



Number 37 of 1997

**MERCHANT SHIPPING (COMMISSIONERS OF IRISH
LIGHTS) ACT, 1997**

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[No. 37.] *Merchant Shipping (Commissioners
of Irish Lights) Act, 1997.* [1997.]

Acts Referred to

Merchant Shipping (Salvage and Wreck) Act, 1993	1993, No. 34
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Number 37 of 1997

MERCHANT SHIPPING (COMMISSIONERS OF IRISH LIGHTS) ACT, 1997

AN ACT TO MAKE FURTHER PROVISION IN RELATION TO THE FUNCTIONS OF THE COMMISSIONERS OF IRISH LIGHTS. [18th November, 1997]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—In this Act—

Definitions.

“the Commissioners” means the Commissioners of Irish Lights;

“functions” includes powers and duties;

“harbour authority” has the meaning assigned to it by section 2 of the Merchant Shipping (Salvage and Wreck) Act, 1993;

“lighthouse”, “buoy” and “beacon” have the meanings assigned to each of them, respectively, by the Merchant Shipping Act, 1894;

“the Minister” means the Minister for the Marine and Natural Resources;

“radio navigation system” means any structure or device or any other thing capable of transmitting, radiating or receiving, without limit as to range, or facilitating such, any electronic or electromagnetic wave, signal, pulse or motion or other particle or source of energy, and the processing thereof, to or from any vessel, aircraft or vehicle anywhere for any navigational purpose including warnings of any danger or potential danger;

“vessel” includes any ship or boat and any other vessel used in navigation.

2.—The superintendence and management of all maritime radio navigation systems shall be vested in the Commissioners.

Management of maritime radio navigation systems by Commissioners.

3.—(1) Subject to *subsection (3)*, the Commissioners shall have, and be deemed always to have had, in relation to maritime navigation, power to—

Commissioners may provide radio navigation systems.

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- (a) operate without limit as to range a radio navigation system,
 - (b) erect or place any radio navigation system, with all requisite works, roads and appurtenances,
 - (c) maintain, repair, improve, alter, remove or vary the character of any radio navigation system, and
 - (d) purchase or dispose of any land which may be necessary for the exercise of their powers under this subsection.

(2) The Commissioners shall have, and be deemed always to have had, all such incidental, supplemental, ancillary and consequential powers as, in the opinion of the Commissioners, are necessary or expedient for the purpose of the exercise by them of the powers aforesaid.

(3) Paragraphs (a) and (b) of subsection (1) of this section shall not apply to the radio navigation system known as LORAN C (within the meaning of the international agreement concerning the establishment and operation of the civil LORAN C navigation system in North West Europe and the North Atlantic done at Oslo on the 6th day of August, 1992), until such date as the Minister may appoint by order, subject to any restrictions or conditions as the Minister may specify in the order.

(4) Where an order is proposed to be made under subsection (3) of this section, a draft of the order shall be laid before each House of the Oireachtas and the order shall not be made unless a resolution approving of the draft is passed by each such House.

(5) If, because of any or all of its provisions, subsections (1) and (2) of this section would, but for the provisions of this subsection, conflict with the constitutional rights of any person, the provisions of this section shall be subject to such limitations as are necessary to secure that they do not so conflict, but shall otherwise be of full force and effect.

Commissioners may co-operate with other agencies in relation to the provision or operation of radio navigation systems, etc.

4.—The Commissioners shall have, and be deemed always to have had, in relation to the provision or operation of a radio navigation system or any service anywhere relating to maritime navigation, safety, distress, wreck location, pollution or related matters, power to co-operate, with the consent of the Minister, with a competent authority of another jurisdiction, an international organisation or body or another person.

Commissioners may contribute to international maritime organisations.

5.—The Commissioners shall have, and be deemed always to have had, power to make monetary contributions, with the consent of the Minister and the Minister for Finance, towards the funding of international organisations or bodies concerned with maritime navigational assistance.

Commissioners may make contracts in respect of maritime navigation, etc.

6.—(1) The Commissioners shall have, and be deemed always to have had, power, for gain or otherwise, to enter into an agreement, with the consent of the Minister—

- (a) for the provision, erection, placing, alteration, maintenance or removal of any lighthouse, buoy or beacon or any radio navigation system or other maritime navigation system, or

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- (b) for the performance of any service anywhere relating to maritime navigation, safety, distress, wreck location, pollution or related matters, S.6

by the Commissioners on behalf of a harbour authority or any other person.

(2) The Commissioners shall send to the Minister a copy of every agreement entered into by them, after the passing of this Act, by virtue of this section.

7.—(1) The Minister may, with the consent of the Minister for Finance, by order—

Conferral of additional functions on Commissioners.

- (a) confer on the Commissioners such additional functions in relation to maritime navigational matters as the Minister considers appropriate, and
- (b) make such provision as the Minister considers necessary or expedient in relation to matters ancillary to or arising out of the conferral on the Commissioners of functions under this section or the performance by the Commissioners of functions so conferred.

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

(3) Every order under this section shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order is passed by either such House within the next 21 days on which that House has sat after the order is laid before it, the order shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

8.—The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

Expenses.

9.—(1) This Act may be cited as the Merchant Shipping (Commissioners of Irish Lights) Act, 1997.

Short title and collective citation.

(2) The Merchant Shipping Acts, 1894 to 1996, and this Act may be cited together as the Merchant Shipping Acts, 1894 to 1997.