

S.I. No. 258/2009 — European Communities Merchant Shipping (Port State Control) (Amendment) Regulations 2009

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EUROPEAN COMMUNITIES MERCHANT SHIPPING (PORT STATE CONTROL) (AMENDMENT) REGULATIONS 2009

Notice of the making of this Statutory Instrument was published in

“Iris Oifigiúil” of 10th July, 2009.

I, NOEL DEMPSEY, Minister for Transport, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving further effect to Council Directive 95/21/EC of 19 June 1995¹, hereby make the following regulations:

1. These Regulations may be cited as the European Communities Merchant Shipping (Port State Control) (Amendment) Regulations 2009.

2. The European Communities Merchant Shipping (Port State Control) Regulations 1998 (S.I. No. 145 of 1998) are amended in Regulation 11, by substituting for paragraph (2) the following:

“(2) An appeal under this Regulation shall be made to the judge of the Circuit Court in whose Circuit the port in which the ship is detained is located and shall be made within 7 working days of the commencement of the detention, unless the Court considers that there is good and sufficient reason for extending that period.”.



GIVEN under my Official Seal,

2 July 2009

NOEL DEMPSEY

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 by extending the timeframe for a right of appeal against a detention from 7 days to 7 working days and also gives the Circuit court powers to vary this timeframe if it considers that there is a good and sufficient reason to do so.

1 O.J. No. L 157, 7.7.1995, p. 1

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