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Merchant Shipping (Safety Convention) Act, 1952



Number 29 of 1952.

MERCHANT SHIPPING (SAFETY CONVENTION) ACT, 1952.

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Number 29 of 1952.

MERCHANT SHIPPING (SAFETY CONVENTION) ACT, 1952.

AN ACT TO ENABLE EFFECT TO BE GIVEN TO AN INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, SIGNED IN LONDON ON THE 10th DAY OF JUNE, 1948; TO AMEND THE PROVISIONS OF THE MERCHANT SHIPPING ACTS, 1894 TO 1947, RELATING TO THE CONSTRUCTION OF PASSENGER STEAMERS, TO LIFE-SAVING APPLIANCES, WIRELESS AND RADIO NAVIGATIONAL AIDS AND TO OTHER MATTERS AFFECTED BY THE SAID CONVENTION; AND TO MAKE PROVISION FOR THE CHARGING OF FEES. [17th December, 1952.]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

PART I.

Preliminary and General.

Short title and collective citation.

1.—(1) This Act may be cited as the Merchant Shipping (Safety Convention) Act, 1952.

(2) The Merchant Shipping Acts, 1894 to 1947, and this Act may be cited together as the Merchant Shipping Acts, 1894 to 1952.

Commencement.

2.—This Act shall come into operation on such day as the Government shall by order appoint.

Interpretation and construction accepted Safety Convention certificate.

3.—(1) In this Act—

“*accepted Safety Convention certificate*” has the meaning assigned to it by [section 28](#) of this Act;

“*the Act of 1933*” means the [Merchant Shipping \(Safety and Load Line Conventions\) Act, 1933](#) (No. 42 of 1933);

“*collision regulations*” means regulations made under Section 418 of the Principal Act;

“*construction rules*” means rules made under [section 10](#) of this Act;

“*country to which the Safety Convention applies*” means—

- (a) a country the government of which has been declared under [section 4](#) of this Act to have accepted the Safety Convention, and has not been so declared to have denounced that Convention;
- (b) a territory to which it has been so declared that the Safety Convention extends, not being a territory to which it has been so declared that that Convention has ceased to extend;

“*declaration of survey*” means a declaration made under section 272 of the Principal Act;

“*international voyage*” means a voyage from a port in one country to a port in another country, either of those countries being a country to which the Safety Convention applies, and “*short international voyage*” means an international voyage—

- (a) in the course of which a ship is not more than two hundred nautical miles from a port or place in which the passengers and crew could be placed in safety and
- (b) which does not exceed six hundred nautical miles in length between the last port of call in the country in which the voyage begins and the final port of destination, but, for the purpose of the definitions contained in this paragraph—
 - (i) no account shall be taken of any deviation by a ship from her intended voyage due solely to stress of weather or any other circumstance that neither the master nor the owner nor the charterer (if any) of the ship could have prevented or forestalled; and
 - (ii) every colony, overseas territory, protectorate or other territory for whose international relations a government that has accepted the Safety Convention is responsible, or for which the United Nations are the administering authority, shall be deemed to be a separate country;

“*the Merchant Shipping Acts*” means the Merchant Shipping Acts, 1894 to 1947, and this Act;

“*the Minister*” means the Minister for Industry and Commerce;

“*the Principal Act*” means the Merchant Shipping Act, 1894;

“*radio navigational aid*” means radio apparatus on board a ship being apparatus designed for the purpose of determining the position or direction of ships or other objects;

“*radio rules*” means rules made under [section 15](#) of this Act;

“*rules for direction-finders*” means rules made under [section 18](#) of this Act;

“*rules for live-saving appliances*” means rules made under section 427 of the Principal Act as amended by [section 11](#) of this Act;

“*the Safety Convention*” means the International Convention for the Safety of Life at Sea signed in London on behalf of the Government on the 10th day of June, 1948;

“*Safety Convention ship*” means a ship registered in a country to which the Safety Convention applies and the expression “*Safety Convention passenger steamer*” shall be construed accordingly.

(2) Except so far as the context otherwise requires, any reference in this Act to any other enactment shall be construed as a reference to that enactment as amended, extended or applied by or under any other enactment including this Act.

(3) Except so far as the context otherwise requires, this Act shall be construed as one with the Merchant Shipping Acts, 1894 to 1947, and, without prejudice to the generality of this provision, references in those Acts to the Merchant Shipping Acts shall be construed as including references to this Act.

(4) If any amendment of the Safety Convention comes into force, references in this Act to the Safety Convention shall, unless the context otherwise requires, be construed as references to the Safety Convention as amended.

Countries to which Safety Convention applies.

4.—The Minister, if satisfied—

- (a) that the government of any country has accepted, or denounced, the Safety Convention; or
- (b) that the Safety Convention extends, or has ceased to extend, to any territory,

may by order make a declaration to that effect.

Power of the Minister to prescribe fees.

5.—(1) The Minister may, with the consent of the Minister for Finance, prescribe by order (in this Act referred to as a fees order) the fees to be charged for inspections made and certificates issued under this Act.

(2) The Minister may, with the consent of the Minister for Finance, at any time by order revoke or amend a fees order or an order made under this subsection.

Collection and disposal of fees.

6.—(1) All fees payable under a fees order shall be collected and taken in such manner as the Minister for Finance shall from time to time direct and shall be paid into or disposed of for the benefit of the Exchequer in accordance with the directions of the said Minister.

(2) The Public Offices Fees Act, 1879, shall not apply in respect of any fees payable under a fees order.

Laying of orders, rules and regulations before Oireachtas.

7.—Every order, rule and regulation made by the Minister by virtue of this Act shall be laid before each House of the Oireachtas as soon as may be after they are made and if a resolution is passed by either House within the next twenty-one days upon which that House has sat after such instrument has been laid before it annulling the instrument the instrument shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder.

Repeals.

8.—The enactments mentioned in the [First Schedule](#) to this Act are hereby repealed to the extent specified in the third column of that Schedule.

Transitional provisions.

9.—The provisions of the [Second Schedule](#) to this Act shall have effect for the purpose of the transition from the law in force before the commencement of this Act to the provisions of this Act.

PART II.

Safety of Life at Sea.

Construction and Equipment.

Construction rules.

10.—(1) The Minister may make rules (in this Act referred to as construction rules) prescribing the requirements that the hull, equipments and machinery of passenger steamers registered in the State shall comply with.

(2) The construction rules shall include such requirements as appear to the Minister to implement the provisions of the Safety Convention prescribing the requirements that the hull, equipments and machinery of passenger steamers shall comply with, except so far as those provisions are implemented by the rules for life-saving appliances, the radio rules, the rules for direction-finders or the collision regulations.

(3) The powers conferred on the Minister by this section shall be in addition to the powers conferred by any other enactment enabling him to prescribe the requirements that passenger steamers shall comply with.

Rules for life-saving appliances.

11.—(1) The following section is hereby substituted for section 427 of the Principal Act—

“427. (1) The Minister may, in relation to any ships to which this section applies, make rules (in this Act referred to as rules for life-saving appliances) with respect to all or any of the following matters—

- (a) the arranging of ships into classes, having regard to the services in which they are employed, to the nature and duration of the voyage and to the number of persons carried;

- (b) the number, description and mode of construction of the boats, life-rafts, line-throwing appliances, life-jackets and lifebuoys to be carried by ships according to the classes in which the ships are arranged;
- (c) the equipment to be carried by any such boats and rafts and the methods to be provided to get into the water the boats and other life-saving appliances, including oil for use in stormy weather;
- (d) the provision in ships of a proper supply of lights inextinguishable in water, and fitted for attachment to lifebuoys;
- (e) the quantity, quality and description of buoyant apparatus to be carried on board ships carrying passengers, either in addition to or in substitution for boats, life-rafts, life-jackets and lifebuoys;
- (f) the position and means of securing the boats, life-rafts, life-jackets, lifebuoys and buoyant apparatus;
- (g) the marking of the boats, life-rafts and buoyant apparatus so as to show their dimensions and the number of persons authorised to be carried on them;
- (h) the manning of the lifeboats and the qualifications and certificates of lifeboatmen;
- (j) the provision to be made for mustering the persons on board, and for embarking them in the boats (including provision for the lighting of, and the means of ingress to and egress from, different parts of the ship);
- (k) the provision of suitable means situated outside the engine-room whereby any discharge of water into the boats can be prevented;
- (l) the assignment of specific duties to each member of the crew in the event of emergency;
- (m) the methods to be adopted and the appliances to be carried in ships for the prevention, detection and extinction of fire;
- (n) the practice in ships of boat-drills and fire-drills;
- (o) the provision in ships of means of making effective distress-signals by day and by night;
- (p) the provision in ships engaged on voyages in which pilots are likely to be embarked, of suitable pilot-ladders and of ropes, lights and other appliances designed to

make the use of such ladders safe, and

(q) the examination at intervals to be prescribed by the rules of any appliances or equipment required by the rules to be carried.

(2) This section applies to ships registered in the State and to any other ship while she is within any port in the State, unless she would not have been in any such port but for stress of weather or any other circumstance that neither the master nor the owner nor the charterer (if any) of the ship could have prevented or forestalled.”

(2) The rules for life-saving appliances shall include such requirements as appear to the Minister to implement the provisions of the Safety Convention relating to the matters mentioned in the said substituted section 427.

Amendment
of section
430 of
Principal
Act.

12.—Subsection (1) of section 430 of the Principal Act (which imposes penalties for failure to comply with the rules for life-saving appliances) is hereby amended by the addition thereto of the following paragraph:—

“(e) if any provision of the rules for life-saving appliances is contravened or not complied with.”

Amendment
of Principal
Act.

13.—The following section is hereby substituted for section 431 of the Principal Act:—

“431. (1) A surveyor of ships may inspect any ship for the purpose of seeing that the rules for life-saving appliances have been complied with in every case, and for the purpose of any such inspection shall have all the powers of an inspector of the Department of Industry and Commerce under this Act.

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(2) If the surveyor finds that the rules for life-saving appliances have not been complied with, he shall give written notice to the owner or master stating in what respect the said rules have not been complied with and what, in his opinion, is required to rectify the matter.

(3) Every notice so given shall be communicated in the manner directed by the Minister to the chief officer of customs of any port at which the ship may seek to obtain a clearance or transire, and a clearance or transire shall not be granted to the ship and the ship shall be detained until a certificate under the hand of a surveyor of ships is produced to the effect that the matter has been rectified.”

Amendment
of section 9
of the
Merchant
Shipping

14.—The following subsections are hereby substituted for subsection (1) of section 9 of the Merchant Shipping Act, 1906—

“(1) The master of every ship registered in the State shall cause to be

Act, 1906.

entered in the official log-book a statement, or if there is no official log-book cause other record to be kept, of every occasion on which boat-drill or fire-drill is practised on board the ship or on which the appliances and equipment required by the rules for life-saving appliances to be carried are examined to see whether they are fit and ready for use and of the result of any such examination.

(1A) If—

- (a) in the case of a passenger steamer, boat-drill or fire-drill is not practised on board the ship in any week,
- (b) in the case of any other ship, boat-drill or fire-drill is not practised on board the ship in any month,
- (c) in the case of any ship, the said appliances and equipment are not examined in any such period as is prescribed by the said rules,

the master shall cause a statement to be entered or other record to be kept as aforesaid of the reasons why the drill was not practised or the appliances and equipment were not examined in that week, month or period.”

Radio rules.

15.—(1) The Minister, after consultation with the Minister for Posts and Telegraphs, may make rules (in this Act referred to as radio rules) requiring ships to which this section applies to be provided with a radio installation other than a radio navigational aid of such a nature as may be prescribed by the rules and to maintain such a radio service and to carry such number of radio officers or operators, of such grades and possessing such qualifications, as may be so prescribed, and the rules may contain provisions for preventing so far as practicable electrical interference with the radio installation by other apparatus on board.

(2) This section applies to sea-going ships registered in the State and to other sea-going ships while they are within any port in the State.

(3) The said rules shall include such requirements as appear to the Minister to be necessary to implement the provisions of the Safety Convention relating to radiotelegraphy and

radiotelephony.

(4) The radio installation required under the said rules to be provided for a passenger steamer, or for any other ship of sixteen hundred tons gross tonnage or upwards, shall be a radiotelegraph installation, and that required to be provided for a ship of less than sixteen hundred tons gross tonnage, other than a passenger steamer, shall be either a radiotelephone installation or a radiotelegraph installation, at the option of the owner.

(5) Without prejudice to the generality of the preceding provisions of this section, rules under this section may—

- (a) prescribe the duties of radio officers and operators, including the duty of keeping a radio log-book;
- (b) apply to any radio log-book required to be kept under the rules any of the provisions of section 242 of the Principal Act (which provides for the delivery of the official log-book to the superintendent) and of section 256 of that Act (which provides among other things for the custody of the official log-book);
- (c) require the master of a ship to cause to be entered in the official log-book such particulars relating to the operation of the radio installation, and the maintenance of the radio service, as may be specified in the rules.

(6) If the master of a ship fails to cause an entry to be made in the log-book in contravention of rules made in pursuance of paragraph (c) of subsection (5) of this section or if any radio officer or operator contravenes any rules made in pursuance of paragraph (a) thereof, he shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding ten pounds; and if the rules made under this section are contravened in any other respect in relation to any ship, the owner or master of the ship shall be guilty of an offence under this section and shall be liable on conviction on indictment to a fine not exceeding five hundred pounds or on summary conviction to a fine not exceeding one hundred pounds.

(7) A surveyor of ships may inspect any ship for the purpose

of seeing that she is properly provided with a radio installation and radio officers or operators in conformity with the said rules, and for that purpose shall have all the powers of an inspector of the Department of Industry and Commerce under the Merchant Shipping Acts; and if he finds that the ship is not provided with a radio installation or radio officers or operators in conformity with the said rules he shall give to the owner or master notice in writing pointing out the deficiency, and also pointing out what in his opinion is requisite to remedy the deficiency.

(8) Every notice given under subsection (7) of this section shall be communicated in the manner directed by the Minister to the chief officer of customs of any port at which the ship may seek to obtain a clearance or transire, and a clearance or transire shall not be granted to the ship and the ship shall be detained until a certificate under the hand of a surveyor of ships is produced to the effect that the ship is properly provided with a radio installation and radio officers or operators in conformity with the said rules.

Radio
surveyors.

16.—(1) A person appointed to be a surveyor of ships under section 724 of the Principal Act may be appointed as a radio surveyor.

(2) The functions of the Minister under the said section 724 with respect to surveyors of ships shall not be exercised with respect to radio surveyors except with the approval of the Minister for Posts and Telegraphs.

(3) Wireless telegraphy surveyors appointed under section 724 of the Principal Act as amended by section 8 of the Act of 1933 shall be radio surveyors.

Survey of
passenger
steamers by
radio surveyors.

17.—(1) The survey of a passenger steamer required by the Principal Act shall, in respect of a sea-going steamer which is not exempt from the obligations imposed by the radio rules, include a survey by a radio surveyor, and accordingly subsection (1) of section 272 of that Act shall be amended by inserting after the words “engineer surveyor of ships” the words “and, in the case of a sea-going passenger steamer required to be provided with a radiotelegraph installation, by a radio surveyor”.

(2) Section 275 of the Principal Act (which provides for appeals to a court of survey by persons aggrieved by the declaration of survey of a ship or engineer surveyor) shall be

amended by inserting the words “or radio surveyor” after the words “engineer surveyor” in both places where they occur.

Rules for
direction-
finders.

18.—(1) The Minister may make rules (in this Act referred to as rules for direction-finders) requiring ships to which this section applies to be provided with a direction-finder of such a nature as may be prescribed by the rules.

(2) This section applies to ships registered in the State and to other ships while they are within any port in the State, being, in each case, ships of sixteen hundred tons gross tonnage or upwards.

(3) The said rules shall include such requirements as appear to the Minister to implement the provisions of the Safety Convention relating to direction-finders.

(4) Without prejudice to the generality of the preceding provisions of this section, rules under this section may provide for the position of the direction-finder in the ship, for the communication between the direction-finder and the bridge, for testing the direction-finder at intervals and as occasion may require and for recording the result of the tests.

(5) If any of the said rules is not complied with in relation to any ship, the owner or master of the ship shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding one hundred pounds.

Further
provisions as to
radio
navigational
aids.

19.—(1) The Minister may make rules prescribing—

- (a) the requirements that radio navigational aids, other than direction-finders, shall comply with if they are carried on board ships registered in the State, including requirements relating to their position and method of fitting;
- (b) the requirements that apparatus designed for the purpose of transmitting or reflecting signals to or from radio navigational aids shall comply with, being apparatus in the State, or off the shores of the State and maintained from the State.

(2) If any ship registered in the State proceeds, or attempts to proceed, to sea carrying radio navigational aids not complying with the rules made under subsection (1) of this section, the owner or master of the ship shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding one hundred pounds.

(3) If any person establishes or operates any such apparatus as is mentioned in paragraph (b) of subsection (1) of this section, being apparatus that does not comply with the said rules, he shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding one hundred pounds.

Certificates.

Issue for
passenger
steamers of
safety
certificates and
exemption
certificates.

20.—(1) If the Minister, on receipt of declarations of survey in respect of a passenger steamer registered in the State, is satisfied that the steamer complies with the construction rules, rules for life-saving appliances, radio rules and rules for direction-finders applicable to the steamer and to such international voyages as she is to be engaged on, and that she is properly provided with the lights, shapes and means of making fog-signals required by the collision regulations, he shall, on the application of the owner, issue in respect of the steamer a certificate (in this Act referred to as a general safety certificate) showing that the steamer complies with the requirements of the Safety Convention applicable as aforesaid.

(2) If the voyages on which the steamer is to be engaged are short international voyages and she complies only with such of those rules as are applicable to those voyages, the certificate shall show that the steamer complies with the requirements of the Safety Convention applicable to her as a steamer plying on short international voyages, and any such certificate is hereafter in this Act referred to as a short voyage safety certificate.

(3) If the Minister, on receipt of declarations of survey in respect of any such passenger steamer as aforesaid is satisfied that the steamer is exempt, by virtue of any exercise by him of a power in that behalf conferred on him by this Act or conferred on him by the rules in question, from any of the requirements of the construction rules, rules for life-saving appliances, radio rules or rules for direction-finders applicable to the steamer and to such international voyages as she is to be engaged on, whether short voyages or otherwise, that she

complies with the rest of those requirements and that she is properly provided with the lights, shapes and means of making fog-signals required by the collision regulations, he shall, on the application of the owner, issue in respect of the steamer—

- (a) an exemption certificate stating which of the requirements of the Safety Convention applicable as aforesaid the steamer is exempt from and that the exemption is conditional on the steamer plying only on the voyages and being engaged only in the trades and complying with the other conditions (if any) specified in the certificate, and
- (b) a certificate showing that the steamer complies with the rest of those requirements;

and any certificate issued under paragraph (b) of this subsection is hereafter in this Act referred to as a qualified safety certificate or a qualified short voyage safety certificate, as the case may be.

Modification of safety certificates as respects life-saving appliances.

21.—(1) If, on any international voyage, a passenger steamer registered in the State in respect of which a general safety certificate, a short voyage safety certificate, a qualified safety certificate or a qualified short voyage safety certificate is in force has on board a total number of persons less than the number stated in that certificate to be the number for which the life-saving appliances on the steamer provide, the Minister may, at the request of the master of the steamer, issue a memorandum stating the total number of persons carried on the steamer on that voyage, and the consequent modifications which may be made for the purpose of that voyage in the particulars with respect to life-saving appliances stated in the certificate, and that memorandum shall be annexed to the certificate.

(2) Every such memorandum shall be returned to the Minister at the end of the voyage to which it relates and, if it is not so returned, the master of the steamer shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding twenty pounds.

Issue for cargo ships of safety equipment certificates and exemption certificates.

22.—(1) If the Minister, on receipt of declarations of survey in respect of a ship registered in the State, not being a passenger steamer, is satisfied that the ship complies with the rules for life-saving appliances applicable to the ship and to such international voyages as she is to be engaged on and that

she is properly provided with the lights, shapes and means of making fog-signals required by the collision regulations, he shall, on the application of the owner, issue in respect of the ship a certificate (in this Act referred to as a safety equipment certificate) showing that the ship complies with such of the requirements of the Safety Convention relating to those matters as are applicable as aforesaid.

(2) If the Minister, on the receipt of declarations of survey in respect of any such ship as aforesaid, is satisfied that the ship is exempt, by virtue of any exercise by him of a power in that behalf conferred on him by this Act or conferred on him by the rules for life-saving appliances, from any of the requirements of those rules applicable to the ship and to such international voyages as she is to be engaged on, and that she complies with the rest of those requirements and is properly provided with the lights, shapes and means of making fog-signals required by the collision regulations, he shall, on the application of the owner, issue in respect of the ship—

- (a) an exemption certificate stating which of the requirements of the Safety Convention, being requirements the subject of the rules for life-saving appliances and applicable as aforesaid, the ship is exempt from and that the exemption is conditional on the ship plying only on the voyages and complying with the other conditions (if any) specified in the certificate, and
- (b) a certificate (in this Act referred to as a qualified safety equipment certificate) showing that the ship complies with the rest of those requirements.

Issue for cargo ships of radio certificates and exemption certificates.

23.—(1) If the Minister, on receipt of declarations of survey in respect of a ship registered in the State, not being a passenger steamer, is satisfied that the ship complies with the radio rules and rules for direction-finders applicable to the ship and to such international voyages as she is to be engaged on, he shall, on the application of the owner, issue in respect of the ship a certificate (in this Act referred to as a radio certificate) showing that the ship complies with such of the requirements of the Safety Convention relating to radiotelegraphy, radiotelephony and direction-finders as are applicable as aforesaid.

(2) If the Minister, on receipt of declarations of survey in respect of any such ship as aforesaid, is satisfied that the ship is

exempt, by virtue of any exercise by him of a power in that behalf conferred on him by this Act or conferred on him by the rules in question, from any of the requirements of the radio rules or rules for direction-finders applicable to the ship and to such international voyages as she is to be engaged on and that she complies with the rest of the requirements of the radio rules and rules for direction-finders, he shall, on the application of the owner, issue in respect of the ship—

- (a) an exemption certificate stating which of the requirements of the Safety Convention relating to radiotelegraphy, radiotelephony and direction-finders, being requirements applicable as aforesaid, the ship is exempt from and that the exemption is conditional on the ship plying only on the voyages and complying with the other conditions (if any) specified in the certificate, and
- (b) a certificate (in this Act referred to as a qualified radio certificate) showing that the ship complies with the rest of those requirements.

(3) Where any ship registered in the State is wholly exempt from the requirements of the radio rules and the rules for direction-finders, the Minister shall on the application of the owner issue an exemption certificate stating that the ship is wholly exempt from the requirements of the Safety Convention relating to radiotelegraphy, radiotelephony and direction-finders and specifying the voyages on which, and conditions (if any) on which, the ship is so exempt.

Issue of general safety certificates, etc., on partial compliance with rules.

24.—Where a ship complies with all the requirements of the construction rules, rules for life-saving appliances, radio rules or rules for direction-finders applicable to the ship and to the voyages on which she is to be engaged so far as those requirements are requirements of the Safety Convention applicable as aforesaid, the Minister may issue in respect of the ship a general safety certificate, short-voyage safety certificate, safety equipment certificate or radio certificate, as the case may be, notwithstanding that she is exempt from, or for some other reason does not comply with, any requirements of those rules that are not applicable requirements of the Safety Convention.

Notice of alterations and additional surveys.

25.—(1) The owner or master of a passenger steamer in respect of which any passenger steamer's certificate issued under the Principal Act, or any certificate issued under this

Act, is in force shall, as soon as possible after any alteration is made in the steamer's hull, equipments or machinery affecting the efficiency thereof or the seaworthiness of the steamer, give written notice to the Minister containing full particulars of the alteration.

(2) The owner or master of a ship in respect of which any certificate issued under this Act is in force, other than a passenger steamer, shall, as soon as possible after any alteration is made in the appliances or equipments required by the rules for life-saving appliances, the radio rules, the rules for direction-finders or the collision regulations to be carried by the ship, being an alteration affecting the efficiency or completeness of those appliances or equipments, give written notice to the Minister containing full particulars of the alteration.

(3) If notice of any alteration is not given as required by this section, the owner or master of the ship shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds.

(4) If the Minister has reason to believe that since the making of the last declaration of survey in respect of any such ship as aforesaid—

- (a) any such alteration has been made as is mentioned in subsection (1), or, as the case may be, in subsection (2) of this section; or
- (b) the hull, equipments or machinery of the ship (being a passenger steamer) have sustained any injury or are otherwise insufficient; or
- (c) the appliances or equipments of the ship (not being a passenger steamer) mentioned in subsection (2) of this section have sustained any injury or are otherwise insufficient;

the Minister may, without prejudice to his powers under section 279 of the Principal Act (which relates to the cancellation of certificates and additional surveys), require the ship to be again surveyed to such extent as he thinks fit and, if such requirement is not complied with, may cancel any passenger steamer's certificate issued in respect of the ship under the Principal Act or any certificate issued in respect of

the ship under this Act.

(5) For the purpose of this section the expression “*alteration*” in relation to anything includes the renewal of any part of it.

Prohibition on proceeding to sea without appropriate certificates.

26.—(1) No ship registered in the State shall proceed to sea on an international voyage from a port in the State unless there is in force in respect of the ship—

(a) if she is a passenger steamer, a general safety certificate, a short-voyage safety certificate, a qualified safety certificate or a qualified short-voyage safety certificate which (subject to the provisions of this section relating to short-voyage safety certificates) is applicable to the voyage on which the ship is about to proceed and to the trade in which she is for the time being engaged;

(b) if she is not a passenger steamer, both—

(i) a safety equipment certificate or a qualified safety equipment certificate, and

(ii) a radio certificate or a qualified radio certificate, or an exemption certificate stating that she is wholly exempt from the requirements of the Safety Convention relating to radiotelegraphy, radiotelephony and direction-finders.

(2) Subsection (1) of this section shall not prohibit a ship, not being a passenger steamer, from proceeding to sea as aforesaid if there is in force in respect of the ship such certificate or certificates as would be required if she were a passenger steamer.

(3) For the purposes of this section, a qualified certificate shall not be deemed to be in force in respect of a ship unless there is also in force in respect of the ship the corresponding exemption certificate; and an exemption certificate shall be of no effect unless it is by its terms applicable to the voyage on which the ship is about to proceed.

- (4) If any ship proceeds, or attempts to proceed, to sea in contravention of this section—
- (a) in the case of a passenger steamer, the owner or master of the steamer shall, without prejudice to any other remedy or penalty under the Merchant Shipping Acts, be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding ten pounds for every passenger carried on board the steamer, and the owner or master of any tender by means of which passengers have been taken on board the steamer shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a like fine for every passenger so taken on board, and
- (b) in the case of a ship not being a passenger steamer, the owner or master of the ship shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding one hundred pounds.
- (5) The master of every ship registered in the State shall produce to the officer of customs from whom a clearance for the ship is demanded for an international voyage the certificate or certificates required by the foregoing provisions of this section to be in force when the ship proceeds to sea, and a clearance shall not be granted, and the ship may be detained, until the said certificate or certificates are so produced.
- (6) Where the Minister permits any passenger steamer in respect of which there is in force a short-voyage safety certificate, whether qualified or not, to proceed to sea on an international voyage from a port in the State not exceeding twelve hundred nautical miles in length between the last port of call in the State and the final port of destination, the certificate shall for the purposes of this section be deemed to be applicable to the voyage on which the steamer is about to proceed notwithstanding that the voyage exceeds six hundred nautical miles between the said ports.
- (7) Where an exemption certificate issued in respect of any ship registered in the State specified any conditions on which the certificate is issued and any of those conditions is not complied with, the owner or master of the ship shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding one hundred pounds.