

S.I. No. 550 of 1998.

FISHING VESSEL (SAFETY PROVISIONS) REGULATIONS, 1998

I, MICHAEL WOODS, Minister for the Marine and Natural Resources, in exercise of the powers conferred on me by Section 19 of the Merchant Shipping Act, 1992 (No. 2 of 1992) and the Marine (Alteration of Name of Department and Title of Minister) Order, 1997, (S.I. No. 301 of 1997) and for the purpose of giving full effect to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977 (as modified by the 1993 Protocol thereto) and Council Directive 97/70/EC of 11 December, 1997, hereby make the following Regulations:-

1 O.J. No. L34, 9.2.98, p.1

1. (1) These Regulations may be cited as the Fishing Vessels (Safety Provisions) Regulations, 1998.

(2) The Rules and Regulations referred to in the Schedule shall not apply to the fishing vessels to which these Regulations apply.

2. (1) In these Regulations:-

"Consolidated Text" means the "Consolidated text of the regulations annexed to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977, as modified by the Torremolinos Protocol of 1993 relating thereto, as reproduced in the '1993 Torremolinos Protocol and Torremolinos International Convention for the Safety of Fishing Vessels, Consolidated Edition, 1995' published by the International Maritime Organisation, London, 1995;

"Directive" means Council Directive 97/70/EC of 11 December, 1997;

"Marine Notice" means a Notice described as such issued by the Department of the Marine and Natural Resources and which may be amended or replaced from time to time;

"Minister" means the Minister for the Marine and Natural Resources;

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

(3) Any reference in these Regulations to the Consolidated Text or the Directive shall include a reference to any document amending same which is considered to be relevant from time to time and is specified in a Marine Notice.

(4) The Minister may grant exemptions from all or any of the provisions of these Regulations (as may be specified in the exemption) for classes of cases on such terms (if any) as he may so specify and may, subject to giving reasonable notice, alter or cancel any such exemption.

3. A fishing vessel of any class to which the Directive applies shall not be used for fishing unless:

(1) it is constructed, surveyed, equipped and operated in accordance with the requirements specified in the Consolidated Text (as amended and extended by the Directive) applicable to that class;

(2) there is carried on board a valid Certificate of Compliance and Record of Equipment, and, where appropriate, a valid Exemption Certificate, issued in accordance with the terms of the Directive;

(3) it complies with the provisions of Annex III to the Directive while operating in the areas specified in that Annex or in areas for which specific safety measures have been prescribed in accordance with Article 4 of the Directive;

(4) where such vessel is a new vessel, it is designed, constructed and maintained in accordance with the hull, main and auxiliary machinery and electrical and automatic plant standards specified for classification by the rules of an organisation recognised under Council Regulation 94/57/EC of 22 November, 1994 and authorised by the Minister in that behalf. Such rules shall be those in force at the date of the vessel's construction.

2 O.J. No. L319, 12.12.94, p.20

4. It shall be the responsibility of the owner of every fishing vessel to which the Directive applies to have the various surveys required under the terms of the Directive, carried out in due time at the intervals specified in the Directive.

5. (1) Where the Minister is satisfied that the requirements of the Directive have been met in respect of a fishing vessel, he may issue or cause to have issued in respect of that vessel,

- a Certificate of Compliance;
 - a Record of Equipment;
- and, where appropriate, an Exemption Certificate.

(2) A document referred to in the previous paragraph may be issued by a recognised organisation under the terms of Council Directive 94/57/EC and authorised by the Minister so to do.

6. The life-saving, fire-fighting, radio and navigation equipment and other articles specified by the Directive for a particular class of vessel shall be kept on board a vessel of that class at all times and shall be maintained in good working order. All such equipment shall comply with the provisions of the European Communities (Marine Equipment) Regulations 1998 (S.I. No. 545 of 1998). Each inflatable life-raft kept on board shall be so fitted as to float free in the event of the vessel sinking and shall be accompanied by a certificate that it has been serviced by a qualified servicing agency and is in date. All pyrotechnics kept on board shall be in date.

7. Where an authorised officer establishes that any of the machinery of a vessel or any of the equipment referred to in Regulation 6 is not functioning or maintained in good working order or that any article of life-saving equipment is not in date as required or that a periodic survey has not been carried out or that a valid Certificate and Record of Equipment or a valid Exemption Certificate, where appropriate, as specified in Regulation 3(2) is not held on board, he may detain the vessel until the matter has been rectified to his satisfaction.

SCHEDULE

Merchant Shipping (Fire Appliances) Rules (S.I. No. 101 of 1967)

Merchant Shipping (Life-Saving Appliances) Rules (S.I. No. 100 of 1967)

Merchant Shipping (Musters) (Fishing Vessels) Regulations (S.I. No. 48 of 1993)

GIVEN UNDER MY OFFICIAL SEAL this 30th day of December, 1998.

Michael Woods

Minister for the Marine and Natural Resources

EXPLANATORY NOTE

This implements EC Directive 97/70/EC laying down safety standards for fishing vessels insofar as the Torremolinos Convention 1977 as modified by the 1993 Protocol refers.