



Number 20 of 1998

**MERCHANT SHIPPING (MISCELLANEOUS PROVISIONS)
ACT, 1998**

ARRANGEMENT OF SECTIONS

Section

1. Amendment of Conspiracy, and Protection of Property Act, 1875.
 2. Amendment of Merchant Shipping Act, 1894.
 3. Amendment of Mercantile Marine Act, 1955.
 4. Amendment of Merchant Shipping Act, 1992.
 5. Amendment of Merchant Shipping (Commissioners of Irish Lights) Act, 1997.
 6. Short title and collective citation.
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[No. 20.] *Merchant Shipping (Miscellaneous Provisions) Act, 1998.* [1998.]

Acts Referred to

Conspiracy, and Protection of Property Act, 1875	38 & 39 Vict. c. 86
Mercantile Marine Act, 1955	1955, No. 29
Merchant Shipping Act, 1894	57 & 58 Vict. c. 60
Merchant Shipping Act, 1992	1992, No. 2
Merchant Shipping Acts, 1894 to 1997	
Merchant Shipping (Commissioners of Irish Lights) Act, 1997	1997, No. 37



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**MERCHANT SHIPPING (MISCELLANEOUS PROVISIONS)
ACT, 1998**

AN ACT TO AMEND THE CONSPIRACY, AND PROTECTION OF PROPERTY ACT, 1875, THE MERCHANT SHIPPING ACT, 1894, THE MERCANTILE MARINE ACT, 1955, THE MERCHANT SHIPPING ACT, 1992, AND THE MERCHANT SHIPPING (COMMISSIONERS OF IRISH LIGHTS) ACT, 1997, AND TO PROVIDE FOR RELATED MATTERS. [16th June, 1998]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—The Conspiracy, and Protection of Property Act, 1875, is hereby amended by the repeal of section 16. Amendment of Conspiracy, and Protection of Property Act, 1875.

2.—The Merchant Shipping Act, 1894, is hereby amended— Amendment of Merchant Shipping Act, 1894.

(a) in section 221—

(i) by the deletion of paragraph (a), and

(ii) in paragraph (b)—

(I) by the deletion of “, if the offence does not amount to desertion, or is not treated as such by the master,”, and

(II) by the deletion of “; and also, except in the United Kingdom, he shall be liable to imprisonment for any period not exceeding ten weeks with or without hard labour”,

(b) by the repeal of sections 222, 224, 225 and 238, and

(c) in section 680—

(i) by the substitution of the following subsection for subsection (1):

“(1) Subject to any special provisions of this Act, a person who has been found guilty of an offence under this Act shall be liable—

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(a) on summary conviction, to a fine not exceeding £1,500 or to imprisonment for a term not exceeding 6 months or to both, or

(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding 2 years or to both.”,

and

(ii) by the insertion of the following subsection after subsection (1):

“(1A) Where an offence to which subsection (1) of this Act applies is committed by a body corporate and is proved to have been so committed with the consent, connivance or approval of or to be attributable to any neglect on the part of a person being a director, manager, secretary or other officer of the body corporate, or any other person who was acting or purporting to act in any such capacity, that person as well as the body corporate shall be guilty of an offence and be liable to be proceeded against and punished as if that person were guilty of the first-mentioned offence.”.

Amendment of
Mercantile Marine
Act, 1955.

3.—The Mercantile Marine Act, 1955, is hereby amended by the substitution of the following section for section 16:

“16. (1) Subject to section 19 of this Act respecting reciprocating states, the following shall be qualified to own a registered ship or a share therein:

(a) the Government;

(b) a Minister of the Government;

(c) a national of a Member State;

(d) a body corporate established under and subject to the law of a Member State and having its principal place of business in a Member State.

(2) In this section, ‘Member State’ means a Member State of the European Communities.”.

Amendment of
Merchant Shipping
Act, 1992.

4.—The Merchant Shipping Act, 1992, is hereby amended—

(a) in section 2—

(i) in the definition of “passenger boat”, by the deletion of “, a ferry boat working in chains”, and

(ii) in the definition of “passenger ship”, by the deletion of “or a ferry boat working in chains”;

(b) in section 14, by the insertion of the following subsection after subsection (2):

“(3) Notwithstanding subsection (2), in proceedings for an offence under this section it shall be a defence to prove that the contravention of subsection (1) was necessary for the purpose of securing the safety of a vessel or of saving life or otherwise to prevent an accident.”,

and

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(c) by the insertion after section 14 of the following section: S.4

“Exemptions from licensing requirements.

14A. (1) The Minister may by regulations—

(a) exempt from the requirement to be licensed under section 14, on such terms and conditions as the Minister sees fit, a specified class or classes of vessel where in the opinion of the Minister it is appropriate to do so having regard to the nature of the vessels and the use to which they are to be put, and

(b) in exceptional circumstances, exempt from the requirement to be licensed under section 14, on such terms and conditions as the Minister sees fit, any class of vessel carrying passengers between any inhabited island and the mainland of the State or between islands, where in the opinion of the Minister it is appropriate to do so.

(2) Regulations made under subsection (1) may make provision for safety and other requirements to be met by unlicensed vessels.

(3) If, in respect of a vessel, there is a contravention of regulations made under this section, the owner and the master of the vessel shall each be guilty of an offence and shall each be liable—

(a) on summary conviction, to a fine not exceeding £1,500 or to imprisonment for a term not exceeding 6 months or to both, or

(b) on conviction on indictment, to a fine not exceeding £10,000 or to imprisonment for a term not exceeding 2 years or to both.”.

5.—The Merchant Shipping (Commissioners of Irish Lights) Act, 1997, is hereby amended by the insertion after section 6 of the following section:

Amendment of Merchant Shipping (Commissioners of Irish Lights) Act, 1997.

“Borrowing by Commissioners.

6A. (1) The Commissioners may, for the purpose of providing for current or capital expenditure, from time to time raise or borrow money (whether on the security of the assets of the Commissioners or otherwise), including money in a currency other than the currency of the State, but shall not do so without the consent of the Minister and the Minister for Finance and upon such terms and conditions as may be approved by the Minister for Finance.

(2) The aggregate at any one time of moneys raised or borrowed under this section shall not exceed £25 million.

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(3) The Minister may pay to the Commissioners, in respect of moneys raised or borrowed by the Commissioners under this section, such sums as the Minister determines from time to time, subject to the consent of the Minister for Finance.

(4) All moneys required by the Minister to meet sums which may become payable by him or her under subsection (3) shall be paid from moneys voted by the Oireachtas.

(5) For the purposes of this section moneys raised or borrowed in a currency other than the currency of the State shall be deemed to be the equivalent in the currency of the State of the actual moneys raised or borrowed, such equivalent being calculated according to the rate of exchange at the time of the raising or borrowing for that currency and the currency of the State.”.

Short title and collective citation.

6.—(1) This Act may be cited as the Merchant Shipping (Miscellaneous Provisions) Act, 1998.

(2) The Merchant Shipping Acts, 1894 to 1997, and this Act may be cited together as the Merchant Shipping Acts, 1894 to 1998.