

S.I. No. 112/2007 — European Communities (Port State Control) (Amendment) Regulations 2007

S.I. No. 112 of 2007

EUROPEAN COMMUNITIES (PORT STATE CONTROL) (AMENDMENT)
REGULATIONS 2007

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 16th March, 2007.

I, MARTIN CULLEN, Minister for Transport, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) for the purpose of giving effect to Article 1(17) of Directive 2001/106/EC of the European Parliament and of the Council of 19 December 2001¹, hereby make the following regulations:

1. These Regulations may be cited as the European Communities (Port State Control) (Amendment) Regulations 2007.

2. The European Communities Merchant Shipping (Port State Control) Regulations 1998 to 2003, the European Communities Merchant Shipping (Port State Control) (Amendment) (No. 2) Regulations 2003 (S.I. No. 640 of 2003) and these Regulations may be cited together as the European Communities (Port State Control) Regulations 1998 to 2007.

3. The following is substituted for Regulation 17 of the European Communities Merchant Shipping (Port State Control) Regulations 1998 (S.I. No. 145 of 1998):

“17. (1) The operator or master of a ship who fails to comply with Regulation 8(3)(a) commits an offence.

(2) The master or owner of a ship who fails to comply with a direction given to him or her under Regulation 10(2) commits an offence.

(3) Where a ship enters or attempts to enter a port if refused entry to the port under Regulation 12(2), the master and the owner or operator each commits an offence.

(4) A pilot who fails to comply with Regulation 13(1) commits an offence.

(5) A port authority in the State who fails to comply with Regulation 13(2) commits an offence.

(6) Where an offence under these Regulations is committed by a body corporate and is proved to have been committed with the consent, connivance or approval of or be attributable to any neglect on the part of a person being a director, manager, secretary or other similar officer of the body corporate or any other person who was acting or purporting to act in that capacity, that person as well as the body corporate commits an offence and is

liable to be proceeded against and punished as if he or she were guilty of first-mentioned offence.

(7) Proceedings for an offence under these Regulations may be brought and prosecuted summarily by the Minister.

(8) A person guilty of an offence under this Regulation is liable on summary conviction to a fine not exceeding €5,000.”.



GIVEN under my Official Seal,

12 March 2007

MARTIN CULLEN

Minister for Transport.

EXPLANATORY NOTE

(This note is not part of the instrument and does not purport to be a legal interpretation)

These Regulations amend the European Communities Merchant Shipping (Port State Control) Regulations, 1998 on the harmonisation of the laws, regulations and administrative provisions of Member States relating to standards for ship safety, pollution prevention and shipboard living and working conditions.

The main purpose of the amendment is to introduce penalties as provided for in Article 19a of Council Directive 2001/106/EC of 19 December 2001 amending Council Directive 95/21/EC of 19 June 1995 concerning port State control.

1 OJ L 019, 22.01.2002, p. 17

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