no person is so registered, the person who owns the ship;

“particulars of ships” means all details or information in relation to a ship required to be recorded on the Register in accordance with this Act;

“personal watercraft” means a ship (other than a recreational craft) of less than 7 metres in length overall 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, or as prescribed under section 11 (5);

“port of registry” means the port at which a ship is registered;

“prescribe” means prescribe (other than in sections 3 and 30) by regulations made by the Minister;

“provisional registration” means registration granted under section 18 (2);

“qualified person” means a person referred to in section 15;

“recognised organisation” means an organisation recognised in accordance with Regulation (EC) No. 391/2009 of the European Parliament and of the Council of 23 April 2009²;

“recreational craft” means a ship not engaged in trade and intended for sports and leisure purposes, but does not include personal watercraft and small fast powered craft;

“Register” means Irish Register of Ships established under section 9;

“registered mortgage” means a mortgage registered on the Register;

“registered office” means the address of the office registered with the Companies Registration Office or the office address which holds a document of compliance issued in accordance with the requirements of the International Safety Management (ISM) Code under the authority of the State;

“registered ship” means a ship registered on the Register under this Act;

“registrar of ships” has the meaning assigned to it by section 17;

“Regulations of 2007” means Mercantile Marine (Tonnage) Regulations 2007 (S.I. No. 369 of 2007);

“representative person” means a person appointed under section 16 (1);

“Sea Pollution Acts” means Sea Pollution Acts 1991 to 2014;

“sea-fishing boat” has the meaning assigned to it by section 6 of the Act of 2006;

“sea-fishing boat licence” means a licence granted under section 4 (inserted by section 97 of the Act of 2006) of the Act of 2003;

“sea-fisheries protection officer” means a person declared by section 16 of the Act of 2006 to be a sea-fisheries protection officer;

“ship” includes every description of vessel used in navigation not propelled exclusively by oars and includes personal watercraft and small fast powered craft;

“small fast powered craft” means a ship (other than a recreational craft or a fishing boat) of less than 7 metres length overall with a total propulsion engine power of equal to or greater than 150 kW, or as prescribed under section 11 (5);

“State-owned ship” means a ship wholly owned by the Government or a Minister of the Government;

“surveyor” means a surveyor of ships;

“surveyor of ships” means—

(a) a person appointed under section 724 of the Merchant Shipping Act 1894 to be a surveyor of ships for the purposes of that Act, and

(b) in section 20, a recognised organisation authorised by the Minister under the European Communities (Ship Inspection and Survey Organisations) Regulations 2011 (S.I. No. 275 of 2011);

“tonnage regulations” means tonnage regulations made under section 91 of the Act of 1955;

“visitor” means a person who is not domiciled in the State;

“warship” has the meaning assigned to it in Article 29 of the 1982 United Nations Convention on the Law of the Sea (UNCLOS) and means a ship belonging to the armed forces of a state bearing the external marks distinguishing such ships of its nationality, under the command of an officer duly commissioned by the government of the state and whose name appears in the appropriate service list or its equivalent, and manned by a crew which is under regular armed forces discipline.

Fees

3. (1) The Minister may, with the consent of the Minister for Public Expenditure and Reform, prescribe by order (in this Act referred to as a fees order) the fees to be charged for applications, renewals and inspections made, certificates issued, ship registrations and other services provided under this Act, including under sections 9, 18, 19, 20 and 28.

- (2) Different fees or levels of fees may be prescribed under this section in respect of different types, classes or descriptions of ships and for different applications and renewals and different purposes and services.
- (3) An application for ship registration, to amend, transfer or to renew registration, shall not be considered until the prescribed fee has been paid.
- (4) All fees payable under a fees order shall be collected and taken in such manner as the Minister for Public Expenditure and Reform shall from time to time direct and shall be paid into or disposed of for the benefit of the Exchequer.

Expenses

4. The expenses incurred by the Minister in the administration of this Act shall be paid out of moneys provided by the Oireachtas.

Regulations

5. The Minister may make regulations:
 - (a) for any purpose in relation to which regulations are provided for in this Act or prescribing any matter or thing referred to in this Act as prescribed or to be prescribed;
 - (b) to make different provision for different types, classes or descriptions of ships and for different circumstances.

Laying of orders and regulations

6. Every order made under section 3 or 30 or regulation made under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order or regulation is passed by either such House within the next 21 days on which that House sits after the order or regulation is laid before it, the order or regulation is annulled, but without prejudice to the validity of anything previously done under it.

Repeals

7. The enactments specified in Schedule 1 are repealed to the extent indicated in column (3) of that Schedule.

Revocations

8. The instruments specified in Schedule 2 are revoked.

PART 2

Registration of Ships

Irish Register of Ships

9. (1) The Minister shall establish and maintain a register of Irish ships to be known as the Irish Register of Ships (in this Act referred to as the Register) for the registration of ships under this Act.
- (2) The Register shall consist of different Parts, as deemed necessary by the Minister and as specified by the Minister in regulations, to facilitate the registration of different types or descriptions of ships, of different particulars of ships and for different purposes and circumstances.
- (3) The Minister may prescribe the types and particulars of ships to be registered in each Part of the Register.
- (4) Subject to section 10 the Register shall be administered on behalf of the Minister by an officer or officers of the Minister so designated, by officers of the Revenue Commissioners or by officers of other Ministers of the Government with the approval of the Minister, the Revenue Commissioners or those other relevant Ministers, as the case may be.
- (5) The Register shall be maintained in such form (including electronic form) as the Minister may determine from time to time.
- (6) The Minister may amend the form of the Register as he or she deems appropriate, including the addition of new Parts, or to give effect to technical changes required by European Union law, international treaties or conventions, and for the proper administration of the Register.
- (7) Where a ship is registered on a Part of the Register, the Minister may register the ship on a different Part provided the ship fulfils the requirements for that Part and the ship is only registered on one Part of the Register.
- (8) Prior to completion of registration, a ship shall be assigned a number for the purpose of facilitating compliance with the requirements of section 26.
- (9) Subject to compliance with the standards or conditions or both of registration, registration on the Register may be granted for an initial period of up to 5 years and, subject to compliance with any conditions applying under section 18 (10) and a renewal of registration in accordance with section 19, subsequent registrations of a ship may be granted for periods of up to 10 years.

- (10) A person shall have access to the Register in accordance with regulations made by the Minister and such regulations may include—
- (a) the nature and extent of such access,
 - (b) different categories of access, and
 - (c) the amount of any fee to be charged for such access.
- (11) The Minister may amend the Register where—
- (a) an error has occurred, or
 - (b) sufficient evidence is produced to satisfy the Minister that an entry is incorrect.
- (12) On making an amendment under *subsection (11)*, the Minister shall issue a replacement certificate of registry to expire on the date entered on the Register for the original certificate.
- (13) Where the Minister proposes to amend an entry under *subsection (11)(b)*, the Minister shall advise the owner of the ship of the proposed correction, who may make a submission not later than 21 days of such notice.

Service agreements — administration of Register

- 10.** (1) The Minister may, by an agreement in writing entered into with a State agency, upon such terms and conditions as may be specified in the agreement, provide for the performance by that State agency, subject to such terms and conditions (if any) as may be specified, of such functions relating to the administration of the Register or Parts of the Register or the registration of ships as may be so specified, in accordance with this Act and regulations made thereunder.
- (2) An agreement under *subsection (1)* shall operate, so long as it continues in force, to confer and vest in the State agency concerned, to the extent and subject to the terms and conditions specified in the agreement, which may include the general superintendence and control of the Minister, the function so specified.
- (3) In this section “State agency” means a body established by or under statute.

Requirement to register certain ships

- 11.** (1) Subject to *subsections (2), (9) and (10)*, all ships operating domestically, including—
- (a) a fishing boat in respect of which a sea-fishing boat licence has been granted or is required to be held under section 4 (inserted by section 97 of the Act of 2006) of the Act of 2003,

- (b) personal watercraft and small fast powered craft, and
 - (c) a ship carrying not more than 3 passengers for the purposes of angling as exempted in the Licensing of Passenger Boats (Exemption) Regulations 2002 (S.I. No. 274 of 2002) from the requirement to be licensed under section 14 of the Merchant Shipping Act 1992 ,
- are required to be registered on the Register in accordance with this Act.

(2) This section does not apply to—

- (a) a recreational craft which is less than 24 metres in load line length, or
- (b) a warship.

(3) For the purpose of compliance with *subsection (1)*, a registration, for the time being in force, conferring nationality from another state shall be an acceptable form of registration.

(4) The Minister may prescribe the categories or types of ships that are required to register on specific Parts of the Register when operating domestically and owned by qualified persons not holding a current registration conferring nationality from another state.

(5) The Minister may prescribe the length overall and other particulars of personal watercraft or small fast powered craft and the total engine propulsion power of a small fast powered craft in lieu of that contained in the definitions of “personal watercraft” and “small fast powered craft”, as the case may be.

(6) (a) A ship required to be registered on the Register shall have its operations controlled and directed from within the State in accordance with regulations made by the Minister.

(b) In making regulations under *paragraph (a)*, the Minister may set different and separate requirements and conditions in relation to different categories and types of ship, for different types of registration, for different Parts of the Register and for different circumstances and purposes.

(7) A person who fails to comply with or contravenes a regulation under *subsection (6)* commits an offence.

(8) (a) The name, address and contact details of the manager of the ship, a designated person ashore and a representative person if applicable, shall be disclosed on application to register a ship under this Act.

- (b) Except in circumstances arising from the sudden death or serious illness of the owner or manager of the ship, the designated person ashore or representative person, the owner of a ship shall give the Minister at least 30 days notice on an approved form of any proposed change in the name, address or contact details provided in accordance with *paragraph (a)*.
- (c) The responsibility and authority of a designated person ashore includes monitoring the safety and pollution prevention aspects of the operation of the ship and ensuring that adequate resources and shore based support are applied, as required.
- (9) The Minister may prescribe certain ships or types of ships to be exempt from the requirement under *subsection (1)* to be registered on the Register.
- (10) The requirements of *subsection (1)* do not apply in circumstances where ships are commandeered and used for periods of time of short duration, not exceeding one month, by a member of the Defence Forces, the Revenue Commissioners, the Irish Coast Guard or the Garda Síochána for law enforcement or emergency response purposes.
- (11) The owner of a ship that is required to be registered under this Act that is not so registered commits an offence.
- (12) A ship shall not be registered if it is registered under the law of another state.
- (13) A person who registers a ship in contravention of *subsection (12)* commits an offence.
- (14) In this section—

“controlled and directed” means compliance with requirements relating to having an office, a designated person ashore, a representative person or a manager within the State, as appropriate, and associated responsibilities in relation to a ship as deemed necessary by the Minister and set out in regulations made by the Minister under this section;

“designated person ashore” means a person ashore having direct access to the shipowner or, where the shipowner has transferred responsibility for the operation of the ship to an operating company, having direct access to the highest level of management of the operating company.

Entitlement to register certain ships on Register

12. (1) A ship is entitled to be registered on the Register if—

- (a) it is owned, by a person, referred to in *section 15*, qualified to register on the Register,

- (b) it complies with such conditions or other requirements as may be prescribed under *subsections (2) and (3)*, and
- (c) it is not registered under the law of another state.
- (2) Subject to *subsection (1)*, the Minister may prescribe that a ship or type of ship may only be entitled to be registered on the Register, or a particular Part of the Register, provided it meets the prescribed standards and conditions in relation to all or any of the following:
- (a) previous and current safety, environment and security inspection history of the ship;
 - (b) the type, age and size of the ship;
 - (c) recognised organisation involved in the certification of the ship;
 - (d) company performance of operators of the ship;
 - (e) current flag state of the ship;
 - (f) the trading pattern of the ship.
- (3) Notwithstanding *subsection (2)*, the Minister may make regulations to further regulate entitlement to register certain ships on the Register in order to comply with obligations to monitor Irish ships for compliance with relevant conventions or other legislation or for the purpose of the effective management of the Register having regard to the following:
- (a) the type, age and size of the ship;
 - (b) the trading pattern of the ship;
 - (c) the use of the ship, including the use of the ship in the commission of an offence;
 - (d) circumstances where the owner of a ship has been convicted of any of the following offences, namely—
 - (i) a drug trafficking offence (within the meaning of section 3 of the Criminal Justice Act 1994),
 - (ii) an offence under section 2 of the Illegal Immigrants (Trafficking) Act 2000 ,
 - (iii) an offence under the Criminal Law (Human Trafficking) Act 2008 ,
 - (iv) an offence under the Firearms Acts 1925 to 2009,

(v) an offence involving the illegal importation of any goods the importation of which is prohibited or restricted by any enactment or statutory instrument,

(vi) an offence of aiding, abetting, counselling, procuring or attempting any of the offences referred to in *subparagraphs (i) to (v)*, or

(vii) the corresponding offence of the law of another jurisdiction in respect of any of the offences mentioned in the preceding subparagraphs.

(4) An Irish ship shall have its operations controlled and directed from within the State in accordance with regulations to be made by the Minister under *section 11*.

Registration of property in ships

13. The Register shall include particulars of ships in accordance with regulations made under *section 9 (3)*, including particulars relating to the property in a ship, in accordance with the following provisions:

- (a) the property in a ship shall be divided into 64 shares;
- (b) subject to this Act with respect to joint owners or owners by transmission, not more than 64 individuals shall be entitled to be registered at the same time as owners of any one ship, but this restriction shall not affect the beneficial title of any number of persons or of any company represented by or claiming under or through any registered owner or joint owner;
- (c) a person shall not be entitled to be registered as owner of a fractional part of a share in a ship, but any number of persons, not exceeding 5, may be registered as joint owners of a ship or of any share or shares therein;
- (d) joint owners shall be considered as constituting one person only as regards the persons entitled to be registered, and shall not be entitled to dispose in severalty of any interest in a ship or in any share therein in respect of which they are registered.

Transitional provisions

14. (1) On the establishment of the Register under *section 9*, the register books kept under section 24 of the Act of 1955 shall close and all registrations on those books shall be considered to be registered on the Register and shall become registered in the appropriate Part in the Register and, subject to the requirements of this Act, the registration shall be valid for a period of up to 5 years from that date.

- (2) Notwithstanding the repeal of the Act of 1955, where a person has commenced an application to register a ship under the Act of 1955 before the repeal of the Act, the application shall be considered under that Act.
- (3) Where the registration of a ship is granted under the Act of 1955 in accordance with *subsection (2)* the registration is deemed to be granted under this Act and to be in force to a date to be determined by the Minister which, subject to the requirements of this Act, shall not be more than 5 years after the date of registration.

Persons qualified to register on Register

- 15.** (1) Subject to any regulations made by the Minister under *section 12*, the following persons, known as qualified persons, are entitled as owners to register their ships on the Register:
- (a) the Government;
 - (b) a Minister of the Government;
 - (c) an Irish citizen;
 - (d) a national of another Member State or an EEA state;
 - (e) a body corporate established under and subject to the law of another Member State or an EEA state;
 - (f) an Irish body corporate; and
 - (g) a non EEA state national residing in the State, except that such person may not register a fishing boat on the Register.
- (2) A person who is not qualified under *subsection (1)* to register their ship as a sole owner of an Irish ship may nevertheless be entitled to register their ship if a majority interest (33 shares) in the ship is owned by qualified persons in accordance with *subsection (1)*.
- (3) Proof of identity as a qualified person shall be required prior to the registration of the ship to be registered and the Minister may make regulations setting out the criteria to be used to ascertain who is or is not a qualified person.

Representative persons

- 16.** (1) Where a qualified person is not resident in the State or does not have a registered office in the State, that person shall appoint a representative person who satisfies the criteria under *subsection (2)* and who shall remain appointed for so long as the ship remains on the Register or until otherwise the appointment is terminated by the person appointing.
- (2) For the purpose of this section a representative person is either—
- (a) an individual who has domicile in the State, or
 - (b) a body corporate incorporated in a Member State or an EEA state and having a place of business in the State.
- (3) A qualified person referred to in *subsection (1)* shall—
- (a) on application for registration, notify the Minister on an approved form of the name, address and contact details of the representative person, and
 - (b) except in circumstances arising from the sudden death or serious illness of the qualified person or representative person, give the Minister at least 30 days notice on an approved form of any proposed change in the identity, address or contact details of the representative person.
- (4) The Minister shall record on the Register the information relating to representative persons received in accordance with *subsection (3)*.
- (5) A representative person may be the manager of the ship and shall control and direct the operations of the ship from within the State in accordance with regulations made by the Minister under *section 11*.
- (6) Subject to *section 67*, any document or notification required or authorised to be served by or under this Act or required or authorised by virtue of any statutory provision to be served for the purpose or otherwise in connection with proceedings for an offence under this Act, or under any instrument in force under this Act, on a qualified person shall be treated as duly served on that person if delivered to any representative person for the time being appointed.
- (7) This section does not apply in the case of ships that are subject to visitor registration granted under *section 24*.
- (8) A qualified person referred to in *subsection (1)* who fails to comply with *subsection (1)* or *(3)* commits an offence.

Appointment of registrars of ships

- 17.** (1) The Minister may designate such of his or her officers, officers of the Revenue Commissioners, officers of another Minister of the Government and officers of a State agency, with the approval of the Revenue Commissioners, the other Minister of the Government or the State agency, as the case may be, to be registrars of ships for the purposes of this Act.
- (2) Notwithstanding the repeal of the Act of 1955, and subject to *subsection (3)*, any person who immediately before the commencement of this section holds the position of registrar of ships under section 23 of the Act of 1955 shall continue to be a registrar of ships as if designated under this section.
- (3) The Minister may remove an officer from the role of registrar of ships for stated reasons.
- (4) The Minister may prescribe the functions of the registrar of ships in relation to the administration of the Register and any other functions as the Minister may specify in relation to the registration of ships under this Act including any of the matters referred to in *subsection (5)*.
- (5) The Minister may issue directions to registrars of ships, from time to time, as necessary and such directions may relate to all or any of the following:
- (a) the processing of ship registration applications under this Act;
 - (b) the forms, books and procedures to be used in the registration process;
 - (c) the granting of certificates of registry;
 - (d) the application process for ship registration;
 - (e) the requirements in relation to ship registration entries on the Register generally, including but not limited to entries relating to mortgages;
 - (f) the transfer of a ship or a share in a ship, ownership, flag and mortgages;
 - (g) the making of entries in the Register relating to death, bankruptcy and other special circumstances;
 - (h) the making of entries in the Register on foot of orders of a court of law, under power of attorney or on liquidation of companies;
 - (i) the registration in the Register of renewal applications;
 - (j) the making of alterations in the Register including change in the name of a ship;
 - (k) the removal of a ship from the Register; and

- (l) matters relating to enforcement of this Act.
- (6) A registrar of ships may make any enquiries deemed necessary in relation to an application for registration of a ship.
- (7) A registrar of ships shall not be liable to damages or otherwise for any loss accruing to any person by reason of any act done or default by him or her in his or her capacity as registrar of ships, unless the same has happened through his or her neglect or wilful act.

Procedure for application to register ship on Register and grant registration

- 18.** (1) An application for the registration of a ship shall be made to the Minister. The Minister may grant registration of a ship or refuse the application.
- (2) Where a ship that is owned by a qualified person is under construction, the Minister may grant registration (“provisional registration”) in respect of the ship while it is under construction to allow for the issue of relevant certificates and other documents, to the satisfaction of the Minister, under the Merchant Shipping Acts and the Sea Pollution Acts, to the ship.
- (3) (a) Where a ship that is owned by a qualified person is without certification or a licence required under law, the Minister may grant registration (“non-operative registration”) in respect of the ship to allow for the certification or licensing of the ship.
- (b) Non-operative registration under *paragraph (a)* may be granted at any time when a ship is without certification or a licence required under law.
- (4) (a) Subject to *paragraph (b)*, an application for registration of a ship shall be made by the owner of a ship, or by his or her agent.
- (b) The authority of an agent shall be authenticated—
- (i) if appointed by the owner, by writing, or
 - (ii) if appointed by a body corporate, under the seal of the body corporate.
- (c) In this subsection “agent” includes a representative person.
- (5) The Minister may make regulations to prescribe the procedures, information, declarations and documentation requirements for making an application for registration.
- (6) Without prejudice to the generality of *subsection (5)*, regulations under that subsection may include but are not limited to the following:

- (a) registration procedures, including required application documentation and information;
 - (b) evidence of ownership of a ship;
 - (c) proof of identity (including by way of an electronic signature) of the applicant;
 - (d) proof of eligibility of the applicant to register a ship;
 - (e) proof of identity as a qualified person;
 - (f) ship manager details, and information regarding representative persons, where applicable;
 - (g) production of a builder's certificate where applicable;
 - (h) production of a certificate of deletion where applicable;
 - (i) proof of name of ship;
 - (j) mortgage information;
 - (k) registration procedures following provisional registration under *subsection (2)* and non-operative registration under *subsection (3)*;
 - (l) demonstration of compliance with requirements of any applicable conventions, the Merchant Shipping Acts and the Sea Pollution Acts, including with regard to holding certification and other documentation in their required form.
- (7) The Minister may determine the form and manner of applications for registration and the method by which such applications are made which may include applications being made to a central location or electronically online.
- (8) An application for registration shall be deemed to have been made when it fully complies with any regulations or determinations made by the Minister under this section, including the receipt of the prescribed application fee by the Minister.
- (9) The application for registration of a ship on the Register shall be made on an approved form.
- (10) The Minister may apply conditions to the grant or renewal of registration of a ship, including in relation to compliance by the applicant or the ship at all times when operating with specified registration requirements and requirements of the Merchant Shipping Acts and Sea Pollution Acts.

(11) In this section “builder’s certificate” means the certificate issued by the builder of a ship, being an individual or a company, and containing a true account of the proper denomination and of the tonnage or measurement of the ship, as estimated by the builder, and of the time when and the place where the ship was built, and of the name of the person (if any) on whose account the ship was built.

Procedure for application to renew the registration of ship on Register

- 19.** (1) An application for the renewal of ship registration on the Register shall be made on an approved form to the Minister who may grant or refuse the application.
- (2) (a) Subject to *paragraph (b)*, an application for renewal of a ship’s registration shall be made—
- (i) by the owner or by his or her agent, and
 - (ii) in the case of a body corporate, by its agent.
- (b) The authority of an agent shall be authenticated—
- (i) if appointed by the owner, by writing, or
 - (ii) if appointed by a body corporate, under the seal of the body corporate.
- (c) In this subsection “agent” includes a representative person.
- (3) The Minister may prescribe the procedures, information, declarations and documentation requirements for making an application for the renewal of ship registration.
- (4) An application for the renewal of ship registration shall be made within a time period determined by the Minister in regulations and in a form, manner and accompanied by the prescribed fee and documentation and other supporting information as the Minister may prescribe from time to time.
- (5) The Minister may determine the form and manner of applications for the renewal of ship registration and the submission of information in connection with such applications and the method by which such applications may be made which may include applications being made to a central location or electronically online.
- (6) An application for the renewal of registration shall not be deemed to have been made until an application is in full compliance with *subsection (4)* and any regulations or determinations made by the Minister under this section.
- (7) A renewal of a ship’s registration shall—

- (a) be subject to compliance with registration requirements or other conditions of registration as specified by the Minister when the ship registration is being renewed, and
 - (b) commence immediately upon the expiration of the current registration and continue in force for the period of validity specified in the certificate of registry not exceeding 10 years from the date of renewal.
- (8) Where an application for renewal of a ship's registration is not made, or not made within the time specified in regulations, the ship in question may be removed from the Register under *section 21 (2)(f)*.
- (9) The Minister may refuse to renew a ship registration for stated reasons including having regard to any of the circumstances listed in *section 21*.

Measurement of ships

- 20.** (1) Every ship that is subject to an application for registration on the Register shall, as required by regulations, be measured by a surveyor of ships and—
- (a) its tonnage ascertained in accordance with the tonnage regulations, for the time being in force, or
 - (b) its measurement ascertained in accordance with regulations made under *subsection (3)*,
- and the surveyor shall issue a certificate of measurement specifying the ship's measurement and build, and such other particulars descriptive of the identity of the ship as may be required from time to time as prescribed, and the certificate shall be delivered to the Minister before registration.
- (2) The Minister may accept certificates of measurement issued by states party to the International Tonnage Convention in lieu of *subsection (1)*.
- (3) (a) The Minister may make regulations for the purposes of *subsection (1)* to include length, breadth, depth, tonnage, engine power and such other particulars descriptive of the identity of the ship.
- (b) In making regulations under this section, the Minister may make different provisions for different types of ships and may provide for exemptions from the measurement requirements of *subsection (1)*.

- (4) Whenever the measurement of any ship has been ascertained or provided to the Minister in accordance with this section, the same shall be the measurement of the ship, and shall be repeated in every subsequent registration thereof, unless any alteration is made in the build, capacity, type or measurement of the ship, or unless it is discovered that the measurement of the ship has been erroneously computed.
- (5) Where it is discovered that the measurement of the ship has been erroneously computed, the ship shall be remeasured by a surveyor of ships and its measurement ascertained and a new certificate of measurement issued by the surveyor in accordance with—
- (a) the tonnage regulations, for the time being in force, or
 - (b) regulations made under *subsection (3)*,
- and the certificate shall be delivered to the Minister.
- (6) (a) The owner of a ship shall not make any change to a ship which would affect the measurement of a ship without first obtaining the prior consent of the Minister.
- (b) Where a change is proposed in writing which would affect the measurement of a ship, the owner shall notify in writing the change to the Minister with supporting documentation as specified by the Minister and a copy of the existing certificate of registry.
- (c) Following consideration of a notification and submission made under *paragraph (b)*, the Minister may notify the owner of the ship of the Minister's consent to the proposed change to the ship as notified.
- (d) Following receipt of the consent of the Minister under *paragraph (c)*, the ship may be changed in accordance with the consent and shall be remeasured by a surveyor of ships, and its measurement ascertained and a new certificate of measurement issued by the surveyor in accordance with the regulations in force.
- (e) The Minister shall record the changes made to the ship under *paragraph (d)* on the Register and issue a replacement certificate of registry in accordance with *section 28 (12)* upon receipt of the existing certificate of registry.
- (7) Where the owner of a ship fails to comply with *subsection (6)*, the owner commits an offence.
- (8) The measurement of ships under this section shall be performed, in accordance with the tonnage regulations in force, or regulations made under *subsection (3)*, by surveyors of ships or by any person authorised by the Minister for that purpose.

(9) Anyone, other than the Minister or an officer of the Minister authorised in that behalf, who alters, amends or states as otherwise, the particulars of a ship to be different to that which is recorded on the certificate of measurement or who makes a statement of measurement to any third party that the particulars are other than those recorded on the certificate of registry, commits an offence and is liable—

(a) on summary conviction to a class A fine, or

(b) on conviction on indictment, to a fine not exceeding €50,000.

(10) The Regulations of 2007, if in operation on the commencement of this section, continue in force as if made under *subsection (3)*.

(11) A person, including the owner, agent (which may include a representative person) or master of a ship registered on the Register, who contravenes—

(a) the tonnage regulations in force, or

(b) regulations made under *subsection (3)*,

commits an offence.

Refusal of registration and removal of ships from Register

21. (1) The Minister shall refuse to register a ship in any of the following circumstances:

(a) the ship does not have, to his or her satisfaction, safety certificates issued under the Merchant Shipping Acts where required;

(b) the ship does not have, to his or her satisfaction, pollution prevention certificates issued under the Sea Pollution Acts where required;

(c) the person registering the ship is not a qualified person under *section 15*;

(d) failure to comply with the standards or conditions prescribed under *section 12 (2) and (3)*;

(e) the ship, if previously registered outside the State, has no certificate of deletion from that state's ship register;

(f) failure to produce the documents or information prescribed under *section 18 (5)* for the registration of a ship;

(g) false declarations made in connection with registration or renewal applications under this Act;

- (h) the ship is not carved and marked to the satisfaction of the Minister where required;
 - (i) any other circumstance that the Minister deems appropriate having regard to the need to preserve the integrity of the Register.
- (2) Subject to *subsection (3)*, the Minister may remove a ship from the Register in any of the following circumstances:
- (a) non-compliance with safety, pollution, security standards and living and working conditions under the Merchant Shipping Acts and Sea Pollution Acts, following consideration of a report in that regard from the Marine Survey Office of the Department of Transport, Tourism and Sport;
 - (b) non-compliance with the provisions of regulations made under this Act;
 - (c) on notification from the owner of a transfer of registration outside the State;
 - (d) on application from the owner when the ship is not required to be registered;
 - (e) the ship is transferred under *Part 6* to a person who is not a qualified person under *section 15*;
 - (f) a lapse in ship registration where an application for the renewal of ship registration is not made in accordance with *section 19* or the application for renewal of ship registration is refused;
 - (g) the ship has been destroyed or recycled, lost or stolen, as notified in writing to the Minister by the owner of the ship or, in the absence of such notification, where the Minister is satisfied that this is the situation;
 - (h) false declarations made in connection with registration or renewal applications under this Act;
 - (i) the ship is no longer eligible to be registered;
 - (j) the ship is registered in another state;
 - (k) the ship is not carved and marked to the satisfaction of the Minister where required;
 - (l) non-compliance with the requirements of *subsections (1) and (3)(b) of section 16*;
 - (m) failure by the registered owner to notify the Minister of a change in registration particulars of a ship in accordance with *section 28*;
 - (n) any other circumstance in relation to this Act that the Minister deems appropriate having regard to the need to preserve the integrity of the Register.

- (3) In addition to the circumstances outlined in *subsection (2)*, the Minister may remove a sea-fishing boat from the Register in any of the following circumstances:
- (a) when a sea-fishing boat licence granted in respect of the boat, is revoked, suspended or ceases to have effect;
 - (b) when the boat is required under section 4 (inserted by section 97 of the Act of 2006) of the Act of 2003 to have a sea-fishing boat licence but at the time of registration did not have such a licence, and has not acquired such a licence within 6 months of the grant of a non-operative registration.

Appeal process against refusal to register or removal of ship from Register

- 22.** (1) The Minister shall notify his or her intention to refuse to register a ship, to refuse to renew a ship registration or to remove a ship from the Register to the owner of the ship and, subject to *subsection (6)*, give the owner the opportunity to make representations not later than 21 days after the date of the notice.
- (2) Any representations received under *subsection (1)* shall be considered by the Minister who may decide to proceed to refuse to register a ship, to refuse to renew a ship registration or to remove a ship from the Register as the case may be and the Minister shall notify the owner of the ship of the decision in writing.
- (3) The owner of the ship may, not later than 14 days after the date of the notification under *subsection (2)*, appeal to the District Court against the decision of the Minister under *subsection (2)* and such an appeal shall be to the judge of the District Court within whose jurisdiction the owner of the ship ordinarily operates or proposes to operate a ship, or resides, as appropriate.
- (4) On the hearing of an appeal under *subsection (3)*, the Court may either confirm the decision of the Minister or allow the appeal. If the appeal is allowed in relation to a decision to refuse to register a ship or to refuse to renew a ship registration, the Minister shall, upon notification to him or her by the Court, register the ship or renew the ship registration. If the appeal is allowed in relation to a decision to remove a ship from the Register, the Minister shall, upon notification to him or her by the Court, reinstate the ship on the Register.
- (5) The decision of the District Court on an appeal under *subsection (3)* is final except by leave of the Court, an appeal on a specified point of law lies to the High Court.
- (6) *Subsections (1) to (5)* in relation to representations and an appeal do not apply in relation to a decision of the Minister to refuse to register a ship, to refuse to renew a ship registration or to remove a ship from the Register in accordance with *subsection (1)(a) or (b) or (2)(a) of section 21*.

- (7) Where a ship has been removed from the Register under *subsection (2) or (3) of section 21*, the Minister shall make an entry in the Register stating the reason for the removal and, subject to *subsection (12)*, shall issue a certificate of deletion in respect of the ship.
- (8) If the Minister removes a ship from the Register under *subsection (2) or (3) of section 21*, the Minister shall notify the owner of the removal by sending a notification to the last known address of the registered owner and the representative person where applicable and request the return, not later than 28 days from the date of the request, of the certificate of registry for the ship in question.
- (9) A person who, without reasonable excuse, fails to comply with *subsection (8)* commits an offence and is liable on summary conviction to a class D fine.
- (10) Where a ship is removed from the Register under *subsection (2) or (3) of section 21* or any regulation made under this Act, the removal of that ship from the Register shall not affect any entry made in the Register relating to any undischarged registered mortgage of that ship or any share in it which shall continue to be registered on the Register until the mortgage is discharged in accordance with *section 62*.
- (11) Where the Minister has notified the owner of a ship of the removal from the Register as required under *subsection (8)*, the Minister shall also notify any known mortgagee of that removal.
- (12) Where a ship with an undischarged registered mortgage is removed from the Register, a certificate of deletion shall not be issued in respect of that ship until the mortgage is discharged.
- (13) The Minister may issue directions in relation to procedures for consequential matters arising from the removal of a ship from the Register.

Temporary registration — recreational craft under 24 metres in load line length

- 23.** (1) Where a recreational craft under 24 metres in load line length outside the State becomes the property of a qualified person ordinarily resident in the State, the Minister may grant a certificate of registry of temporary registration in respect of the craft for the purposes of navigating that ship to a port in the State.
- (2) Prior to the grant of temporary registration under this section, the owner of the ship shall provide a declaration of measurement particulars of the ship to the Minister and shall comply with the requirements of the Merchant Shipping Acts and the Sea Pollution Acts relating to it.

- (3) Following the grant of temporary registration under this section, the Minister shall issue a certificate of registry to be known as a certificate of registry of temporary registration to the owner of the ship.
- (4) The certificate of registry of temporary registration granted under *subsection (1)* shall expire at a time specified on the certificate which may not exceed a period of 6 months from the date of issue.
- (5) The Minister may make regulations prescribing details in relation to temporary registration requirements including but not limited to, documentation, declarations and other supporting information.
- (6) A certificate of registry of temporary registration shall be in an approved form.
- (7) A certificate of registry of temporary registration shall not be renewed.
- (8) Subject to *section 28 (4)*, a certificate of registry of temporary registration granted under this section shall at all times be carried on board the ship to which it relates.
- (9) Where there is a failure to comply with *subsection (8)*, the owner or master of the ship concerned commits an offence and is liable on summary conviction to a class C fine.

Visitor registration — certain vessels

24. (1) A person visiting the State who operates domestically—

- (a) a personal watercraft,
- (b) a recreational craft 24 metres in load line length and greater,
- (c) a small fast powered craft, or
- (d) a ship carrying not more than 3 passengers for the purposes of angling as exempted in the Licensing of Passenger Boats (Exemption) Regulations 2002 (*S.I. No. 274 of 2002*) from the requirement to be licensed under *section 14* of the *Merchant Shipping Act 1992* ,

which is not registered in another state, shall apply to the Minister for a certificate of registry of visitor registration.

- (2) (a) The Minister may, on application to him or her, grant a certificate of registry of visitor registration in respect of a vessel referred to in *subsection (1)* owned by a person visiting the State and operating domestically which is not registered in another state.

- (b) Following the grant of visitor registration, the Minister shall issue a certificate of registry of visitor registration to the owner of the ship.
- (c) A certificate of registry of visitor registration issued under *paragraph (b)* shall expire at a time specified on the certificate which may not exceed a period of 3 months.
- (3) The Minister may make regulations for the purpose of prescribing details for visitor registration including, but not limited to, application requirements, documentation, categories of visitor registration, which may include such registration for groups or events, declarations and other supporting information.
- (4) A certificate of registry of visitor registration shall be in an approved form.
- (5) Subject to *section 28 (4)*, a certificate of registry of visitor registration granted under this section shall at all times be carried on board the ship.
- (6) Where there is a failure to comply with *subsection (5)*, the owner or master of the ship concerned commits an offence and is liable on summary conviction to a class C fine.

Naming, power to disallow proposed names and change of name

- 25.** (1) A ship name is required for ships to be registered on the Register as may be determined by the Minister in regulations from time to time.
- (2) A ship shall not be described by any name other than that by which it is registered.
 - (3) Where regulations under *subsection (1)* require the name of a ship to be registered on the Register, an application for registration of the ship name shall be submitted for the approval of the Minister in the case of a ship that is proposed to be registered on the Register.
 - (4) A ship name shall be provided to the Minister in the English or Irish language or, if it is in another language, it shall be accompanied by a translation of that name into the English or Irish language.
 - (5) The Minister may refuse to approve any name proposed to be registered on the Register if that name—
 - (a) is the name of a ship registered on the Register,
 - (b) is the name approved by the Minister in respect of another ship that is in the course of registration on the Register,

- (c) in the opinion of the Minister is likely to be confused with a name that is registered on or in the course of registration on the Register,
- (d) in the opinion of the Minister is likely to cause offence or to be offensive or is likely to prejudice the international relations of the State, or
- (e) contains any prefix that the Minister considers to be unnecessary or undesirable.
- (6) The Minister may make regulations in relation to the use of prefixes generally and to provide for prefixes for certain categories of ships.
- (7) An application for approval of a change in the name of a registered ship or a ship that is the subject of an application for registration on the Register shall be made to the Minister in an approved form.
- (8) The Minister may refuse to approve any proposed change of name of a registered ship or a ship that is the subject of an application for registration on the Register if it is a name that may be refused under *subsection (5)*.
- (9) Where the Minister approves under this section a change of name of a ship—
- (a) the owner of the ship shall alter the ship's markings so that it is marked with the new name as if it were being marked for registration under *section 26*,
- (b) the Minister shall cause the name change to be entered in the Register and endorsed on the ship's certificate of registry.
- (10) Where a ship has ceased to be registered and an application is made to register the ship again, the ship name by which the ship was previously registered shall be used, unless the Minister decides otherwise in accordance with *subsection (5)*.
- (11) In the case of a foreign ship, a person shall not apply to register such ship under this Act except by the name it bears as a foreign ship, unless the Minister decides otherwise in accordance with *subsection (5)*.
- (12) Where a ship name or a change of name is approved by the Minister under this section, a notification of that approval shall be sent to the owner of the ship.
- (13) Where a ship name has been approved under this section but the ship registration is not completed, the ship name shall only remain approved for a period specified in the approval (if any), after such time the ship name approval shall lapse.

(14) A person who names a ship in contravention of this section commits an offence.

Carving and marking

26. (1) Subject to *subsections (2) and (8)*, before registration on the Register under this Act, every ship shall be marked to the satisfaction of the Minister in the prescribed manner in relation to some or all of the following:

- (a) the name of the ship;
- (b) the port of registry of the ship;
- (c) the number of the ship;
- (d) a scale of measure denoting the ship's draft of water;
- (e) the prefix, if any, approved under regulations made under *section 25*;
- (f) any other marking required by European Union law, the International Maritime Organization or other international bodies.

(2) The Minister may make regulations—

- (a) to exempt any type of ship from all or any of the requirements of *subsection (1)*,
- (b) to provide for the marking of ships registered on specified Parts of the Register in the prescribed manner within a specified period after the date of registration on that Part of the Register, and
- (c) for the purpose of specifying the carving and marking requirements for ships registered in accordance with *sections 23 and 24*.

(3) In making regulations under *subsection (2)*, the Minister may set different and separate requirements and conditions in relation to the carving and marking of different types or descriptions of ships and for different circumstances.

(4) The Minister may issue a carving and marking note to the owner of a ship that shall specify details of how the ship should be marked.

(5) When the ship is marked in accordance with a carving and marking note issued under *subsection (4)*, the note shall be signed and returned to the Minister within the period specified on the note.

(6) A carving and marking note referred to in *subsection (4)* shall be in an approved form.

- (7) If a carving and marking note issued under *subsection (4)* is not signed and returned to the Minister within the period specified on the note, the Minister shall cancel the note and the related application for ship registration shall be considered to be withdrawn.
- (8) A fishing boat entered in the Register of Fishing Boats and lettered and numbered in pursuance of Part 2, Chapter 6 of the Act of 2006, need not have its name and port of registry marked under this section.
- (9) Where a ship is removed from the Register, in any of the circumstances set out in *section 21 (2)* and *(3)*, the prescribed markings arising from *subsection (1)* or *(2)* shall be removed from the ship.
- (10) The owner of a ship who does not comply with the carving and marking requirements set out in this section commits an offence.

Foreign ships operating domestically must carry on board their certificate of registration

- 27.** (1) The owner or master of a foreign ship which is registered in another state shall ensure that the certificate of registration of the ship issued by that state or other documentary evidence of such registration is carried on board the ship at all times while operating domestically and produce such documentation on demand to an authorised person for inspection.
- (2) The owner or master of a ship referred to in *subsection (1)* who fails to comply with the requirements of that subsection commits an offence.

Certificate of registry

- 28.** (1) Upon registration of a ship on the Register, a certificate of registry shall be issued by the Minister in respect of the ship.
- (2) (a) Following the grant of provisional registration under *section 18 (2)*, the Minister shall issue a certificate of registry in respect of the ship, to be known as a certificate of registry of provisional registration, to the owner of the ship.
- (b) A certificate of registry of provisional registration issued under *paragraph (a)* shall expire—
- (i) at a time specified on the certificate, or
 - (ii) on completion of the construction of the ship,
- whichever is sooner, but may be extended, with the approval of the Minister, on application by the owner of the ship to which it relates.

- (3) (a) Following the grant of non-operative registration under *section 18 (3)*, the Minister shall issue a certificate of registry in respect of the ship, to be known as a certificate of registry of non-operative registration, to the owner of the ship.
- (b) A certificate of registry of non-operative registration issued under *paragraph (a)* shall expire at a time specified on the certificate.
- (4) Subject to this section, a certificate of registry shall—
- (a) at all times be carried on board the ship,
- (b) only be used for the purpose of the lawful navigation of the ship, and
- (c) not be withheld from the ship for any reason (including a claim by an owner, mortgagee, operator, or any other person to any title in, lien or charge on, or interest in the ship).
- (5) Where there is a failure to comply with *subsection (4)(a)*, the owner or master of the ship concerned commits an offence.
- (6) A person having possession of, or control of, a certificate of registry shall produce the certificate on demand to an authorised person for inspection.
- (7) A person who fails to comply with *subsection (4)(b)* or *(c)* or *(6)* commits an offence.
- (8) A person who, with intent to deceive or otherwise, uses or attempts to use, or lends to another person a certificate of registry, or utters a document which purports to be such a certificate of registry, commits an offence and is liable—
- (a) on summary conviction, to a class A fine, or
- (b) on conviction on indictment, to a fine not exceeding €50,000.
- (9) (a) Where a certificate of registry is mislaid, lost, destroyed, defaced or illegible, the owner or master of the ship may apply to the Minister for a duplicate of the certificate of registry (in this section referred to as a “duplicate certificate”). The application shall be accompanied by the prescribed fee and such documents and information as the Minister may require.
- (b) The Minister may grant a duplicate certificate which shall be marked as such, and shall be of the same effect as the original.
- (c) Where a duplicate certificate is granted, the original is no longer valid.

- (d) If the original certificate of registry is found after the issue of a duplicate, the original certificate shall be surrendered to the Minister.
- (10) If, in any proceedings in respect of an offence under this section, the court is of the opinion that the certificate of registry to which the proceedings relate is lost, the court shall make an order to that effect and cause a copy of the order bearing the seal of the court to be served on the Minister.
- (11) A certificate of registry, a certificate of registry of provisional registration and a certificate of registry of non-operative registration shall be in an approved form and shall contain such particulars in relation to the ship as may be decided by the Minister from time to time.
- (12) (a) Where there is a change in the registration particulars of a ship, the owner shall notify the change to the Minister and provide the supporting documentation prescribed in regulations and the certificate of registry. The Minister shall record the changes on the Register and issue a replacement certificate of registry which shall have the same expiry date as the certificate of registry replaced.
- (b) Where the owner of a ship does not inform the Minister of a change in the registration particulars of a ship in accordance with *paragraph (a)*—
- (i) the owner commits an offence, and
- (ii) the Minister may remove the ship from the Register in accordance with *section 21 (2)(m)*.
- (13) A person who commits an offence under *subsection (5), (7) or (12)(b)(i)* is liable on summary conviction to a class C fine.

Delivery up of certificate of registry of ship lost or ceasing to be owned by qualified persons

29. (1) In the event of a registered ship being either actually or constructively lost, taken by the enemy, burnt or broken up, or ceasing by reason of a transfer to persons who are not qualified persons, or otherwise, to be a registered ship, every owner of the ship or of any share in the ship shall, immediately on obtaining knowledge of the event, if no notice has already been given to the Minister, give notice to the Minister in an approved form who shall make an entry in the Register and the registration of the ship in the Register shall be considered as closed except so far as relates to any undischarged mortgages.

(2) In any such case, except where the ship's certificate of registry is lost or destroyed, the master of the ship shall, if the event occurs in a port in the State, immediately, but if it occurs elsewhere, then not later than 10 days after arrival in a port in the State, deliver the certificate of registry to the Minister.

(3) The owner or master of a ship who fails to comply with this section commits an offence.

Ports of registry

30. (1) The ports mentioned in *Schedule 3* are the ports of registry for the registration of ships for the purposes of this Act.

(2) Where the Minister considers that a port—

(a) which is not mentioned in *Schedule 3*, should be a port of registry having regard to any or all of the following—

(i) the demand that exists for the port to be a port of registry,

(ii) the importance of the location for commercial shipping traffic or business, fishing, recreational or other maritime activity,

(iii) the geographical location of the port, and

(iv) the level of maritime activity with regard to shipping at the port,

he or she may by order prescribe the port as a port of registry for the purposes of this Act, or

(b) which is mentioned in *Schedule 3* or prescribed under *paragraph (a)*, should cease to be a port of registry having regard to—

(i) the demand that exists for the port to be a port of registry, which may include the consideration of the number of ship registration transactions that relate to the port, and

(ii) the level of maritime activity with regard to shipping at the port,

he or she may by order provide that the port ceases to be a port of registry for the purposes of this Act.

Transfer of port of registry

- 31.** (1) The port of registry of a ship may be transferred from one port to another port in the State on application to the Minister accompanied by a declaration in writing by all persons appearing on the Register to be interested therein as owners or mortgagees, but that transfer shall not in any way affect the rights of those persons or any of them, and those rights shall in all respects continue in the same manner as if no such transfer had been effected.
- (2) An application to transfer registry under this section shall contain such information in relation to the particulars of the ship, the owners and mortgagees of the ship as appearing on the Register to be interested in the ship, and supporting documentation as may be prescribed by the Minister from time to time.
- (3) The certificate of registry of a ship to which this section refers shall be delivered up to the Minister and all particulars of the ship relating to the port of registry shall be amended and recorded on the Register as necessary, a replacement certificate of registry in relation to the ship shall be granted which shall have the same expiry date as the original certificate of registry, and such ship shall be considered as registered at the new port of registry. The name of the ship's new port of registry shall be substituted for the name of the former port of registry on the ship in accordance with *section 26*.

Forms of documents and instruments

- 32.** (1) The form of instruments and documents (whether in paper or electronic form), that arise from the provisions of this Act and regulations made thereunder shall be approved by the Minister.
- (2) The Minister may approve the amendment of the form of any instruments or documents that arise from the provisions of this Act and regulations made thereunder.
- (3) The form of any instruments or documents under the Act of 1955 are approved forms for the purposes of this Act.

PART 3

Irish Ships, National Colour and Character

Irish ships

- 33.** (1) The following ships shall be known as Irish ships:
- (a) subject to *subsection (2)*, ships registered under this Act on the Register;
 - (b) ships not required to register under this Act, which are wholly owned by Irish citizens or Irish bodies corporate and are not registered under the law of another state, provided they are operating domestically;

(c) warships of the Defence Forces, while manned by members of those forces.

(2) The following ships shall not be known as Irish ships:

(a) ships registered in accordance with section 24;

(b) ships, including categories or types of ships, registered on such Parts of the Register as may be determined by the Minister from time to time, when not operating domestically, having regard to the size of the ship.

(3) Irish ships shall be entitled to fly the national colours and assume national character.

National colours for Irish ships

34. (1) The national colours to be flown by Irish ships shall be the national flag except that—

(a) in the case of State-owned ships for which a special flag is prescribed under *subsection (2)*, the national colours shall be the flag so prescribed, and

(b) in the case of ships in respect of which a special flag is authorised by flag warrant under *subsection (3)*, the national colours shall be the flag so authorised.

(2) The Minister may prescribe a flag to be flown in lieu of or in addition to the national flag by State-owned ships or by specified types of ships.

(3) (a) The Minister may, by flag warrant issued to a body of persons, authorise the members of that body to use a flag in lieu of the national flag on specified Irish ships, and may by any such warrant impose conditions and restrictions on the exercise of the authority thereby conferred and may revoke any such warrant.

(b) An application for a flag warrant under this subsection shall be made in such a form and manner and be accompanied by documents, other supporting information and the appropriate fee as the Minister may determine from time to time.

(c) An application for a flag warrant under this subsection shall be considered by the Minister in consultation with the Chief Herald of Ireland (within the meaning of section 13 of the National Cultural Institutions Act 1997) and the Minister for Defence.

Obligation to hoist national colours

35. (1) The national colours shall be hoisted on an Irish ship—

- (a) on a signal being made to it by a ship of the Naval Service of the Defence Forces under the command of a commissioned officer of that Service,
 - (b) on entering or leaving a port outside the State, and
 - (c) if the ship is of 24 metres in load line length or greater, on entering or leaving a port in the State.
- (2) *Subsection (1)* does not apply to a fishing boat, personal watercraft or small fast powered craft operating domestically.
- (3) Where there is a contravention of this section, the master of the ship concerned commits an offence.

Prohibition on hoisting colours other than national colours

- 36.** (1) No flag distinctive of nationality, subject to *section 34*, shall be hoisted on an Irish ship other than the national colours.
- (2) The flying of a flag by way of courtesy only, in accordance with accepted international usage, shall not be a contravention of this section.
- (3) Where there is a contravention of this section, the master of the ship concerned commits an offence.
- (4) A surveyor, a person holding commissioned naval rank in the Permanent Defence Forces, a member of the Garda Síochána, an officer of the Irish Coast Guard, an officer of the Revenue Commissioners or a diplomatic or consular officer may board any ship on which any colours or pendant are hoisted contrary to this Act, and remove and take away the colours or pendant where appropriate.

Prohibition on assuming Irish character

- 37.** (1) If a person uses the national colours or assumes Irish national character on board a ship which is not an Irish ship, including the use of internationally recognised symbols or abbreviations for Ireland in the ship markings, the person commits an offence.
- (2) *Subsection (1)* does not apply in the case of the use on a ship of the letters "IRL" with a number issued for sporting purposes.

Prohibition on concealment of Irish character or assuming of foreign character

- 38.** If the master or owner of an Irish ship does anything or permits anything to be done, or carries or permits to be carried any papers or documents, with intent—

- (a) to conceal the Irish national character of the ship from any person entitled by law to enquire into the ship's national character, or
 - (b) to deceive any such person, or
 - (c) to assume a foreign character,
- he or she commits an offence.

PART 4

Enforcement

Authorised persons

- 39.** (1) A surveyor, a member of the Garda Síochána, an officer of the Revenue Commissioners, a sea-fisheries protection officer, an authorised officer of Inland Fisheries Ireland, a harbour master, a person holding commissioned naval rank in the Permanent Defence Forces and an officer of the Irish Coast Guard is an authorised person for the purposes of this Act.
- (2) The Minister may appoint in writing other persons or persons of such classes as he or she sees fit to be authorised persons for the purposes or specified purposes of this Act.
- (3) The Minister may revoke an appointment made under *subsection (2)*.
- (4) An authorised person may be assisted in the exercise of his or her functions under this Act by such persons as he or she considers necessary.
- (5) An authorised person appointed under *subsection (2)* shall be furnished with a warrant of appointment and when exercising any power conferred under this Act shall, if requested by a person affected, produce the warrant or a copy of it to that person for inspection.
- (6) The Minister may revoke a warrant furnished to an authorised person or a class of persons under this Act.
- (7) In this section—

“authorised officer of Inland Fisheries Ireland” means an authorised officer of Inland Fisheries Ireland for the purposes of section 301(1)(b) (as amended by section 8 of the Inland Fisheries Act 2010) of the Fisheries (Consolidation) Act 1959 ;

“harbour master” means a person—

- (a) who is construed to be a harbour master in accordance with section 37 (1) of the Harbours Act 1996 , or
- (b) appointed as a harbour master by—
 - (i) a local authority,
 - (ii) the Minister for Agriculture, Food and the Marine under section 4 (2)(d) of the Fishery Harbour Centres Act 1968 , or
 - (iii) Iarnród Éireann — Irish Rail.

Powers of authorised persons

- 40.** (1) An authorised person may for the purpose of enforcing sections 11 , 23 , 24 , 26 , 27 , 28 , 37 and 38 and regulations made thereunder by the use of reasonable force if necessary, stop and board any ship in Irish waters or on land within the State where any activity in connection with these sections takes place, or enter any premises or place where any activity connected with the ship takes place, and—
- (a) inspect and examine the ship, premises or place,
 - (b) inspect and take copies of, or extracts from, records or documents.
- (2) An authorised person may for the purpose of his or her functions under this section, stop and board any ship and request the master or owner of the ship or any member of the crew of the ship to furnish such information, and to produce such records and documents (and in the case of records or documents stored in a non-legible form, produce to him or her a copy in legible form) in his or her possession or within his or her procurement, as the authorised person may reasonably require relating to the registration of the ship, the certificate of registry of the ship, the carving and marking of the ship, the national colours or character of the ship or for the purpose of any of his or her functions under this Act.
- (3) An authorised person may for the purpose of his or her functions under this section, enter any premises or place where any activity connected with the ship takes place and request the master or owner of the ship, any member of crew of the ship or employee of the premises or place to furnish him or her with such information, and to produce to him or her such records and documents (and in the case of records or documents stored in a non-legible form, produce to him or her a copy in legible form) in his or her possession or within his or her procurement, as the authorised person may reasonably require relating to the registration of the ship, the certificate of registry of the ship, the carving and marking of the ship, the national colours or character of the ship or for the purpose of any of his or her functions under this Act.

- (4) An authorised person may take photographs or make any record or visual or electronic recording of the ship or any activity on the ship or the premises or place in relation to the exercise of a power under *subsection (1), (2) or (3)*.
- (5) A person who obstructs or interferes with an authorised person in the exercise of his or her functions under this Act, or who fails or refuses to comply with a request of an authorised person under this Act, commits an offence.

Power to detain ships and procedure for detention and appeal

41. (1) A surveyor may detain—

- (a) a ship that is in a port in the State or in Irish waters, or
- (b) an Irish ship in a foreign port, with the permission of the competent authority of the port concerned,

if, in his or her opinion, it is in breach of *section 11, 23, 24 or 26* or regulations made thereunder, or *section 27, 28, 37 or 38*.

(2) For the purposes of enforcing this section, a surveyor may—

- (a) in the case of any ship, stop, board and inspect the ship in or on Irish waters or on land within the State, and
- (b) in the case of an Irish ship, stop, board and inspect that ship anywhere.

(3) A surveyor may request of a person on a ship stopped and boarded under *subsection (2)* and whom the surveyor suspects is committing or has committed an offence under *section 11, 23, 24, 26, 27, 28, 37 or 38* to give his or her name and address.

(4) A surveyor, for the purposes of enforcing this section, may—

- (a) if the ship is underway, order it to be stopped or be manoeuvred as directed for the purposes of identification or of allowing the surveyor to go on board it,
- (b) board the ship,
- (c) require the owner, master or member of the crew of the ship to produce the certificate of registry or other records relating to the ship which are in his or her possession or control, and inspect and take extracts from or copies of the certificate of registry,

- (d) require the master of the ship to give an explanation concerning the ship and the certificates or other records relating to it,
- (e) request and take the name, address and other details of any person on board the ship,
- (f) request co-operation and assistance from the master or crew of the ship in relation to the inspection, examination and detention of the ship, and
- (g) if he or she suspects that there has been a contravention by any person on board the ship of the requirements of section 11 , 23 , 24 or 26 or regulations made thereunder, or section 27 , 28 , 37 or 38 without summons, warrant or other process—
 - (i) if the ship is not in a port, take or instruct that the ship and all persons on board be taken to port or order the master of the ship to take the ship directly to a specified port, and detain the ship, or
 - (ii) if the ship is in a port, detain the ship at the port or order the master of the ship to take it directly to a more convenient port and there detain it.
- (5) A surveyor shall, if requested by a person affected, produce evidence of his or her authority.
- (6) A surveyor when exercising any powers under this section in a port in the State, in Irish waters or on land within the State may be accompanied by other persons, which may include a member of the Garda Síochána, a person holding commissioned naval rank in the Permanent Defence Forces or an officer of the Revenue Commissioners, and may take with him or her, or those persons may take with them, any equipment or materials (including firearms or other weapons (where he or she or any of those other persons is a member of the Defence Forces or the Garda Síochána)) to assist the surveyor in the exercise of his or her powers.
- (7) A surveyor when exercising any powers under this section in a foreign port may be accompanied by other persons which may include a translator or personnel of the enforcement authorities of the state in which the port is situated.
- (8) A person being a member of the Garda Síochána or the Defence Forces accompanying a surveyor may only use such force as he or she deems necessary to ensure the safety of the surveyor and where the surveyor is threatened, obstructed, intimidated or interfered with in exercising his or her duties. The degree of force shall not exceed that reasonably required in the circumstances.
- (9) The master of a ship who fails to obey—
 - (a) an order for the ship to be stopped or to be manoeuvred in accordance with directions, or

- (b) an instruction for the ship to be taken to a specified port,
given by a surveyor under this section commits an offence and is liable—
- (i) on summary conviction, to a class A fine, or
- (ii) on conviction on indictment, to a fine not exceeding €100,000.
- (10) (a) When a ship has been detained under this section, the master or owner of the ship shall be issued with a notice of detention stating the reasons for the detention and the action required to the satisfaction of the surveyor before the notice of detention can be withdrawn.
- (b) Where a surveyor of ships is satisfied that the action required, as referred to in a notice of detention, has been satisfactorily remedied, he or she shall withdraw the notice.
- (11) The master or owner of the ship, or his or her representative in the State, may appeal against a detention decision taken by a surveyor under this section but the lodging of such an appeal shall not cause the detention to be suspended.
- (12) An appeal under *subsection (11)* shall lie to the judge of the Circuit Court in whose Circuit the port in which the ship is or was berthed or docked at the time of making the application is located or in the case of an Irish ship detained in a foreign port, the Dublin Circuit Court, and shall be made not later than 7 working days after the commencement of the detention, unless the Court considers that there is good and sufficient reason for extending that period.
- (13) On hearing the appeal under *subsection (11)*, the Court may confirm or vary the detention or allow the appeal.
- (14) A decision of the Circuit Court on an appeal under *subsection (11)* shall be final, except by leave of the Court, an appeal on a specific point of law lies to the High Court.
- (15) Any costs relating to the detention of a ship under this section shall be borne by the owner of the ship.

Fixed payment notice

42. (1) Where an authorised person has reasonable grounds for believing that a person is committing or has committed an offence under *section 11 (11)* in respect of the registration requirement under *section 11 (1)(b)* or *(c)* he or she may serve the person with a notice, in the form prescribed by the Minister, stating that—

- (a) the person is alleged to have committed the offence, and

(b) the person may during the period of 21 days beginning on the date of the notice make to the authority concerned at the address specified in the notice a payment of €150 or such other amount that, for the time being, stands prescribed, in lieu of that amount, and accompanied by the notice,

(c) the person is not obliged to make the payment, and

(d) a prosecution in respect of the alleged offence shall 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 shall be instituted.

(2) Where notice is given under *subsection (1)*—

(a) a person to whom the notice applies may, during the period specified in the notice, make to the authority concerned at the address specified in the notice the payment specified in the notice accompanied by the notice,

(b) the authority specified in the notice may receive the payment, issue a receipt for it and retain the money paid, and any payment 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 specified is made during that period, no prosecution in respect of the alleged offence shall be instituted.

(3) In a prosecution for an offence under a provision to which this section applies the onus of proving that a payment pursuant to a notice under this section has been made lies on the defendant.

(4) In this section—

“authorised person” includes an authorised person appointed by a local authority under section 17 of the Act of 2005;

“authority” means the Minister, the local authority concerned or Inland Fisheries Ireland, as the case may be.

PART 5

Legal Issues

Documents admissible in evidence

43. The following documents shall be admissible in evidence and judicial notice shall be taken of them, namely:

- (a) an extract or a copy of an extract from the Register that is certified as such by an officer of the Minister;
- (b) a certificate of registry or a copy that is certified as such by an officer of the Minister;
- (c) every declaration made under this Act in respect of a registered ship;
- (d) such other documents made in pursuance of this Act as may be directed by the Minister.

Mode of making declarations

44. (1) The Minister may determine the mode of making declarations required by this Act which may include the form and manner of such declarations (whether paper or electronic format), the method by which declarations are made (including making a declaration before specified persons such as an officer of the Minister or a registrar of ships or a Peace Commissioner or a Commissioner for Oaths or a diplomatic or consular officer), and different modes for different purposes and services.

(2) Declarations required by this Act may be made on behalf of a body corporate by the Secretary or any other officer of the body.

False declarations concerning ownership, etc., of ships, and liability

45. (1) A person who makes a declaration or produces any document or other evidence under this Act and thereby—

- (a) wilfully makes, or assists in making, or procures to be made any false statement knowing it to be false concerning the title to or ownership of, or the interest existing in any ship, or any share in a ship, or
 - (b) utters, produces or makes use of any declaration or document containing any statement knowing it to be false,
- commits an offence.

(2) A person who makes a false declaration in relation to his or her qualification or the qualification of any other person to own a registered ship or any share therein, commits an offence.

(3) A ship or share in a ship in respect of which any false declaration is made to which *subsection (2)* refers, shall be removed from the Register under [section 21](#) to the extent of the interest of the declarant, and also of any person on behalf of whom such declaration was made.

- (4) A person who makes a declaration in pursuance of this Act concerning the title to, ownership of or the interest existing in a ship or a share in a ship, shall be held liable in like manner as an owner for matters arising from such ownership or interest.
- (5) A person who commits an offence under this section is liable—
- (a) on summary conviction, to a class A fine, or
 - (b) on conviction on indictment, to a fine not exceeding €50,000.

Notice of trusts not received

- 46.** (1) Only a person who is an owner of a ship or a share in a ship may be registered on the Register.
- (2) Only those persons who are owners of a ship or of a share in a ship as registered on the Register may sell the ship or share in accordance with this Act and give a receipt for any money paid or advanced as part of the sale.

Equities not excluded by Act

- 47.** (1) In this Act “beneficial title” and “beneficially interested” includes interests arising under contract and other equitable interests.
- (2) The intention of this Act is that, without prejudice to—
- (a) section 46, that only allows for owners of ships to be registered on the Register,
 - (b) the disposition of ships under section 57,
 - (c) the giving of receipts by—
 - (i) registered owners under section 46, and
 - (ii) registered mortgagees under section 57 and 62,
 - (d) the exclusion under section 15 of persons who are not qualified persons from the entitlement to register ships on the Register,
- interests arising under contract or other equitable interests may be enforced by or against owners and mortgagees of ships in respect of their interest therein in the same manner as in respect of any other personal property.

PART 6

Private Law Provisions

Private law provisions for registered ships and liability of owner

- 48.** (1) The Minister may make regulations to provide for the registration of any type or description of ships to be such as to exclude the application of the private law provisions for registered ships and, if they do, may regulate the transfer, transmission or mortgaging of ships of the class or description so excluded.
- (2) Where any person is beneficially interested, otherwise than by way of mortgage, in any ship or share in a ship registered in the name of some other person as owner, the person so interested shall, as well as the registered owner, be subject to all pecuniary penalties imposed by this or any other Act on the owners of ships or shares therein, so nevertheless that proceedings may be taken for the enforcement of any such penalties against both or either of the aforesaid parties, with or without joining the other of them.
- (3) In this Part “the private law provisions for registered ships” means the provisions of sections 48 to 62 or the provisions of regulations made for the purposes of those sections.

Transfers etc. of registered ships

- 49.** (1) A transfer of a registered ship, or a share in such a ship, to a qualified person shall be effected by a bill of sale or by means of such other document of transfer as may be prescribed.
- (2) A bill of sale in respect of a ship or a share in it shall contain such description of the ship as is contained in the certificate of measurement, or the certificate of measurement of an authority recognised by the Minister under section 20 (2), or in certain prescribed circumstances, a declaration for the purpose of measurement, as appropriate, and shall be in an approved form and shall be executed by the transferor in the presence of, and be attested by, a witness or witnesses.
- (3) Where a registered ship or a share in it is transferred in accordance with subsections (1) and (2), the transferee shall not be entitled to be registered as owner thereof until the transferee or, in the case of a body corporate, the person authorised by section 44 to make declarations on behalf of that body, has made and signed a declaration (in this Act called a declaration of transfer) referring to the ship, and containing—
- (a) a statement of the qualification of the transferee to own a registered ship, or, if the transferee is a body corporate, of such circumstances of the constitution and business thereof as prove it to be qualified to own a registered ship in accordance with section 15, and

- (b) a declaration that, to the best of his or her knowledge and belief, no person who is not a qualified person in accordance with section 15 is entitled as owner to any legal or beneficial interest in the ship or any share therein.
- (4) Every bill of sale for the transfer of a registered ship or of a share therein, when executed, shall be produced to the Minister, with the declaration of transfer, and the Minister shall enter the name of the transferee as owner of the ship or share on the Register, and shall endorse on the bill of sale that entry, with the day and hour.
- (5) Bills of sale of a ship or of a share therein shall be registered on the Register in the order in which they are produced to the Minister for registration.
- (6) In this section a reference to a bill of sale in *subsections (2), (4) and (5)* includes a reference to any document of transfer prescribed under *subsection (1)*.

Transfer of property in ship on death, bankruptcy, etc.

50. (1) Where the property in a registered ship or in a share therein is transferred to a qualified person on the death or bankruptcy of any registered owner, or by any lawful means other than by a transfer under section 49—

- (a) that person shall authenticate the transfer by making and signing a declaration (in this Part referred to as declaration of transfer) identifying the ship and containing the several statements required to be contained in a declaration of transfer under section 49, or as near thereto as circumstances permit, and also a statement of the manner in which and the person to whom the property has been transferred,
- (b) if the transfer is consequent on bankruptcy, the declaration of transfer shall be accompanied by such evidence as is for the time being receivable in courts of justice as proof of the title of persons claiming under a bankruptcy, or
- (c) if the transfer is consequent on death, the declaration of transfer shall be accompanied by the instrument of representation, or an official extract therefrom.
- (2) The Minister, on receipt of the declaration of transfer made in accordance with *subsection (1)*, shall enter in the Register the name of the person entitled under the transfer as owner of the ship or share the property in which has been transferred, and, where there is more than one such person, shall enter the names of all those persons, but those persons, however numerous, shall, for the purpose of this Act with respect to the number of persons entitled to be registered as owners, be considered as one person.

Order for sale on transfer to unqualified person

- 51.** (1) Where the property in a registered ship or in a share therein is transferred on death, bankruptcy or otherwise to a person who is not a qualified person, the High Court may, on application by or on behalf of such person, order a sale of the property transferred and direct that the proceeds of the sale, after deducting the expenses, be paid to the person entitled under such transfer or otherwise as the Court likes.
- (2) The Court may require any evidence it thinks necessary in order to support the application and may make the order on any terms and conditions it thinks just, or may refuse to make the order and generally may act in the case as the justice of the case requires.
- (3) Every application for sale under *subsection (1)* shall be made not later than 28 days from the date of the occurrence of the event on which the transfer has taken place, or within such further time (not exceeding one year) as the Court may allow.
- (4) If—
- (a) an application is not made within the time allowed by or under *subsection (3)*, or
- (b) the Court refuses an order for sale,
- the ship or share transferred shall be liable to removal from the Register under *section 21* .

Transfer of ship on sale by order of the court

- 52.** (1) Where any court orders the sale of a registered ship or share in a registered ship, the order of the court shall contain a declaration vesting in a named person the right to transfer the ship or share.
- (2) The person named by a court under *subsection (1)* shall be entitled to transfer the ship or share in the same manner and to the same extent as if the person was the registered owner of the ship or share.
- (3) The Minister shall deal with any application relating to the transfer of the ship or share made by the person so named by a court under *subsection (1)* as if that person was the registered owner.

Power of court to prohibit transfer

- 53.** (1) The High Court may, on the application of any interested person, make an order prohibiting any dealing with a registered ship or a share in a registered ship for a specified period of time and on any terms or conditions as the Court thinks just, or may refuse to make the order, or may discharge the order when made, with or without costs, and generally may act in the case as the justice of the case requires.

(2) The order of the Court under *subsection (1)* when served shall be binding on the Minister.

Mortgages of registered ships

54. (1) An owner may provide his or her registered ship or a share in that ship as security for a loan or other consideration.

(2) The instrument creating such security under *subsection (1)* (referred to in this Act as a “mortgage”) shall be in an approved form.

(3) Where a mortgage executed in accordance with *subsection (2)* is produced to the Minister, the mortgage shall be registered in accordance with relevant directions of the Minister to registrars of ships issued under *section 17*.

(4) Mortgages shall be registered on the Register in the order in which they are produced to the Minister for the purposes of registration.

Priority of registered mortgages

55. Where two or more mortgages are registered on the Register in respect of the same ship or share, the priority of the mortgagees between themselves shall, subject to *section 56*, be determined by the order in which the mortgages were registered.

Notices by intending mortgagees — priority notices

56. (1) A person who is an intending mortgagee of—

(a) a ship registered or to be registered on specified Parts of the Register, or

(b) a share in a ship registered or to be registered on specified Parts of the Register,

may inform in writing the Minister of his or her interest under the proposed mortgage.

(2) The Minister shall record that interest on the Register.

(3) The Minister may make regulations to provide for the giving to the Minister, by intending mortgagees of ships registered or to be registered on specified Parts of the Register, of priority notices in an approved form and containing prescribed information which, when recorded on the Register, determines the priority of the interest to which the notice relates, during such period of time specified in the regulations.

Registered mortgagee’s power of sale

57. A registered mortgagee shall have power to dispose of the ship or share in respect of which the mortgagee is registered, in accordance with the terms of the mortgage, and to give receipts for the purchase money, but where there is more than one person registered as mortgagee of the same ship or share, a subsequent registered mortgagee shall not, except under the order of a court of competent jurisdiction, sell the ship or share, without the concurrence of every prior mortgagee.

Protection of registered mortgages

58. Where a ship or share is subject to a registered mortgage then—

(a) except as may be necessary to make the ship or share available as a security for the mortgage debt, a mortgagee shall not by reason only of the mortgage be treated as owner of the ship or share, and

(b) the mortgagor shall be treated as not having ceased to be owner of the ship or share.

Mortgage not affected by bankruptcy

59. (1) A registered mortgage of a ship or share shall not be affected by any act of bankruptcy committed by the mortgagor after the date of registration notwithstanding that the mortgagor at the commencement of his or her bankruptcy had the ship or share in his or her possession, order, or was reputed owner thereof.

(2) A mortgage referred to in *subsection (1)* shall be preferred to any right, claim, or interest therein of the other creditors of the bankrupt or any trustee or assignee on their behalf.

Transfer of registered mortgage

60. (1) A registered mortgage of a ship or share may be transferred to any person. The instrument effecting the transfer shall be in an approved form.

(2) Where any such instrument as referred to in *subsection (1)* is produced to the Minister, the Minister shall register the transferee as mortgagee of the ship or share on the Register.

Transfer of registered mortgage on death, bankruptcy, etc.

61. (1) Where the interest of a mortgagee in a ship or share is transferred on death, or bankruptcy, or by any lawful means, other than by a transfer under *section 60*, the transfer shall be authenticated by a declaration of the person to whom the interest is transferred, containing a statement of the manner in which and the person to whom the property has been transferred, and shall be accompanied by the like evidence as is by this Act required in case of a corresponding transfer of the ownership of a ship or share.

- (2) The Minister on the receipt of the declaration under *subsection (1)* and the production of the evidence aforesaid, shall enter the name of the person entitled under the transfer on the Register as mortgagee of the ship or share.

Discharge of registered mortgage

62. Where a registered mortgage has been discharged, the Minister shall, on production of the mortgage deed with a receipt for the mortgage money endorsed thereon, signed and attested, and any such evidence of the discharge of the mortgage as may be further prescribed by regulations, cause an entry to be made on the relevant Part of the Register to the effect that the mortgage has been discharged subject to any fees or other requirements prescribed by the Minister in regulations.

PART 7

Proceedings

Proceedings

63. (1) (a) Proceedings for an offence under this Act may be brought and prosecuted summarily by—
- (i) the Minister, and
 - (ii) in the case of an offence under *section 11 (1)* relating to a ship referred to in *section 11(1) (b)* or *(c)*, the local authority concerned or Inland Fisheries Ireland.
- (b) Any costs of a prosecutor incurred in connection with the prosecution of a person for an offence under this section for which the person is convicted may be recovered by the prosecutor, in a court of competent jurisdiction, as a debt due and payable by the convicted person to the prosecutor.
- (c) Any fine in respect of an offence prosecuted summarily under this section shall be paid to the prosecutor and may be disposed of in a manner that the prosecutor determines.
- (2) (a) The Minister may from time to time request a local authority or Inland Fisheries Ireland to make a report to him or her on the operation of this section or *section 42* either generally or with regard to some particular aspect, including the provision of information in relation to such matters as the number of offences and prosecutions that have arisen.
- (b) A local authority or Inland Fisheries Ireland shall supply the Minister with such information as may be requested by the Minister from time to time under *paragraph (a)*.

Summary penalties

64. A person who commits an offence under this Act (other than under *section 20 (9), 22 (9), 23 (9), 24 (6), 28 (8) or (13), 41 (9) or 45 (5)*) is liable on summary conviction to a class A fine.

Liability of owner and master

65. Where the owner or master of a ship commits an offence under *sections 23 (9), 24 (6), 27 (2), 28 (5), 29 (3) or 38*, then—

(a) if the owner has committed the offence, the master, or

(b) if the master has committed the offence, the owner,

where it is shown that he or she consented to, approved of or connived in the commission of the offence, also commits an offence under the provision concerned and is liable to be prosecuted against and punished as if he or she were guilty of the first-mentioned offence.

Offence — body corporate

66. (1) Where an offence under this Act is committed by a body corporate and is proved to have been committed with the consent, connivance or approval of or to be attributable to any wilful 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 such capacity, that person, as well as the body corporate, commits an offence and is liable to be prosecuted 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, *subsection (1)* applies in relation to the 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.

Service of notification

67. (1) A notification under this Act (other than a notification on the Minister) shall be addressed to the person concerned by name and may be served on or given to the person—

(a) by giving a copy to the person, his or her employee, servant or agent,

(b) by leaving a copy at the address where the person ordinarily resides, where he or she carries on business, or, where an address for service of notifications has been furnished by the person to the Minister, at that address,

- (c) by sending a copy by post, including in a prepaid registered letter, to the address at which the person ordinarily resides or carries on business, in the case of a body corporate or unincorporated body at the registered office of the body or, where an address for service has been furnished by the person to the Minister, at that address,
- (d) by sending a copy by means of electronic mail or a facsimile machine, to a device or facility for the reception of electronic mail or facsimiles located at the address at which the person ordinarily resides or carries on business or, if an electronic address or facsimile number address for the service of a notification has been furnished by the person to the Minister, that electronic address or facsimile machine, but only if—
- (i) the recipient's facility for the reception of electronic mail generates a message confirming the successful receipt of the electronic mail, or
- (ii) the sender's facsimile machine generates a message confirming the successful transmission of the total number of pages of the notification.
- (2) For the purposes of this section, a company within the meaning of the Companies Acts is considered to be ordinarily resident at its registered office and every other body corporate or unincorporated body is considered to be ordinarily resident at its principal office or place of business.

PART 8

Consequential Amendments

Consequential amendments of certain enactments

68. The enactments mentioned in Schedule 4 are amended as indicated in that Schedule.

PART 9

Safety Convention

Safety Convention

69. Section 3 (1) of the Merchant Shipping (Safety Convention) Act 1952 is amended by substituting for the definition of "Safety Convention" (inserted by section 6 (1)(c) of the Merchant Shipping Act 2010) the following:

“‘Safety Convention’ means the International Convention for the Safety of Life at Sea signed in London on behalf of the Government on 1 November 1974 together with the Protocol to the International Convention for the Safety of Life at Sea signed in London on behalf of the Government on 17 February 1978 and the Protocol to the International Convention for the Safety of Life at Sea signed in London on behalf of the Government on 11 November 1988 and any amendments made to it up to and including those adopted by the 90th session of the Maritime Safety Committee of the International Maritime Organisation held between 16 and 25 May 2012 and which have entered into force in respect of the State pursuant to Article VIII prior to the passing of the *Merchant Shipping (Registration of Ships) Act 2014*”.

SCHEDULE 1

Repeals

Section 7

Number and Year (1)	Short Title (2)	Extent of Repeal (3)
No. 29 of 1955	<u>Mercantile Marine Act 1955</u>	The whole Act
No. 20 of 1998	<u>Merchant Shipping (Miscellaneous Provisions) Act 1998</u>	Section 3
No. 8 of 2006	<u>Sea-Fisheries and Maritime Jurisdiction Act 2006</u>	Section 100

SCHEDULE 2

Revocations

Section 8

Mercantile Marine Act 1955 (Reciprocating State) (United Kingdom and Colonies) Order 1955 (S.I. No. 263 of 1955)

Mercantile Marine (Ships' Names) Regulations 1959 (S.I. No. 119 of 1959)

Mercantile Marine Act 1955 (Reciprocating State) (Canada) Order 1961 (S.I. No. 299 of 1961)

Mercantile Marine Act 1955 (Section 62) Regulations 1963 (S.I. No. 77 of 1963)

Mercantile Marine Act 1955 (Section 76) Regulations 1963 (S.I. No. 78 of 1963)

Mercantile Marine Act 1955 (Reciprocating States) (New Zealand and Pakistan) Order 1968 (S.I. No. 189 of 1968)

Mercantile Marine Act 1955 (Ports of Registry) (Amendment) Order 1988 (S.I. No. 57 of 1988)

Mercantile Marine (Variation of Geographical Limits) (Deck Cargo) Order 1989 (S.I. No. 54 of 1989)

SCHEDULE 3

Ports of Registry

Section 30

Arklow, Cork, Drogheda, Dublin, Dundalk, Galway, Limerick, Skibbereen, Sligo, Tralee, Waterford, Westport and Wexford.

SCHEDULE 4

Consequential Amendment of Certain Enactments

Section 68

Wireless Telegraphy Act 1926

Item	Provision	Nature of Amendment
(1)	Amended	(3)
	(2)	
1.	Section 9(1) (as amended by <u>section 182</u> of the <u>Broadcasting Act 2009</u>)	In paragraph (a)(i), substitute " <i>Merchant Shipping (Registration of Ships) Act 2014</i> " for " <u>Mercantile Marine Act 1955</u> ". In paragraph (g), substitute " <i>Merchant Shipping (Registration of Ships) Act 2014</i> " for " <u>Mercantile Marine Act 1955</u> ".

Offences Against the State Act 1939

Item	Provision	Nature of Amendment
(1)	Amended (2)	(3)
1.	Section 7(3) (inserted by <u>section 18</u> of the <u>Criminal Justice (Amendment) Act 2009</u>) <u>Merchant Shipping (Safety Convention) Act 1952</u>	In paragraph (a), substitute "(within the meaning of <u>section 33</u> of the <i>Merchant Shipping (Registration of Ships) Act 2014</i>)" for "(within the meaning of <u>section 9</u> of the <u>Mercantile Marine Act 1955</u>)".

Item	Provision	Nature of Amendment
(1)	Amended (2)	(3)
1.	Section 3(1) (as amended by <u>section 6</u> (1)(a) of the <u>Merchant Shipping Act 2010</u>) <u>Merchant Shipping Act 1966</u>	In paragraph (a), substitute for the definition of "Irish ship" the following: " 'Irish ship' means a ship, other than a ship of war, known as such under <u>section 33</u> of the <i>Merchant Shipping (Registration of Ships) Act 2014</i> ;"

Item	Provision	Nature of Amendment
(1)	Amended (2)	(3)
1.	Section 1(1) (as amended by <u>section 12</u> (1) of the <u>Merchant Shipping Act 2010</u>)	Substitute for the definition of "Irish ship" the following: " 'Irish ship' means a ship, other than a ship of war, known as such under <u>section 33</u> of the <i>Merchant Shipping (Registration of Ships) Act 2014</i> ;"

Merchant Shipping (Load Lines) Act 1968

Item	Provision	Nature of Amendment
(1)	Amended (2)	(3)
1.	Section 1	In subsection (1), substitute for the definition of “registered ship” the following: “ ‘registered ship’ means a ship registered under the <i>Merchant Shipping (Registration of Ships) Act 2014</i> ”; Substitute for subsection (5) the following: “(5) Any reference in this Act to the gross tonnage of a ship shall be construed as a reference to the tonnage of the ship as ascertained in accordance with <u>section 20</u> of the <i>Merchant Shipping (Registration of Ships) Act 2014</i> and, where in accordance with that section alternative tonnages are assigned to a ship, the gross tonnage of the ship shall, for the purposes of this Act, be taken to be the larger of those tonnages.”.
2.	Section 20	Insert after subsection (4) the following: “(4A) On the application of the owner of a ship to which this Act applies, which is not a registered ship and is not registered under the law of another state, but is, in exceptional circumstances, required to undertake a single voyage between a place in the State and— (a) another place in the State, or (b) a place outside the State, the Minister may exempt the ship.”.
3.	Section 21	To substitute for subsection (2) the following:

“(2) For the purpose of this section the appropriate certificate—

- (a) where the exemption is conferred under subsection (2) or subsection (4) of section 20, is a certificate which shall be called an International Load Line Exemption Certificate,
- (b) where the certificate is conferred under subsection (3) of that section, is a certificate which shall be called an Irish load line exemption certificate,
- (c) where the exemption is conferred under subsection (4A)(a) of that section, is a certificate which shall be called an Irish load line exemption certificate,
- (d) where the exemption is conferred under subsection (4A)(b) of that section to a ship that is either an existing ship of less than 150 tons gross tonnage or a new ship of less than 24 metres in length, is a certificate which shall be called an Irish load line exemption certificate, and
- (e) where the exemption is conferred under subsection (4A)(b) of that section to a ship that is either an existing ship of not less than 150 tons gross tonnage or a new ship of not less than 24 metres in length, is a certificate which shall be called an International Load Line Exemption Certificate.”.

Shipping Investment Grants Act 1987

Item	Provision	Nature of Amendment
(1)	Amended (2)	(3)
1.	Section 3(2)	In paragraph (a), substitute “ <i>Part 2 of the Merchant Shipping (Registration of Ships) Act 2014</i> ” for “Part II of the <u>Mercantile Marine Act 1955</u> ”.

Merchant Shipping Act 1992

Item	Provision	Nature of Amendment
(1)	Amended	(3)
	(2)	
1.	Section 2(1)	Substitute for the definition of "owner" the following: <p style="text-align: center;">" 'owner', in relation to a vessel, means the person registered under the <i>Merchant Shipping (Registration of Ships) Act 2014</i> 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;"</p>

Criminal Justice Act 1994

Item	Provision	Nature of Amendment
(1)	Amended	(3)
	(2)	
1.	Section 3(1)	Substitute for the definition of "Irish ship" the following: <p style="text-align: center;">" 'Irish ship' has the meaning assigned to it by <u>section 33</u> of the <i>Merchant Shipping (Registration of Ships) Act 2014</i>;"</p>

Dumping at Sea Act 1996

Item	Provision	Nature of Amendment
(1)	Amended	(3)
	(2)	
1.	Section 1	Substitute for the definition of "Irish vessel" the following: <p style="text-align: center;">" 'Irish vessel' means a ship which is an Irish ship within the meaning of the <i>Merchant Shipping (Registration of Ships) Act 2014</i>, or a vessel which is owned by, leased or chartered to, an individual resident in the State or an Irish company, and is not registered under the law of another country;"</p>

Refugee Act 1996

Item	Provision	Nature of Amendment
(1)	Amended	(3)
	(2)	
1.	Section 3(2)	In paragraph (c), substitute " <u>section 15</u> of the <i>Merchant Shipping (Registration of Ships) Act 2014</i> " for " <u>section 16</u> of the <u>Mercantile Marine Act 1955</u> ".

Criminal Law Act 1997

Item	Provision	Nature of Amendment
(1)	Amended	(3)
	(2)	
1.	Section 7(9) (inserted by <u>section 19</u> of the <u>Criminal Justice (Amendment) Act 2009</u>)	Substitute " <u>section 33</u> of the <i>Merchant Shipping (Registration of Ships) Act 2014</i> ." for " <u>section 9</u> of the <u>Mercantile Marine Act 1955</u> .".

Taxes Consolidation Act 1997

Item	Provision	Nature of Amendment
(1)	Amended	(3)
	(2)	
1.	Paragraph 31(3) of Part 5 of Schedule 18B (inserted by <u>section 53</u> (2) of the <u>Finance Act 2002</u>)	Substitute "referred to in <u>section 20</u> (1)(a) or (b) of the <i>Merchant Shipping (Registration of Ships) Act 2014</i> " for "under <u>section 91</u> of the <u>Mercantile Marine Act 1955</u> ".

Criminal Justice Act 1999

Item	Provision	Nature of Amendment
(1)	Amended	(3)
	(2)	
1.	Section 41(3A) (inserted by <u>section 20</u> of the <u>Criminal Justice (Amendment) Act 2009</u>)	In paragraph (a), substitute "(within the meaning of <u>section 33</u> of the <i>Merchant Shipping (Registration of Ships) Act 2014</i>)" for "(within the meaning of <u>section 9</u> of the <u>Mercantile Marine Act 1955</u>)".

Sea Pollution (Amendment) Act 1999

Item	Provision	Nature of Amendment
(1)	Amended	(3)
	(2)	
1.	Section 1	Substitute for the definition of "Irish ship" the following: " 'Irish ship' means an Irish ship within the meaning of <u>section 33</u> of the <i>Merchant Shipping (Registration of Ships) Act 2014</i> ;"

Civil Registration Act 2004

Item	Provision	Nature of Amendment
(1)	Amended	(3)
	(2)	
1.	Section 27(7)	Substitute for the definition of "Irish ship" the following: " 'Irish ship' means an Irish ship within the meaning of <u>section 33</u> of the <i>Merchant Shipping (Registration of Ships) Act 2014</i> ."
2.	Section 39(6)	Substitute for the definition of "Irish ship" the following: " 'Irish ship' means an Irish ship within the meaning of <u>section 33</u> of the <i>Merchant Shipping (Registration of Ships) Act 2014</i> ."

Maritime Security Act 2004

Item	Provision	Nature of Amendment
(1)	Amended (2)	(3)
1.	Section 1	Substitute for the definition of "Irish ship" the following: " 'Irish ship' means an Irish ship within the meaning of <u>section 33</u> of the <i>Merchant Shipping (Registration of Ships) Act 2014</i> , wherever situate;"

Criminal Justice (Terrorist Offences) Act 2005

Item	Provision	Nature of Amendment
(1)	Amended (2)	(3)
1.	Section 3(1)	Substitute for the definition of "Irish ship" the following: " 'Irish ship' means an Irish ship within the meaning of <u>section 33</u> of the <i>Merchant Shipping (Registration of Ships) Act 2014</i> ;"

Maritime Safety Act 2005

Item	Provision	Nature of Amendment
(1)	Amended	(3)
	(2)	
1.	Section 46(1)	Substitute for the definitions, respectively, of "Irish ship" and "owner" the following: " 'Irish ship' means an Irish ship within the meaning of <u>section 33</u> of the <i>Merchant Shipping (Registration of Ships) Act 2014</i> ;" " 'owner', in relation to a vessel, means the person registered under the <i>Merchant Shipping (Registration of Ships) Act 2014</i> as its owner, or if no person is so registered, the person who owns the vessel, and includes any part-owner, charterer, hirer, manager or operator of the vessel;"

Sea Pollution (Hazardous Substances) (Compensation) Act 2005

Item	Provision	Nature of Amendment
(1)	Amended	(3)
	(2)	
1.	Section 15(8)	Substitute for the definition of "Irish ship" the following: " 'Irish ship' shall be construed in accordance with <u>section 33</u> of the <i>Merchant Shipping (Registration of Ships) Act 2014</i> ."

Criminal Justice Act 2006

Item	Provision	Nature of Amendment
(1)	Amended	(3)
	(2)	
1.	Section 70	Substitute for the definition of "Irish ship" the following: " 'Irish ship' has the meaning assigned to it by <u>section 33</u> of the <i>Merchant Shipping (Registration of Ships) Act 2014</i> ;"

International Criminal Court Act 2006

Item	Provision	Nature of Amendment
(1)	Amended	(3)
	(2)	
1.	Section 12(5)	Substitute for the definition of "Irish ship" the following: " 'Irish ship' means an Irish ship within the meaning of <u>section 33</u> of the <i>Merchant Shipping (Registration of Ships) Act 2014</i> ."

Sea-Fisheries and Maritime Jurisdiction Act 2006

Item	Provision	Nature of Amendment
(1)	Amended	(3)
	(2)	
1.	Section 33(1)	In paragraph (b), substitute "a port (within the meaning of <u>section 30</u> of the <i>Merchant Shipping (Registration of Ships) Act 2014</i>)" for "a port mentioned in the Second Schedule to the Act of 1955". In paragraph (c), substitute "(within the meaning of <u>section 33</u> of that Act)" for "(within the meaning of section 9 of that Act)".
2.	Section 75	In subsection (3)(b), substitute " <u>section 18 (1)</u> of the <i>Merchant Shipping (Registration of Ships) Act 2014</i> " for "the Act of 1955". Delete subsection (8).
3.	Section 81	Substitute for the definition of "foreign ship" the following: " 'foreign ship' means a ship which is not an Irish ship (within the meaning of <u>section 33</u> of the <i>Merchant Shipping (Registration of Ships) Act 2014</i>);"

Sea Pollution (Miscellaneous Provisions) Act 2006

Item	Provision	Nature of Amendment
(1)	Amended	(3)
	(2)	
1.	Section 3(1)	Substitute for the definition of "Irish ship" the following: " 'Irish ship' means an Irish ship within the meaning of <u>section 33</u> of the <i>Merchant Shipping (Registration of Ships) Act 2014</i> ;"

Cluster Munitions and Anti-Personnel Mines Act 2008

Item	Provision	Nature of Amendment
(1)	Amended	(3)
	(2)	
1.	Section 2(1)	Substitute for the definition of "Irish ship" the following: " 'Irish ship' means an Irish ship within the meaning of <u>section 33</u> of the <i>Merchant Shipping (Registration of Ships) Act 2014</i> ;"

Criminal Justice (Money Laundering and Terrorist Financing) Act 2010

Item	Provision	Nature of Amendment
(1)	Amended	(3)
	(2)	
1.	Section 8(1)	In paragraph (a), substitute " <u>section 33</u> of the <i>Merchant Shipping (Registration of Ships) Act 2014</i> " for " <u>section 9</u> of the <u>Mercantile Marine Act 1955</u> ".

Merchant Shipping Act 2010

Item	Provision	Nature of Amendment
(1)	Amended (2)	(3)
1.	Section 2	Substitute for the definition of "Irish ship" the following: " 'Irish ship' means a ship, other than a ship of war, known as such under <u>section 33</u> of the <i>Merchant Shipping (Registration of Ships) Act 2014</i> ;"

Biological Weapons Act 2011

Item	Provision	Nature of Amendment
(1)	Amended (2)	(3)
1.	Section 3(1)	In paragraph (a), substitute " <u>section 33</u> of the <i>Merchant Shipping (Registration of Ships) Act 2014</i> " for " <u>section 9</u> of the <u>Mercantile Marine Act 1955</u> ".

Criminal Justice (Female Genital Mutilation) Act 2012

Item	Provision	Nature of Amendment
(1)	Amended (2)	(3)
1.	Section 4(1)	In paragraph (a), substitute " <u>section 33</u> of the <i>Merchant Shipping (Registration of Ships) Act 2014</i> " for " <u>section 9</u> of the <u>Mercantile Marine Act 1955</u> ".

¹OJ No. L64, 4.3.2006, p.1

²OJ No. L131, 28.5.2009, p.11