

**MERCHANT SHIPPING (REGISTRY, LETTERING AND NUMBERING OF FISHING
BOATS)
REGULATIONS 1989**

The Government, in exercise of the powers conferred on them by section 373 (5) of the Merchant Shipping Act, 1894 (as adapted and amended by any subsequent enactments), hereby make the following Regulations:

REG 1

1. (1) These Regulations may be cited as the Merchant Shipping (Registry, Lettering and Numbering of Fishing Boats) Regulations, 1989, and shall come into operation on 15th day of December, 1989.
- (2) The Merchant Shipping (Registry, Lettering and Numbering of Fishing Boats) (Regulations) Order, 1927 (S. R. & O. No. 105 of 1927), other than paragraph 4 of the Schedule to that order, is hereby revoked.
- (3) Paragraph 4 of the Schedule to the Order of 1927 is hereby revoked on the 30th day of June, 1990.
- (4) The Interpretation Act, 1937 (No. 38 of 1937), applies to these Regulations.

REG 2

2. In these Regulations, except where the context otherwise requires:
 - "the Act of 1955" means the Mercantile Marine Act, 1955 (No. 29 of 1955);
 - "certificate of registry" means the certificate issued under Regulation 4 (5) of these Regulations;
 - "fishing boat" means a boat, intended for the catching for sale of fish, that is wholly owned by a person who is—
 - (a) a citizen of Ireland, or
 - (b) an Irish body corporate (within the meaning of section 2 of the Act of 1955);but does not include a boat that is—
 - (i) registered under the law of another State, or
 - (ii) open and undecked and navigated by oars only, or
 - (iii) engaged in fishing or dredging for scientific, research or training purposes;
 - "functions" includes powers and duties;
 - "local registrar" means a person appointed under Regulation 5 (1) of these Regulations;
 - "the Minister" means the Minister for the Marine;
 - "the Order of 1927" means the Merchant Shipping (Registry, Lettering and Numbering of Fishing Boats) (Regulations) Order, 1927;
 - "owner of a fishing boat" means the person who owns the boat or, in the case of a boat which is the subject of a leasing agreement or a hire purchase agreement, the person who is in possession of the boat under such an agreement;
 - "port of registry" means a port specified in column (1) of the First Schedule to these Regulations;
 - "the Principal Act" means the Merchant Shipping Act, 1894;
 - "the Register" means the Register of Fishing Boats kept pursuant to Regulation 4 of these Regulations;

"the Registrar General" means the Registrar General of Fishing Boats to be appointed by the Minister under Regulation 4 of these Regulations;

"the Regulations of 1984" means the Merchant Shipping (Tonnage) Regulations, 1984 (S.I. No. 369 of 1984);

"sea fisheries officer" means a sea fisheries protection officer within the meaning of section 220 of the Fisheries (Consolidation) Act, 1959 (No. 14 of 1959).

REG 3

3. These Regulations shall apply to every fishing boat.

REG 4

4. (1) There shall be a registrar of fishing boats (who shall be known as the "Registrar General of Fishing Boats" and is referred to in these Regulations as "the Registrar General") who shall establish and maintain a register of fishing boats (which shall be known as "the Register of Fishing Boats" and is referred to in these Regulations as "the Register").

(2) The Minister shall appoint the Registrar General and may remove him from office.

(3) The Register shall be kept at the Department of the Marine, Dublin.

(4) On receipt of an application, made under Regulation 7 of these Regulations, the Registrar General shall examine it, and—

(a) if he is not satisfied that the particulars contained therein are sufficient to enable the fishing boat to be registered, he may request further particulars, or

(b) if he is satisfied that the particulars contained therein are sufficient to enable the fishing boat to be registered, he shall—

(i) if he has not already done so, allocate to the fishing boat—

(I) a distinguishing letter or letters in accordance with the First Schedule to these Regulations,

(II) a number, and

(ii) inform the local registrar of the letter or letters and number allocated to the fishing boat concerned.

(5) When the local registrar notifies the Registrar General that the fishing boat concerned has been marked in accordance with these Regulations, the Registrar General shall enter into the Register opposite the number allocated to the fishing boat concerned all of the particulars provided by the applicant (being the particulars set out in the Second Schedule to these Regulations) and shall issue to the owner of the fishing boat a certificate to be known and in these Regulations referred to as a "certificate of registry".

(6) The Registrar General shall keep a record of all applications received by him.

(7) A certificate of registry issued under paragraph (5) of this Regulation shall be a certificate of registry or official paper (within the meaning of the Sea Fisheries Act, 1868, and Part IV of the Principal Act, and a document relating to the fishing boat within the meaning of the Sea Fisheries Act, 1883, and Commission Regulation (EEC) No. 1381/87).

REG 5

5. (1) The officers named in column (3) of the First Schedule to these Regulations shall be appointed to be local registrars for the ports of Registry mentioned in column (1) of the First Schedule to these Regulations.

(2) A local registrar, on receipt of an application to have a fishing boat registered, shall—

(a) satisfy himself that the information set out in the application is correct,

(b) inspect or cause to be inspected the fishing boat concerned, and

(c) deliver the application, or cause it to be delivered, to the Registrar General.

(3) Where the fishing boat is not inspected by or on behalf of a local registrar, for the purposes of verifying the information supplied in respect of an application under these Regulations, the fishing boat shall be inspected by one of the following persons at the request of the local registrar, namely—

(a) a Sea Fisheries Officer in the area where the application is made, or

(b) the Bord Iascaigh Mhara Area Officer in the area where the application is made,

who shall indicate on the application whether or not—

(i) the particulars on the application form are correct,

(ii) the fishing boat complies with the provisions of the Sea Fisheries (Marking and Documentation of Sea-Fishing Boats) Order, 1987 (S.I. No. 253 of 1987).

(4) The local registrar, on being informed of the letter or letters and number allocated under paragraph (4) of Regulation 4 of these Regulations, shall inform the owner of the fishing boat concerned of the said letter or letters and number and shall ensure that the owner marks or causes to mark the said fishing boat with the said letter or letters and number.

(5) The local registrar shall notify the Registrar General when the fishing boat concerned has been marked with the appropriate letter or letters and number.

REG 6

6. (1) In the case of a fishing boat of 24 metres in length or over, registered under the Act of 1955, the length and the tonnage to be recorded in the Register for the purposes of these Regulations shall be the length and tonnage entered in the certificate of registry issued pursuant to the requirements of that Act until such time as:

(i) the fishing boat undergoes alterations or modifications which result in an alteration to its existing gross tonnage; or

(ii) the owner requests that the tonnage be amended; or

(iii) 18th July, 1994,

whichever first occurs, at which time the register length and tonnage of the fishing boat in question shall be ascertained in accordance with Part II of the Regulations of 1984.

(2) In the case of a fishing boat less than 24 metres in length,

registered under the 1955 Act, the length and the tonnage to be recorded in the Register for the purposes of these Regulations shall be the length and tonnage as shown on the certificate of registry issued pursuant to the requirements of that Act.

(3) In the case of a fishing boat which is not registered under the Act of 1955 but which is currently registered under Part IV of the Principal Act the length and the tonnage to be recorded in the Register for the purposes of these Regulations shall be the length and tonnage entered in the certificate of registry issued pursuant to the requirements of that Act.

(4) In the case of any fishing boat not registered as a fishing boat before these Regulations come into operation the length and tonnage for the purposes of these Regulations shall be ascertained in accordance with the Regulations of 1984, except that a fishing boat of length less than or equal to 35 feet, which is not also registered under the 1955 Act, shall have its tonnage ascertained by the local registrar or the Officer of Customs and Excise in charge of the nearest Station to the port concerned or a Garda Síochána stationed in the area where the application is made, in accordance with the Rules set out in the Third Schedule to these Regulations.

(5) When the register length and tonnage of a fishing boat are being determined in accordance with these Regulations, such measurement and calculation as may be required shall be carried out by a Surveyor of Ships who shall give a certificate specifying the boat's register length and tonnage and such certificate shall be delivered to the local registrar before registration.

REG 7

7. (1) Every person who—

(a) on the coming into operation of these Regulations is the owner of a fishing boat, or

(b) after the coming into operation of these Regulations becomes the owner of a fishing boat,

shall apply to have his fishing boat entered on the Register in accordance with the provisions of paragraph (2) of this Regulation.

(2) An application under paragraph (1) of this Regulation shall—

(a) be made to a local registrar, and

(b) include the particulars set out in the Second Schedule to these Regulations and be made—

(i) at the port where the fishing boat concerned was registered in case it has been registered either under the Order of 1927, or under the Act of 1955, or

(ii) at any port of registry (being a port set out in column (1) of the First Schedule to these Regulations) in the case of a fishing boat which has not been registered, or

(iii) at any port of registry (being a port set out in column (1) of the First Schedule to these Regulations) in the case of a fishing boat which is registered under these Regulations.

REG 8

8. Where the owner of a fishing boat applies for registration and is allocated a distinguishing letter or letters and number in accordance with Regulation 4(4) of these Regulations, he shall mark or cause to mark the fishing boat with that letter or those letters and that number in accordance with Sea Fisheries (Marking and Documentation of Sea-Fishing Boats) Order, 1987 (S.I. No. 253 of 1987).

REG 9

9. (1) In the event of a fishing boat:

- (i) being either actually or constructively lost;
- (ii) being broken up; or
- (iii) ceasing to be employed in fishing for the catching for sale of fish,

the owner of the said fishing boat shall give notice thereof immediately to a local registrar and shall deliver up to that local registrar the certificate of registry.

(2) Once the local registrar has been given notice under paragraph (1) of this Regulation, he shall—

- (a) notify the Registrar General who shall make an entry to this effect in the Register,
- (b) deliver up the certificate of registry to the Registrar General.

(3) In the event that it comes to the notice of the Registrar General of a fishing boat:

- (i) being either actually or constructively lost;
 - (ii) being broken up; or
 - (iii) ceasing to be employed for the catching of fish for sale,
- the Registrar General may notify the owner and unless information to the contrary is received within 30 days, the Registrar General shall make an entry in the Register of the information received by him from the local registrar and of the fact that the owner has been notified about that information but has failed to reply within a reasonable period to the Registrar General.

REG 10

10. (1) The owner of a fishing boat, whenever there is a change in any of the particulars set out in the Second Schedule to these Regulations so that the information in the Register is rendered incomplete or inaccurate as regards that fishing boat, shall—

- (a) report the change to a local registrar,
- (b) return the certificate of registry of the said fishing boat to the Registrar General, and
- (c) apply to the Registrar General for a new certificate of registry.

(2) The local registrar may, on receipt of such information, require the fishing boat to be remeasured in the case where the register length or breadth or tonnage or engine power of the fishing boat has changed, and shall send the new measurements verified by him to

the Registrar General who may, at his discretion—
(a) retain the certificate of registry and grant a new certificate of registry containing a description of the fishing boat as changed, or
(b) endorse on the existing certificate of registry a memorandum of the change,
and enter into the Register notice of the said changes.
(3) Each local registrar shall forward to the Registrar General details of any transactions affecting the Register as they come to his notice and the Registrar General may amend the Register and issue a revised certificate of registry to the owner of the fishing boat concerned.

REG 11

11. Nothing in these Regulations shall prejudice the right to apply to register a fishing boat under these Regulations which was registered under the Register established under the Order of 1927.

REG 12

12. Where it is shown to the satisfaction of the Registrar General that a certificate of registry has been lost or destroyed the Registrar General may issue a new certificate of registry on being satisfied that the information supplied on the original application relating to the lost or destroyed certificate of registry remains unchanged.

REG 13

13. (1) Subject to paragraph (2) of this Regulation, every owner of a fishing boat which was registered under the Order of 1927 shall apply to register the fishing boat under these Regulations not later than the 31st day of January, 1990.
(2) The Registrar General, on receipt of written application, within six months after the coming into operation of these Regulations, from the owner of a fishing boat which was registered under the Order of 1927, may, if he is satisfied that there was valid reason for the failure to apply for registration under these Regulations by the 31st day of January, 1990, register the fishing boat.

SCHEDULE 1

Regulation 5

PORTS OF REGISTRY

Distinguishing letter or letters for each port set out in column

(1) are set out in column (2) of this Schedule.

Ports of Registry Distinguishing

Letters Registrars Limits (1)(2)(3)(4) Cork C. Chief Officer of Customs The
Customs

Port Drogheda DA.do.do.Dublin D.do.do.Dundalk DK.do.do.Galway G.do.do.Limerick L.do.do.Skibbere
en S.Chief

Officer of Customs (stationed at Castletownbere) do.Sligo SO.Chief Officer
of Customs do.Tralee T.Chief Officer of Customs do.Waterford W.Chief Officer

(3) Type of Engine

1. Steam piston
2. Diesel engine
3. Electrical engine
4. Petrol engine (inboard)
5. Outboard engine
6. Other—give details: _____

Note: If the 'Other' option is selected, details must be given.

(4) Hull Material

1. Wood
2. Steel/aluminium
3. Plastic
- 4 Concrete
5. Fibre glass
6. Other—give details: _____

Note: If the 'Other' option is selected, details must be given.

(5) Previous Activity/Other Current Activity

1. Supply, transport
2. Pleasure
3. Research
4. Fishing (sport)
5. Other—give details: _____

Note: If the 'Other' option is selected, details must be given.

(6) Type of Damage

1. Shipwreck
2. Shipyard demolition
3. Fire damage
4. Other—give details: _____

Note: If the 'Other' option is selected, details must be given.

SCHEDULE 3

Regulation 6 (4)

Rule for Measurement of a Sea Fishing Boat in Accordance with Regulation 6 (4)

Measure the length from fore part of head of stem to after part of head of stern or after part of transom or tuck. Measure the greatest breadth of the vessel to the outside of outer planking. Measure also the depth amidships from underside of deck, or from the upper strake of planking in open boats, to the upper side of floor timbers at side of keelson, deducting the thickness of ceiling if fitted.

Multiply together the length, breadth and depth in feet taken as aforesaid and multiply the product by the factor 0.45, the result divided by 100 will be the registered tonnage of the boat subject to any additions as under.

In the case of a break or breaks above the line of deck, multiply together the length, breadth, and depth in feet of the space or spaces, divide the product by 100, and add the result to the tonnage of the boat obtained as aforesaid.

GIVEN under the Official Seal of the Government this 15th day of December, 1989.

CHARLES J. HAUGHEY,
Taoiseach.

EXPLANATORY NOTE.

This Order establishes a register of fishing vessels.