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# Merchant Shipping Act, 1981

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*Number 33 of 1981*

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## MERCHANT SHIPPING ACT, 1981

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### ARRANGEMENT OF SECTIONS

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Acts Referred to

<a href="#">Criminal Procedure Act, 1967</a>	1967, No. 12
<a href="#">Maritime Jurisdiction Act, 1959</a>	1959, No. 22
Merchant Shipping Act, 1894	1894, c. 60
Merchant Shipping Act, 1906	1906, c. 48
<a href="#">Merchant Shipping Act, 1952</a>	1952, No. 29
<a href="#">Merchant Shipping Act, 1966</a>	1966, No. 20
Merchant Shipping Acts, 1894 to 1979	



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Number 33 of 1981

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**MERCHANT SHIPPING ACT, 1981**

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AN ACT TO ENABLE EFFECT TO BE GIVEN TO AN INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA SIGNED IN LONDON ON THE 1st DAY OF NOVEMBER, 1974, TO AMEND AND EXTEND THE MERCHANT SHIPPING ACTS, 1894 TO 1979, AND FOR PURPOSES CONNECTED THEREWITH. [23rd December, 1981]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Interpretation.

1.—In this Act—

“*the Act of 1966*” means the [Merchant Shipping Act, 1966](#) ;

“*the Convention of 1974*” means the International Convention for the Safety of Life at Sea signed in London on behalf of the Government on the 1st day of November, 1974.

Modifications of Act of 1952 and Act of 1966 for purposes of Convention of 1974.

2.—(1) The provisions of this section shall have effect for the purposes of enabling effect to be given to the Convention of 1974 (which replaces the International Convention for the Safety of Life at Sea signed in London on behalf of the Government on the 17th day of June, 1960).

(2) The Act of 1952 shall have effect as if—

(a) for the references therein to the Safety Convention there were substituted references to the Convention of 1974; and

(b) references therein to that Act, except in sections 1 and 2, included references to this Act.

(3) The Act of 1966 shall have effect as if—

(a) for the references therein to the Convention there were substituted references to the Convention of 1974; and

(b) references therein to that Act, except in sections 1 and 21, included references to this Act.

(4) Each of the following, namely—

(a) subsections (1) and (2) of section 10 of the Act of 1952, and

(b) subsections (1) and (2) of section 3 of the Act of 1966,

shall be construed and have effect as if after the words “and machinery of”, in each place where they occur, there were inserted “and the fuel used in”.

(5) Subsection (7) of section 39 of the Act of 1952 shall be construed and have effect as if—

(a) after “pulses and seeds” there were inserted “(whether in natural or processed form)”; and

(b) all the words from “, and the expression ‘*ship carrying a cargo of grain*’” to the end of the subsection were deleted.

Amendment of  
Merchant Shipping  
Acts in consequence of  
amendment of  
Convention of 1974.

**3.**—(1) The Minister may by order modify or otherwise amend the *Merchant Shipping Acts, 1894 to 1981*, in such manner as appears to him to be necessary to enable effect to be given to any amendment of the Convention of 1974 which is made in accordance with Article VIII thereof (which provides for the making of amendments either after consultation within the Inter-Governmental Maritime Consultative Organisation or by a specially convened conference of contracting governments).

(2) Without prejudice to the generality of *subsection (1)* of this section, the power conferred on the Minister by this section shall include power—

(a) to amend an enactment so as to extend the scope of the rules or regulations which may be made under or by virtue of the enactment, and

(b) to provide for such transitional and consequential provisions as appear to the Minister to be appropriate.

(3) The Minister may by order revoke or amend an order under this section (including an order under this subsection).

Offence in respect of  
dangerously unsafe  
ship.

**4.**—(1) If a ship is, having regard to the nature of the service for which the ship is intended, unfit by reason of the condition of the ship's hull, equipment or machinery or by reason of undermanning or by reason of overloading or improper loading to go to sea without serious danger to human life, then, subject to *subsection (6)* of this section, the master and the owner of the ship shall each be guilty of an offence.

(2) Where an offence under this section is committed in relation to a ship which is not registered in the State, then for the purposes of [section 10](#) of the [Maritime Jurisdiction Act, 1959](#), the offence

shall be regarded as having been committed by means of the ship.

(3) A person guilty of an offence under this section shall be liable, on conviction on indictment, to a fine not exceeding £50,000.

(4) A Justice of the District Court shall have jurisdiction to try summarily an offence under this section if—

- (a) the Justice is of opinion that the facts proved or alleged against a defendant charged with such an offence constitute a minor offence fit to be tried summarily,
- (b) the Director of Public Prosecutions consents, and
- (c) the defendant (on being informed by the Justice of his right to be tried by a jury) does not object to being tried summarily,

and, upon conviction under this subsection, the said defendant shall be liable to a fine not exceeding £500.

(5) [Section 13](#) of the [Criminal Procedure Act, 1967](#), shall apply in relation to an offence under this section as if, in lieu of the penalties specified in subsection (3) of the said section 13, there were specified therein the penalty provided for by *subsection (4)* of this section, and the reference in subsection (2) (a) of the said section 13 to the penalties provided for in subsection (3) of the said section 13 shall be construed and have effect accordingly.

(6) It shall be a defence in proceedings for an offence under this section to prove that at the time of the alleged offence—

- (a) in case the ship concerned is not registered in the State, the said ship was obtaining shelter;  
or
- (b) arrangements had been made which were appropriate to ensure that before the ship concerned went to sea it was made fit to do so without serious danger to human life by reason of the matters referred to in *subsection (1)* of this section and specified in the charge; or
- (c) it was reasonable not to have made such arrangements.

Nautical publications.

**5.—**(1) The Minister may make regulations specifying such charts, nautical directions or information or other nautical publications as appear to him to be necessary or expedient for the safe operation of ships and such regulations may require—

- (a) ships registered in the State, or such class or description of such ships as is specified in the regulations, to carry either at all times or on such voyages as may be so specified,

(b) ships which are not registered in the State, or such class or description of such ships as is so specified, to carry at any time while they are in any port in the State or in a port in the State which is so specified,

either copies of all, or copies of such as are so specified, of the charts, nautical directions or information or other nautical publications so specified.

(2) If a ship goes to sea or attempts to go to sea without carrying copies of any chart, nautical directions or information or other nautical publication which it is by regulations under this section required to carry, the master and the owner of the ship shall each be guilty of an offence and liable on summary conviction to a fine not exceeding £500.

Amendment of section 427 of Principal Act.

**6.**—Section 427 of the Principal Act (inserted by section 11 of the Act of 1952) is hereby amended by the substitution of the following paragraph for paragraph (p) of subsection (1):

“(p) the provision, in ships engaged in voyages in which pilots are likely to be embarked, of suitable pilot ladders or hoists and of ropes, lights and other appliances designed to make the use of such ladders or hoists safe, and”.

Amendment of section 271 (2) of Principal Act.

**7.**—Section 271 (2) of the Principal Act shall be construed and have effect as if the reference therein to the proper officer of customs included a reference to a member of the Garda Síochána.

Amendment of section 692 of Principal Act.

**8.**—(1) In addition to the officers authorised by the section to detain a ship, any member of the Garda Síochána, is hereby authorised to detain a ship under the section and the reference in subsection (2) of the section to any officer authorised to detain the ship shall be construed as including a reference to a member of the Garda Síochána, and in addition to the foregoing, the section shall be construed and have effect as if—

(a) in subsection (1) for “one hundred pounds” there were substituted “five hundred pounds”, and

(b) in subsection (2) for “one hundred pounds” and “ten pounds” there were substituted “five hundred pounds” and “one hundred pounds”, respectively.

(2) In this section “*the section*” means section 692 of the Principal Act.

Fines under section 21 of Merchant Shipping Act, 1906, increased.

**9.**—Section 21 of the Merchant Shipping Act, 1906, shall be construed and have effect as if for the reference in the section to a fine not exceeding £10 for every passenger carried in the manner described in the section, there were substituted a reference to a fine (not exceeding in all £600) of £100 for each passenger so carried.

Amendment of section 18 (2) of Act of 1952.

**10.**—Section 18 (2) of the Act of 1952 shall be construed and have effect as if the words “, being, in each case, ships of sixteen hundred tons gross tonnage or upwards” were deleted.

Amendment of section  
19 of Act of 1952.

**11.**—Section 19 of the Act of 1952 is hereby amended by—

(a) the substitution of the following paragraph for paragraph (a) of subsection (1):

“(a) the requirements that radio navigational aids, other than direction-finders, shall comply with (including requirements relating to their position and method of fitting) if they are carried on board—

(i) any ship registered in the State,

(ii) any other ship while she is within any port in the State.”; and

(b) the insertion of the following subsection before subsection (2):

“(IA) The Minister may make rules prescribing such requirements as appear to him to be appropriate to implement the provisions of the Safety Convention relating to navigational equipment.”.

Amendment of section  
4 (4) of Act of 1966.

**12.**—(1) (a) Where the period of five years is specified in a cargo ship safety construction certificate as that for which the certificate is to remain in force, the section shall not apply as regards the certificate.

(b) Where a period of less than five years is specified in a cargo ship safety construction certificate as being that for which the certificate is to remain in force, the Minister shall not exercise the power conferred on him by the section so as to provide that the aggregate of the period so specified and any extension or extensions of that period under the section exceeds a period of five years.

(2) In this section—

“*cargo ship safety construction certificate*” means a cargo ship safety construction certificate within the meaning of the Act of 1966;

“*the section*” means section 4 (4) of the Act of 1966.

Transitional  
provisions.

**13.**—(1) The Minister may by regulations provide that for such purposes, for such a period and subject to such conditions as may be specified by or under the regulations—

(a) any country to which the Convention of 1960 applied shall be treated for the purposes of the Act of 1952 and the Act of 1966 as if it were

a country to which the Convention of 1974 applies; and

(b) any certificate which, immediately before the commencement of this Act, was an accepted Safety Convention certificate within the meaning of the Act of 1952, as amended by the Act of 1966, may be treated as if it were an accepted Safety Convention certificate within the meaning of the Act of 1952, as amended by this Act.

(2) The reference in paragraph (b) of *subsection (1)* of this section to a certificate which, immediately before the commencement of this Act, was an accepted Safety Convention certificate within the meaning of the Act of 1952, as amended by the Act of 1966, includes a reference to a certificate which—

(a) purports to have been issued in accordance with the International Convention for the Safety of Life at Sea, 1948, in respect of a ship registered outside the State; and

(b) immediately before the commencement of this Act was treated by virtue of regulations under section 20 (3) of the Act of 1966 as an accepted Safety Convention certificate within the meaning of the Act of 1952 as amended by the Act of 1966.

(3) In this section “*the Convention of 1960*” means the International Convention for the Safety of Life at Sea signed in London on behalf of the Government on the 17th day of June, 1960.

Repeal.

**14.**—Section 457 of the Principal Act is hereby repealed.

Short title,  
commencement,  
collective citation and  
construction.

**15.**—(1) This Act may be cited as the Merchant Shipping Act, 1981.

(2) This Act shall come into operation on such day as the Government appoints by order.

(3) The Merchant Shipping Acts, 1894 to 1979, and this Act may be cited together as the Merchant Shipping Acts, 1894 to 1981, and shall be construed together as one Act, and without prejudice to the generality of this provision, references in the Merchant Shipping Acts, 1894 to 1979, to the Merchant Shipping Acts shall be construed as including references to this Act.