



STATUTORY INSTRUMENTS

**S.I. No. 60 of 2008**



EUROPEAN COMMUNITIES (MARITIME) (INTERNATIONAL  
SAFETY MANAGEMENT CODE) REGULATIONS 2008

**(Prn. A8/0336)**

## EUROPEAN COMMUNITIES (MARITIME) (INTERNATIONAL SAFETY MANAGEMENT CODE) REGULATIONS 2008

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) for the purpose of giving full effect to Regulation (EC) No. 336/2006 of the European Parliament and of the Council of 15 February 2006<sup>1</sup>, hereby make the following regulations:

1. (1) These Regulations may be cited as the European Communities (Maritime) (International Safety Management Code) Regulations 2008.

(2) These Regulations come into operation on 24 March 2008.

2. (1) In these Regulations—

“authorised officer” means—

(a) a surveyor of ships under section 724 of the Merchant Shipping Act 1894, or

(b) a person authorised under Regulation 4(2);

“ISM Code Regulation” means Regulation (EC) No. 336/2006 of the European Parliament and of the Council of 15 February 2006<sup>1</sup>;

“Minister” means Minister for Transport;

“verification” means verification under the ISM Code Regulation.

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

3. The Minister or a recognised organisation to which an authorisation has been granted under Regulation 4(1) of the European Communities (Ship Inspection and Survey Organisations) Regulations 2003 (S.I. No. 301 of 2003), as may be appropriate, may issue documents of compliance, interim documents of compliance, safety management certificates and interim safety management certificates in accordance with the ISM Code Regulation.

4. (1) Verification may be carried out by an authorised officer.

(2) The Minister may authorise a person or a person belonging to a class of persons to be an authorised officer for the purposes of verification.

<sup>1</sup>OJ L64, 04.03.2006, p.1.

*Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 11th March, 2008.*

(3) An authorised officer when boarding a ship for the purposes of verification shall produce evidence that he is a surveyor of ships or produce a warrant of his or her authorisation, if requested by a person affected.

(4) For the purpose of verification, an authorised officer may—

- (a) board any ship,
- (b) inspect the ship and any vehicle or things carried on board the ship,
- (c) enter and search any premises within the State, the entry and search of which he or she considers necessary for the purpose of enabling him or her to carry out verification, or
- (d) require the master of a ship, the person in charge of the premises, to produce for inspection for him or her any document of compliance or interim document of compliance or safety management certificate or interim safety management certificate or other relevant records kept on the ship or in the premises, as the case may be, the inspection of which is considered by the authorised officer to be necessary for the purpose of enabling him or her to carry out verification.

(5) A person who obstructs or impedes an authorised officer in carrying out a verification commits an offence.

5. A company operating a ship to which the ISM Code Regulation applies which—

- (a) does not hold a document of compliance or an interim document of compliance relevant to the ship for the time being in force,
- (b) does not place a copy of the document on board the ship or produce it to an authorised officer for verification,
- (c) does not hold on board the ship a safety management certificate or an interim safety management certificate issued to the ship for the time being in force, or
- (d) fails to comply with Part A of the ISM Code contained in Annex I to the ISM Code Regulation,

commits an offence.

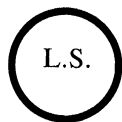
6. (1) A person guilty of an offence under these Regulations is liable on summary conviction to a fine not exceeding €5,000.

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

(3) 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. The European Communities (Safety Management of Roll-on/Roll-off Passenger Ferries) Regulations 1998 (S.I. No. 413 of 1998) are revoked.



GIVEN under my Official Seal,  
3 March 2008

NOEL DEMPSEY  
Minister for Transport.

## EXPLANATORY NOTE

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

The purpose of these Regulations is to enhance the safety management and safe operation of ships, as well as the prevention of pollution from ships, by ensuring that companies operating those ships comply with the International Safety Management (ISM) Code. The European Communities (Safety Management of Roll-on/Roll-off Passenger Ferries) Regulations, 1998 (S.I. No. 413 of 1998) are revoked.

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