



STATUTORY INSTRUMENTS.

S.I. No. 673 of 2019



FISHING VESSELS (CERTIFICATION OF DECK OFFICERS AND
ENGINEER OFFICERS) (AMENDMENT) REGULATIONS 2019

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ENGINEER OFFICERS) (AMENDMENT) REGULATIONS 2019

I, SHANE ROSS, Minister for Transport, Tourism and Sport, in exercise of the powers conferred on me by sections 3 and 8 of the Merchant Shipping (Certification of Seamen) Act 1979 (No. 37 of 1979) and the Maritime Transport, Safety and Security (Transfer of Departmental Administration and Ministerial Functions) Order 2005 (S.I. No. 842 of 2005) (as adapted by the Transport (Alteration of Name of Department and Title of Minister) Order 2011 (S.I. No. 141 of 2011)) and for the purpose of giving effect to Article 10 of the Annex to Council Directive (EU) 2017/159 of 19 December 2016¹, hereby make the following regulations:

1. These Regulations may be cited as the Fishing Vessels (Certification of Deck Officers and Engineer Officers) (Amendment) Regulations 2019.

2. In these Regulations “Principal Regulations” means the Fishing Vessels (Certification of Deck Officers and Engineer Officers) Regulations, 1988 (S.I. No. 289 of 1988).

3. Regulation 2 of the Principal Regulations is amended -

(a) by the designation of the Regulation as paragraph (1),

(b) by the insertion, in paragraph (1), of the following definitions:

“ ‘competent authority’ means that part of the Department of Transport, Tourism and Sport which is known as the Marine Survey Office;

‘Directive’ means Council Directive (EU) 2017/159 of 19 December 2016¹;

‘Length overall (L_{oa})’ means the length measured in a straight line from the fore part of the stem at top to the aftermost side of the transom or stern contour;

‘owner’ means the owner of a fishing vessel or any other organisation or person, such as the manager, agent or charterer, who has assumed responsibility for the operation of the fishing vessel from the owner;”, and

¹ OJ No. L25, 31.1.2017, p.12.

(c) by the insertion of the following paragraph after paragraph (1):

“(2) A word or expression that is used in these Regulations and is also used in the Directive has, unless the contrary intention appears, the same meaning in these Regulations that it has in the Directive.”.

4. The Principal Regulations are amended by the insertion of the following Regulation after Regulation 2:

“Application

2A. These Regulations shall not apply to fishing vessels which are required to have a safe manning document under the Merchant Shipping (Safe Manning, Hours of Work and Watchkeeping) Regulations, 1998 (S.I. No. 551 of 1998).”.

5. The Principal Regulations are amended by the substitution of the following Regulation for Regulation 4 -

“4. Every ship registered in the State, being a sea-going fishing vessel or government fishery research vessel:

(a) which operates in the unlimited area, or

(b) which being of 15 metres in length overall (L_{oa}) and over, operates in the limited area,

of a description of its length or length overall (L_{oa}), as the case may be, set out in column 2 of the Table shall, when going to sea to the fishing area set out in relation to that description of vessel in column 1 of that Table, carry at least such number of qualified deck officers as are set out in column 3 of that Table opposite the description in column 2 and shall carry at least the total number of officers as are set out in column 4 of that Table opposite the description in column 2.

Table

Column 1	Column 2	Column 3			Column 4
Fishing Area	Description of Length or Length Overall (L_{oa}) of Vessel	Minimum Number of Qualified Deck Officers to be carried on Vessel			Minimum Total Number of Officers to be carried on Vessel
		Skipper Full	2 nd Hand Full or Skipper Limited	2 nd Hand Limited or 2 nd Hand Special	
Unlimited	100 metres in length and over	1	3		3 Officers required in addition to Skipper Full
Unlimited	50 metres in length and over to less than 100 metres in length	1	2		2 Officers required in addition to Skipper Full
Unlimited	Less than 50 metres in length	1	1		1 Officer required in addition to Skipper Full
Limited	100 metres in length and over	1	1	1	2 Officers required in addition to Skipper Full
Limited	50 metres in length and over to less than 100 metres in length		1 Skipper Limited	2	2 Officers required in addition to Skipper Limited
Limited	24 metres in length and over to less than 50 metres in length		1 Skipper Limited	1	1 Officer required in addition to Skipper Limited
Limited	15 metres length overall (L_{oa}) and over to less than 24 metres in length			1 2 nd Hand Special	1 2 nd Hand Special (Skipper)

6. The Principal Regulations are amended by the insertion of the following Regulations after Regulation 5:

“Skipper

5A. An owner shall ensure that the fishing vessel is under the control of a competent skipper.

Safe manning document

5B. (1) From the effective date, the minimum requirements specified in Regulations 4 and 5 shall no longer apply and it shall be the duty of every owner to ensure that:

- (a) there is a valid safe manning document in respect of his or her fishing vessel;
- (b) the fishing vessel does not proceed to sea without a safe manning document on board;
- (c) the manning of the fishing vessel is maintained at all times to at least the level required by the safe manning document.

(2) Before a fishing vessel proceeds to sea after the effective date, the owner shall apply to the competent authority for a safe manning document in respect of the fishing vessel.

(3) An application under paragraph (2) shall be in writing and in such form and contain such information as the competent authority may require.

(4) An application under paragraph (2) shall contain proposals as to the numbers and qualifications of deck officers, engineering officers and any such other personnel the owner considers should be carried on board the fishing vessel to ensure the vessel is sufficiently and safely manned for its safe navigation and operation, and appropriate work and living conditions for personnel on board.

(5) The owner shall take account of any guidance on safe manning issued by the competent authority in the preparation of an application under paragraph (2).

(6) The competent authority shall review an application under paragraph (2) and consider whether the proposals satisfy the safe manning requirements for the fishing vessel.

(7) Following the review under paragraph (6), the competent authority shall -

- (a) where it is satisfied that the proposals satisfy the safe manning requirements for the fishing vessel, issue a safe manning document, subject to such conditions as it sees fit, or
- (b) where it is not satisfied that the proposals satisfy the safe manning requirements for the fishing

vessel, refuse to issue a safe manning document and require the owner to amend his or her proposals.

(8) After a safe manning document has been issued by the competent authority under paragraph (7), the owner shall not reduce the manning of the vessel, below the level required by the safe manning document, without the prior approval of the competent authority.

(9) The safe manning document issued to an owner under paragraph (7) ceases to be in force if any changes to or in relation to the fishing vessel are made regarding -

- (a) its area of operation,
- (b) its machinery or equipment, or
- (c) its operation and maintenance.

(10) The competent authority may at any time by notice in writing to the owner revoke or vary a safe manning document.

(11) In this Regulation -

‘effective date’ means -

- (a) the date on which these Regulations come into operation in relation to fishing vessels of 15 metres in length overall (L_{oa}) and over, which are constructed on or after that date,
- (b) the date of completion of the next survey for the grant or renewal of a fishing vessel safety certificate or the date of completion of the next intermediate survey, whichever occurs later, under the Merchant Shipping (Safety of Fishing Vessels) (15-24 Metres) Regulations 2007 (S.I. No. 640 of 2007) in relation to fishing vessels of 15 metres in length overall (L_{oa}) and over but less than 24 metres in length, or
- (c) the date of completion of the next survey for the issue of a certificate of compliance or the date of completion of the next intermediate survey, whichever occurs later, under the Fishing Vessels (Safety Provisions) Regulations 2002 (S.I. No. 418 of 2002) in relation to fishing vessels of 24 metres in length and over;

‘safe manning document’ means the document issued by the competent authority under paragraph (7)(a).”

7. Regulation 6(2) of the Principal Regulations is amended by the substitution of “The provisions of Regulations 4, 5 and 5B” for “The provisions of Regulations 4 and 5”.



GIVEN under my Official Seal,
19 December, 2019.

SHANE ROSS,
Minister for Transport, Tourism and Sport.

EXPLANATORY NOTE

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

These Regulations:

- (a) Implement the provisions of Article 10 of the Annex to Council Directive 2017/159/EU implementing the Agreement concerning the implementation of the Work in Fishing Convention, 2007 of the International Labour Organisation, concluded on 21 May 2012 between the General Confederation of Agricultural Cooperatives in the European Union (Cogeca), the European Transport Workers' Federation (ETF) and the Association of National Organisations of Fishing Enterprises in the European Union (Europêche);
- (b) Amend S.I. No. 289/1988 - Fishing Vessels (Certification of Deck Officers and Engineer Officers) Regulations;
- (c) Require certain fishing vessels registered in the State to carry a specified minimum number of deck officers;
- (d) Require that every fishing vessel owner on fishing vessels to which the Regulations apply ensure that there is a valid safe manning document in respect of his or her fishing vessel;
- (e) The Regulations do not apply to fishing vessels which are required to have a safe manning document under the Merchant Shipping (Safe Manning, Hours of Work and Watchkeeping) Regulations, 1998 (S.I. No. 551 of 1998).

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