



STATUTORY INSTRUMENTS.

**S.I. No. 369 of 2007**



MERCANTILE MARINE (TONNAGE) REGULATIONS 2007

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MERCANTILE MARINE (TONNAGE) REGULATIONS 2007

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## MERCANTILE MARINE (TONNAGE) REGULATIONS 2007

I, MARTIN CULLEN, Minister for Transport, in exercise of the powers conferred on me by section 91 of the Mercantile Marine Act 1955 (No. 29 of 1955) and the Maritime Transport, Safety and Security (Transfer of Departmental Administration and Ministerial Functions) Order 2005 (S.I. No. 842 of 2005), hereby make the following regulations:

## PART 1

## GENERAL

*Citation and commencement*

1. (1) These Regulations may be cited as the Mercantile Marine (Tonnage) Regulations 2007.

(2) These Regulations come into operation on 1 July 2007.

*Definitions*

2. In these Regulations—

“Act of 1955” means Mercantile Marine Act 1955 (No. 29 of 1955);

“Act of 2006” means Sea-Fisheries and Maritime Jurisdiction Act 2006 (No. 8 of 2006);

“Administration” means the government of the state whose flag the ship is flying;

“amidships” means the mid point of the length;

“breadth” means the maximum breadth of the ship, measured amidships to the moulded line of the frame in a ship with a metal shell and to the outer surface of the hull in a ship with a shell of any other material;

“cargo spaces” means enclosed spaces which are included in the computation of gross tonnage and are appropriated for the transport of cargo to be discharged from the ship and which are permanently marked with the letters “CC” (cargo compartment), such letters being not less than 100 millimetres in height and so positioned as to be readily visible;

“Certifying Authority” means the Minister or any person authorised by the Minister for the purpose of these Regulations;

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 3rd July, 2007.*

“contracting government” means the government of a country which has accepted the Convention;

“Convention” means the International Convention on Tonnage Measurement of Ships 1969;

“enclosed spaces” means all those spaces, other than excluded spaces, which are bounded by the ship’s hull, by fixed or portable partitions or bulkheads, or by decks or coverings other than permanent or moveable awnings; no break in a deck, nor any opening in the ship’s hull, in a deck or in a covering of a space, or in the partitions or bulkheads of a space, nor the absence of a partition or bulkhead, shall preclude a space from being included in the enclosed spaces;

“excluded spaces” means any of the following spaces:

- (a) that part of an enclosed space within an erection opposite an end opening and extending from the opening to an athwartship line at a fore and aft distance from the opening equal to half the breadth of the deck at the line of the opening; such end opening shall have a breadth equal to or greater than 90 per cent of the breadth of the deck at the line of the opening and shall extend from deck to deck or to a curtain plate of a depth not exceeding by more than 25 millimetres the depth of the adjacent deck beams, as shown in figure 1 of Schedule 1, provided that—
  - (i) where at any point the width of the enclosed space, because of any arrangement except convergence of the outside plating, as shown in figure 3 of Schedule 1, becomes less than 90 per cent of the breadth of the deck at the line of the opening, the excluded space shall extend only to an athwartship line intersecting that point, as shown in figures 2 and 4 of Schedule 1,
  - (ii) where the opposite ends of two enclosed spaces are separated by a gap, which is completely open except for bulwarks or open rails and of fore and aft length less than half the least breadth of the deck at the gap, then no part of the enclosed spaces shall be excluded, as shown in figures 5 and 6 of Schedule 1;
- (b) a space under an overhead deck covering open to the sea and weather, having no other connection on the exposed sides with the body of the ship than the stanchions necessary for its support; in such a space, open rails or a bulwark and curtain plate may be fitted or stanchions fitted at the ship’s side, provided that the distance between the top of the rails or the bulwark and the curtain plate is not less than 0.75 metres or one-third of the height of the space, whichever is the greater, as shown in figure 7 of Schedule 1;
- (c) a space in a side-to-side erection between opposite side openings not less in height than 0.75 metres or one-third of the height of the erection, whichever is the greater; if the opening in such an erection is provided on one side only, the space to be excluded from the volume

of enclosed spaces shall be limited inboard from the opening to a maximum of one half of the breadth of the deck in way of the opening, as shown in figure 8 of Schedule 1;

- (d) a space in an erection immediately below an uncovered opening in the deck overhead, provided that such an opening is exposed to the weather and the space excluded from enclosed spaces is limited to the area of the opening, as shown in figure 9 of Schedule 1;
- (e) a recess in the boundary bulkhead of an erection which bulkhead is exposed to the weather and the opening of which extends from deck to deck without means of closing, provided that the interior width is not greater than the width at the entrance and its extension into the erection is not greater than twice the width of its entrance, as shown in figure 10 of Schedule 1;
- (f) notwithstanding the provisions of subparagraphs (a) to (e) inclusive, any space listed in those subparagraphs which fulfils at least one of the following conditions shall be treated as an enclosed space:
  - (i) the space is fitted with shelves or other means for securing cargo or stores;
  - (ii) the openings are fitted with any means of closure;
  - (iii) the construction provides any possibility of such openings being closed;

“existing fishing boat” means a fishing boat which is not a new fishing boat;

“existing ship” means a ship or recreational craft which is not a new ship or recreational craft;

“fishing boat” means a boat employed or intended to be employed in sea fishing, and intended for the catching or taking for sale of sea fish, but does not include a boat that is—

- (a) open and undecked and navigated by oars only, or
- (b) engaged in fishing or dredging solely for scientific, research or training purposes;

“foreign fishing boat” means a fishing boat that is not an Irish fishing boat;

“foreign ship” means a ship that is not an Irish ship;

“Irish fishing boat” means a fishing boat registered in the State under the Act of 1955 and Chapter 6 of the Act of 2006 or only under Chapter 6 of the Act of 2006;

“Irish ship” means a ship registered in the State under the Act of 1955;

“length” (“(L)”) means the greater of the following distances:

- (a) the distance between the fore side of the stem and the axis of the rudder stock, or
- (b) a distance measured from the fore side of the stem, being 96 per cent of the distance between that point and the aft side of the stern,

the said points and measurements being taken respectively at and along a waterline at 85 per cent of the least moulded depth of the ship; in the case of a ship having a rake of keel, the waterline shall be parallel to the designed waterline;

“length overall” (“(L<sub>oa</sub>)”) means the distance in a straight line between the foremost point of the bow and the aftermost point of the stern; for the purposes of this definition:

- (a) the bow shall be taken to include the watertight hull structure, fore-castle, stem and forward bulwark, if fitted, but shall exclude bowsprits and safety rails; and
- (b) the stern shall be taken to include the watertight hull structure, transom, poop, trawl ramp and bulwark but shall exclude safety rails, bumkins, propulsion machinery, rudders and steering gear and diver’s ladders and platforms;

“Load Line Rules” means the Merchant Shipping (Load Line) Rules 2001 (S.I. No. 424 of 2001) and includes in relation to any ship not registered in the State any corresponding rules of the country in which the ship is registered;

“Minister” means Minister for Transport;

“moulded depth” means:

- (a) the vertical distance measured from the top of the keel to the underside of the upper deck at side; in wood and composite ships the distance is to be measured from the lower edge of the keel rabbet; where the form at the lower part of the midship section is of a hollow character or where thick garboards are fitted, the distance is to be measured from the point where the line of the flat of the bottom continued inwards cuts the side of the keel;
- (b) in ships having rounded gunwales, the moulded depth shall be measured to the point of intersection of the moulded lines of the deck and side shell plating, the lines extending as though the gunwales were of angular design;
- (c) where the upper deck is stepped and the raised part of the deck extends over the point at which the moulded depth is to be determined, the moulded depth shall be measured to a line of reference extending from the lower part of the deck along a line parallel with the raised part;

(d) for the purposes of this definition:

- (i) “upper deck” means the uppermost complete deck exposed to weather and sea, which has permanent means of weathertight closing of all openings in the weather part thereof, and below which all openings in the sides of the ship are fitted with permanent means of watertight closing; in a ship having a stepped upper deck, the lowest line of the exposed deck and the continuation of that line parallel to the upper part of the deck is taken as the upper deck; and
- (ii) “weathertight” means that in any sea conditions water will not penetrate into the ship;

“moulded draught” means:

- (a) for ships assigned load lines in accordance with the Load Line Rules, the draught corresponding to the Summer Load Line (other than timber load lines);
- (b) for passenger ships, the draught corresponding to the deepest subdivision load line assigned in accordance with the Merchant Shipping (Passenger Ship Construction and Survey) Rules 1985 (S.I. No. 274 of 1985);
- (c) for ships to which no load line has been assigned but the draught of which is restricted by the Minister, the maximum permitted draught; and
- (d) for other ships, 75 per cent of the moulded depth amidships;

“new ship” means a ship or recreational craft the keel of which was laid, or which was at a similar stage of construction, on or after 1 July 2007; for the purpose of this definition “similar stage of construction” means the stage at which—

- (a) construction identifiable with a specific ship begins, and
- (b) assembly of that ship has commenced comprising at least 50 tonnes or one per cent of the estimated mass of all structural material, whichever is the less;

“new fishing boat” means a fishing boat the keel of which was laid, or which was at a similar stage of construction, on or after 18 July 1994; for the purpose of this definition “similar stage of construction” means the stage at which—

- (a) construction identifiable with a specific ship begins, and
- (b) assembly of that ship has commenced comprising at least 50 tonnes or one per cent of the estimated mass of all structural material, whichever is the less;

“non contracting government” means the government of a country which has not accepted the International Convention on Tonnage Measurement of Ships 1969;

“oil tanker” means a ship constructed or adapted to carry oil in bulk in its cargo spaces and includes combination carriers; for the purposes of this definition “combination carrier” means a ship designed to carry either oil or solid cargoes in bulk;

“passenger” means any person carried in a ship, except—

- (a) a person employed or engaged in any capacity on board the ship in the business of the ship,
- (b) a person on board the ship either in pursuance of the obligation laid upon the master to carry shipwrecked, distressed or other persons, or by reason of any circumstances that neither the master nor the owner nor the charterer (if any) could have prevented, or
- (c) a child under one year of age;

“recreational craft” means any boat of any type intended for sports or leisure purposes;

“revoked Regulations” means Merchant Shipping (Tonnage) Regulations 1984 (S. I. No. 369 of 1984);

“surveyor” means a surveyor appointed by a Certifying Authority.

#### *Revocation*

3. The Merchant Shipping (Tonnage) Regulations 1984 are revoked, except that existing ships referred to in Regulations 4(2) and 13(2) may continue to have their tonnages ascertained in accordance with the Fourth Schedule to and Appendices 1 to 5 of those Regulations.

## PART 2

### APPLICATION, ASCERTAINMENT OF TONNAGE AND CERTIFICATION FOR ALL SHIPS OF 15 METRES OR MORE IN LENGTH OVERALL

#### *Application of Part 2*

4. (1) This Part and the Schedules apply to all ships registered or to be registered in the State under the Act of 1955, or, in the case of Irish fishing boats, under the Act of 1955 and Chapter 6 of the Act of 2006, being ships of 15 metres or more in length overall.

(2) An existing ship, other than an existing fishing boat, of less than 24 metres length, already registered in the State, may retain its tonnages as ascertained in accordance with the revoked Regulations.

## ASCERTAINMENT OF TONNAGE

*Method of measurement*

5. (1) The owner and the master of a ship to be measured shall make it available for measurement by a surveyor and afford all necessary facilities for its survey and measurement and shall produce such plans, drawings, specifications and other documents relating to the ship that the surveyor may require for his or her use or retention.

(2) The gross and net tonnages shall be determined in accordance with Regulations 7 and 8, provided that in the case of novel types of craft with constructional features which render the application of the provisions unreasonable or impracticable, the gross and net tonnages shall be determined as required by the Minister.

(3) All measurements used in the calculations of volumes shall be taken and expressed in metres to the nearest centimetre.

(4) Gross and net tonnages shall be expressed as whole numbers, decimals being rounded off downwards.

*Calculation of volumes*

6. (1) All volumes included in the calculation of gross and net tonnages shall be measured, irrespective of the fitting of insulation or the like, to the inner side of the shell or structural boundary plating in ships constructed of metal, and to the outer surface of the shell or to the inner side of the structural boundary surfaces in ships constructed of any other material.

(2) Volumes of appendages shall be included in the total volume.

(3) Volumes of spaces open to the sea shall be excluded from the total volume.

(4) The method and accuracy of the calculations shall be to the satisfaction of the Minister and shall be sufficiently detailed to facilitate checking.

*Gross tonnage*

7. The gross tonnage (GT) of a ship shall be determined by the following formula:

$$GT = K_1 V,$$

where—

V = total volume of all enclosed spaces of the ship in cubic metres, and

$K_1 = 0.2 + 0.02 \log_{10} V$  or as specified in Schedule 2.

*Net tonnage*

8. The net tonnage (NT) of a ship shall be determined by the following formula:

$$NT = K_2 V_c \left( \frac{4d}{3D} \right)^2 + K_3 \left( N_1 + \frac{N_2}{10} \right),$$

where—

$V_c$  = total volume of cargo spaces in cubic metres,

$K_2 = 0.2 + 0.02 \log_{10} V_c$  or as specified in Schedule 2, and

$$K_3 = 1.25 \frac{GT + 10,000}{10,000};$$

in the above formula for determining the net tonnage—

GT = gross tonnage calculated in accordance with Regulation 7,

D = moulded depth amidships in metres,

d = moulded draught amidships in metres,

$N_1$  = number of passengers in cabins with not more than 8 berths,

$N_2$  = number of other passengers, and

$N_1 + N_2$  = total number of passengers the ship is permitted to carry as indicated in the ship's passenger certificate,

provided that—

(a) the factor

$$\left( \frac{4d}{3D} \right)^2$$

shall not be taken as greater than unity,

(b) the term

$$K_2 V_c \left( \frac{4d}{3D} \right)^2$$

shall not be taken as less than 0.25 GT,

(c)  $N_1$  and  $N_2$  shall each be taken as zero when  $N_1 + N_2$  is less than 13, and

(d) NT shall not be taken as less than 0.30 GT.

*Tonnages (segregated ballast oil tankers and deck cargoes)*

9. (1) Where segregated ballast tanks complying with Regulation 13 of Annex 1 of the International Convention for the Prevention of Pollution from Ships 1973 as modified by the Protocol of 1978 relating to that Convention are provided in oil tankers, an entry may be made on the International Tonnage Certificate (1969) indicating the total tonnage of these tanks. The tonnage of such segregated ballast tanks shall be calculated according to the following formula:

$$K_1 \times V_b,$$

where—

$K_1 = 0.2 + 0.02 \log_{10} V$  or as specified in Schedule 2,

$V$  = the total volume of all enclosed spaces of the ship in cubic metres,  
and

$V_b$  = the total volume of segregated ballast tanks in cubic metres  
measured in accordance with Regulation 6.

(2) Where cargo is carried in any uncovered space on deck, the tonnage of the space so occupied to be taken into account for the purpose of section 93 of the Act of 1955 (payment of dues where goods are carried in spaces not forming part of the gross or net tonnages) shall be determined by the formula:

$$\text{Deck Cargo Tonnage} = 0.353 (\text{mean length} \times \text{mean breadth} \times \text{mean height}).$$

## CERTIFICATION

*Issue of certificates*

10. (1) The Certifying Authority shall, upon receipt of the appropriate fee, issue to the owner of every ship of 24 metres or more in length which is registered in the State, the tonnages of which have been ascertained in accordance with Regulations 7 and 8, an International Tonnage Certificate (1969), in the form set out in Schedule 3, certifying the tonnages of the ship and containing the following particulars:

- (a) the name, port of registry and official number of the ship;
- (b) its length, length overall, breadth and moulded depth;
- (c) its gross and net tonnages; and
- (d) the date on which the keel was laid or the ship was at a similar stage of construction or the date on which the ship underwent alterations or modifications of a major character.

(2) An existing ship, the keel of which was laid before 18 July 1982 may, for the purpose of the application of the provisions of Regulations implementing the International Convention for the Safety of Life at Sea (SOLAS) 1974 as

amended, the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) 1978 and the International Convention for the Prevention of Pollution from Ships 1973 as modified by the Protocol of 1978 (MARPOL 73/78), use the gross tonnage as previously ascertained in accordance with the tonnage regulations which were in force prior to the coming into force of the International Convention on Tonnage Measurement of Ships 1969. For such ships the following entry is to be made in the “Remarks” column of the International Tonnage Certificate (1969):

“The ship is remeasured according to article 3(2)(d) of the 1969 Tonnage Convention. The GROSS TONNAGE according to the measurement system previously in force to the measurement system of the International Convention on Tonnage Measurement of Ships 1969, is:.....RT according to the Fourth Schedule of the Merchant Shipping (Tonnage) Regulations 1984.”.

If the ship undergoes alterations or modifications, which affect its tonnage, on or after 18 July 1994, the old national tonnage figure is to be deleted from the “Remarks” column.

(3) Where the gross tonnage is ascertained in accordance with paragraph (2) and a—

- (a) Safety of Life at Sea Certificate,
- (b) Standards of Training, Certification and Watchkeeping for Seafarers Certificate, or
- (c) Prevention of Pollution from Ships Convention Certificate,

is subsequently issued, then only that tonnage shall be recorded in that certificate and the certificate or certificates concerned shall be endorsed with the following endorsement:

“The above gross tonnage has been measured by the Certifying Authority of Ireland in accordance with the tonnage regulations which were in force prior to the coming into force of the International Convention on Tonnage Measurement of Ships 1969.”.

(4) The Certifying Authority shall, upon receipt of the appropriate fee, issue to the owner of every ship and fishing boat of less than 24 metres in length which is registered in the State, the tonnages of which have been ascertained in accordance with Regulations 7 and 8, an Irish Tonnage Certificate, in the form set out in Schedule 4, certifying the tonnages of the ship and containing the following particulars:

- (a) the name, port of registry and official number of the ship;
- (b) its length, length overall, breadth and moulded depth;
- (c) its gross and net tonnages; and

- (d) the date on which the keel was laid or the ship was at a similar stage of construction or the date on which the ship underwent alterations or modifications of a major character.

*Cancellation of certificates*

11. (1) Where alterations are made in the arrangement, construction, capacity, use of spaces, total number of passengers the ship is permitted to carry under the terms of the ship's passenger certificate, assigned loadline, or permitted draught of the ship, such as would cause an increase in the gross or net tonnage, the existing International Tonnage Certificate (1969) or Irish Tonnage Certificate will cease to be valid and shall be delivered up to and cancelled by the Certifying Authority.

(2) When a ship is transferred from the Irish Register, the International Tonnage Certificate (1969) will cease to be valid, except when the transfer is to the Administration of a state which is a contracting government in which case the certificate may remain in force for a period not exceeding 3 months or until the transferee Administration issues another International Tonnage Certificate (1969), whichever is the earlier. The Certifying Authority shall transmit to the Administration of that government as soon as possible after the transfer has taken place a copy of the certificate carried by the ship at the time of transfer and a copy of the relevant tonnage calculations.

*Change of net tonnage necessitating issue of certificate*

12. (1) When alterations in the values of  $V$ ,  $V_C$ ,  $d$ ,  $N_1$  or  $N_2$  as defined in Regulations 7 and 8 result in an increase in the net tonnage, a new International Tonnage Certificate (1969) or Irish Tonnage Certificate incorporating the increased net tonnage shall be issued.

(2) In the case of a passenger ship assigned subdivision load lines in accordance with the Merchant Shipping (Passenger Ship Construction and Survey) Rules 1985, and load lines in accordance with the Merchant Shipping (Load Line) Rules 2001, only one net tonnage shall be applied. Where the draught corresponding to the summer load line differs from that corresponding to the deepest subdivision load line, the net tonnage shall be the greater of the two values determined in accordance with Regulation 8 by applying the differing draughts.

- (3) (a) Subject to subparagraph (b) below, where alterations in the values of  $V$ ,  $V_C$ ,  $d$ ,  $N_1$  or  $N_2$  as defined in Regulations 7 and 8 or changes in the position of the load lines result in a decrease in the net tonnage, a new International Tonnage Certificate (1969) or Irish Tonnage Certificate incorporating the decreased net tonnage shall not be issued until 12 months have elapsed from the date on which the current certificate was issued.

- (b) A new International Tonnage Certificate (1969) may be issued when—

- (i) a ship which was registered outside the State is re-registered in the State,
- (ii) a ship undergoes alterations or modifications of a major character, such as the removal of a superstructure, which requires an alteration of the assigned load line, or
- (iii) the ship is a passenger ship employed in special trades for the carriage of large numbers of special trade passengers, such as the pilgrim trade.

### PART 3

#### APPLICATION, ASCERTAINMENT OF TONNAGE AND CERTIFICATION FOR ALL SHIPS OF LESS THAN 15 METRES LENGTH OVERALL

##### *Application of Part 3*

13. (1) This Part and Schedules 2 and 4 apply to all ships of less than 15 metres length overall registered or to be registered in the State under the Act of 1955 or, in the case of Irish fishing boats, under the Act of 1955 and Chapter 6 of the Act of 2006 or only under Chapter 6 of the Act of 2006.

(2) An existing ship, other than an existing fishing boat, of less than 15 metres length overall, already registered in the State, may retain its tonnages as ascertained in accordance with the revoked Regulations.

##### *Method of measurement*

14. (1) The owner and the master of a ship to be measured shall make it available for measurement by a surveyor and afford all necessary facilities for its survey and measurement and shall produce such plans, drawings, specifications and other documents relating to the ship that the surveyor may require for his or her use or retention.

(2) The gross and net tonnages shall be determined in accordance with Regulation 15 provided that in the case of novel types of craft with constructional features which render the application of the provisions of these Regulations unreasonable or impracticable, the gross and net tonnages shall be determined as required by the Minister.

(3) All measurements used in the calculations of volumes shall be taken and expressed in metres to the nearest centimetre.

(4) Gross and net tonnages shall be expressed to one decimal place, the first decimal place being increased by 1 if the second decimal place is 5 or more.

##### *Tonnages (ships and existing fishing boats of less than 15 metres length overall)*

15. (1) (a) The gross tonnage (GT) of all ships of less than 15 metres length overall shall be determined by the following formula:

$$GT = K_1 V,$$

where—

$K_1 = 0.2 + 0.02 \log_{10} V$  or as specified in Schedule 2,

$V = a_1(L_{oa} \cdot B_1 \cdot T_1)$ ,

$a_1 = 0.5194 + 0.0145 L_{oa}$ , but not to be taken less than 0.60,

$L_{oa}$  = length overall,

$B_1$  = breadth, in metres, as defined in Regulation 2, and

$T_1$  = moulded depth, in metres, as defined in Regulation 2; in the case of an open boat, the upper terminal point for depth shall be the top of the upper strake or gunwale.

- (b) The net tonnage (NT) of all ships of less than 15 metres length overall shall be determined by the following formula:

$$NT = 0.3 GT.$$

- (2) (a) The gross tonnage (GT) of existing fishing boats of less than 15 metres length overall may be determined by the following formula:

$$GT = K_1 V,$$

where—

$K_1 = 0.2 + 0.02 \log_{10} V$  or as specified in Schedule 2,

$V = a_2(L_{oa} \cdot B_i \cdot T_i)$ ,

$a_2 = 0.4794 + 0.0255 L_{oa}$ , but not to be taken as less than 0.60,

$L_{oa}$  = length overall,

$B_i$  = main breadth to outside of plating/planking, and

$T_i$  = depth in hold from tonnage deck to ceiling/top of floor amidships, where “tonnage deck” means the second deck except in the case of single deck ships, in which case it means the upper deck; in the case of an open boat, the upper terminal point for depth shall be the top of the upper strake or gunwale.

- (b) The net tonnage (NT) of existing fishing boats of less than 15 metres length overall may be determined by the following formula:

$$NT = 0.3 GT.$$

*Certification*

16. The Certifying Authority shall, upon receipt of the appropriate fee, issue to the owner of every ship of less than 15 metres length overall which is registered in the State, the tonnages of which have been ascertained in accordance with Regulations 15(1) or 15(2), an Irish Tonnage Certificate, in the form set out in Schedule 4, certifying the tonnages of the ship and containing the following particulars:

- (a) the name, port of registry and official number of the ship;
- (b) its length overall, breadth and moulded depth;
- (c) its gross and net tonnages; and
- (d) the date on which the keel was laid or the ship was at a similar stage of construction or the date on which the ship underwent alterations or modifications of a major character.

*Cancellation of certificates*

17. Where alterations are made in the arrangement or construction of a ship to which this Part applies such as would cause a change in the gross or net tonnage of that ship, the existing Irish Tonnage Certificate shall cease to be valid and shall be delivered up to and cancelled by the Certifying Authority.

## PART 4

FOREIGN SHIPS WHILST WITHIN THE STATE OR THE  
TERRITORIAL WATERS THEREOF*Acceptance of foreign tonnage certificates*

18. (1) An International Tonnage Certificate (1969) issued under the authority of another contracting government to a foreign ship in accordance with the Convention shall be accepted and regarded for all purposes covered by the Convention as having the same validity as one issued under Part 2. Whilst such a ship is within the State or the territorial waters thereof it may be subject to inspection by a person duly authorised by the Minister in that behalf for the purpose of verifying—

- (a) that the ship is provided with a valid International Tonnage Certificate (1969), and
- (b) that the main characteristics of the ship correspond to the data given in the certificate.

(2) Any such inspection shall not cause any delay to the ship.

(3) If the inspection reveals that the main characteristics of the ship differ from those entered in the International Tonnage Certificate (1969) so as to lead to an increase in the gross tonnage or the net tonnage, the Administration of the state whose flag the ship is flying shall be informed without delay.

*Ascertainment of tonnage and certification*

19. (1) The Certifying Authority may, at the request of the Administration of a contracting government, ascertain the gross and net tonnages of a foreign ship of 24 metres or more in length in accordance with Part 2 and issue to the owner an International Tonnage Certificate (1969). In such cases the certificate shall be endorsed to the effect that it has been issued at the request of the government of the state whose flag the ship is or will be flying, and a copy of the certificate and the calculations of the tonnages shall be transmitted to the requesting government as soon as possible.

(2) The Certifying Authority may, at the request of an owner of a foreign ship of 24 metres or more in length flying the flag of an Administration of a non-contracting government, ascertain the gross and net tonnages of the ship in accordance with Part 2 and issue a Certificate of Irish Tonnage Measurement. In such cases the certificate shall bear the endorsement “for use only whilst within the State or the territorial waters of the State”.

## PART 5

## INTERIM SCHEME FOR TONNAGE MEASUREMENT FOR CERTAIN SHIPS

*Application of Part 5*

20. (1) The Minister may, at the written request of an owner of an Irish ship required to be measured and certified in accordance with Part 2—

- (a) which ship is a ship the keel of which was laid or was at a similar stage of construction not later than 31 December 1985,
- (b) which ship is a cargo ship of less than 1600 tons gross tonnage as ascertained in accordance with the tonnage regulations which were in force prior to the coming into force of the Convention, the keel of which was laid or was at a similar stage of construction before 18 July 1994, or
- (c) which ship is a ship of less than 400 tons gross tonnage the keel of which was laid on or before 31 December 1985,

permit such a ship to have, additionally, its gross tonnage ascertained by the Certifying Authority in accordance with the provisions of the tonnage regulations which were in force prior to the coming into force of the Convention, and to use this tonnage for the purpose of the application of the provisions of Regulations implementing the International Convention for the Safety of Life at Sea (SOLAS) 1974 as amended, the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) 1978 and the International Convention for the Prevention of Pollution from Ships 1973 as modified by the Protocol of 1978 relating thereto (MARPOL 73/78).

(2) The measurement of a ship in accordance with paragraph (1) shall be in respect of gross tonnage only and the following entries shall be made in the “Remarks” column of the International Tonnage Certificate (1969):

- (a) In cases where paragraph (1)(a) or (b) applies, “the ship is additionally measured according to resolution A.494(XII)”;
- (b) In cases where paragraph (1)(c) applies, “the ship is additionally measured according to resolution A.541 (13)”;
- (c) In all cases, “The GROSS TONNAGE according to the measurement system previously in force to the measurement system of the International Convention on Tonnage Measurement of Ships 1969, is:.....RT according to the Fourth Schedule of the Merchant Shipping (Tonnage) Regulations 1984.”.

If the ship undergoes alterations or modifications which affect its tonnage on or after 18 July 1994, the above entries are to be deleted from the “Remarks” column.

(3) Where the gross tonnage is ascertained in accordance with paragraph (1) and a—

- (a) Safety of Life at Sea Certificate,
- (b) Standards of Training, Certification and Watchkeeping for Seafarers Certificate, or
- (c) Prevention of Pollution from Ships Convention Certificate,

is subsequently issued, then only that tonnage shall be recorded in that certificate and the certificate or certificates concerned shall be endorsed with the following endorsement:

“The above gross tonnage has been measured by the Certifying Authority of Ireland in accordance with the tonnage regulations which were in force prior to the coming into force of the International Convention on Tonnage Measurement of Ships 1969.”.

## SCHEDULE 1

## EXCLUDED SPACES AS DEFINED IN REGULATION 2

In the following figures, where they occur:

O = excluded space;

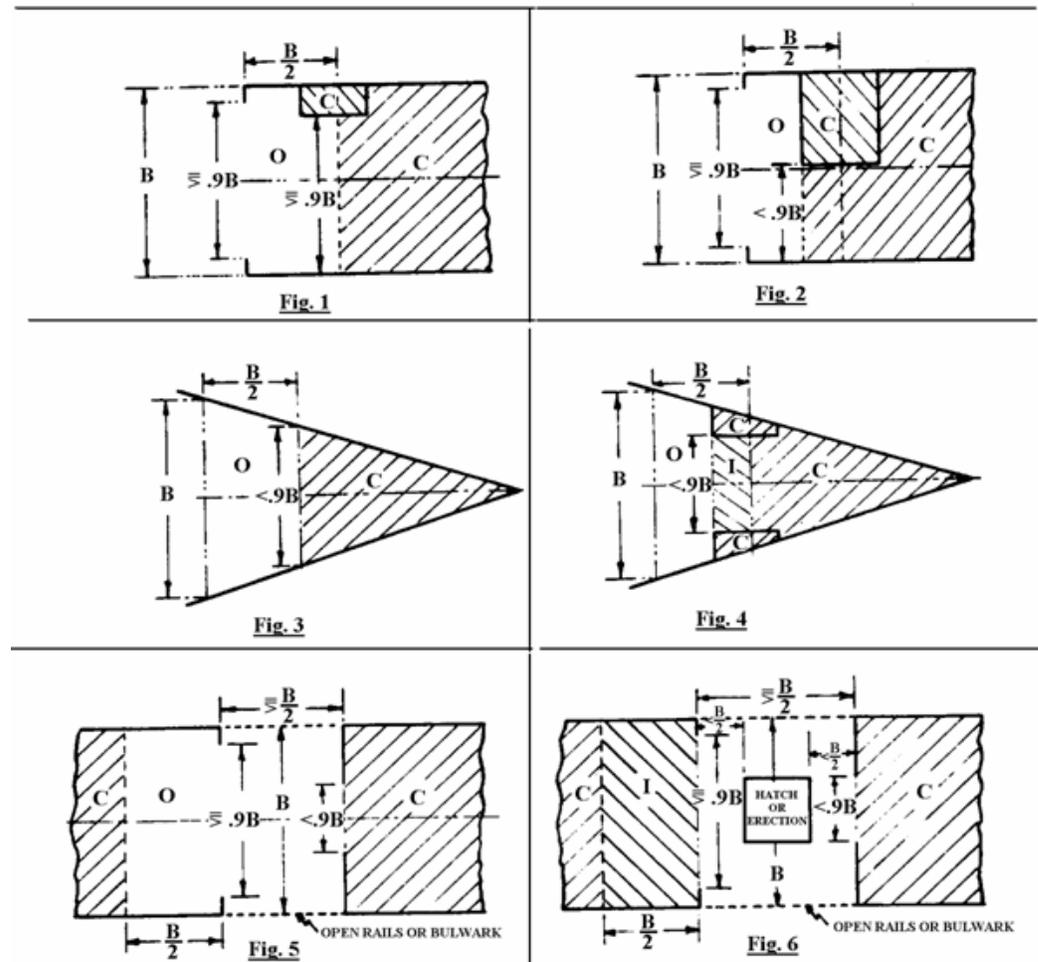
C = enclosed space; and

I = space to be considered as an enclosed space.

Hatched in parts are to be included as enclosed spaces.

B = breadth of the deck in way of the opening.

In ships with rounded gunwales the breadth is measured as indicated in Figure 11.



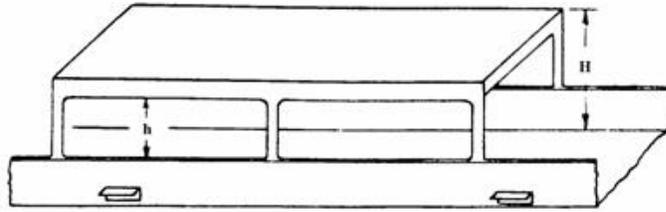
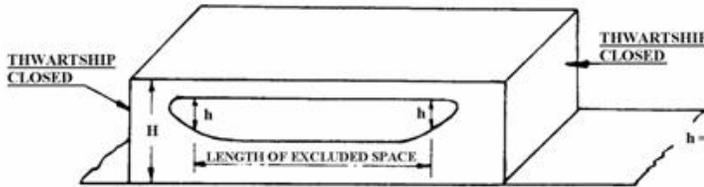
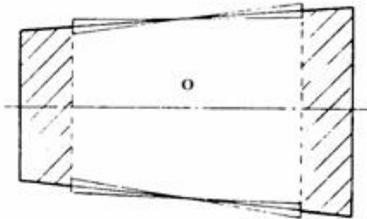


Fig. 7

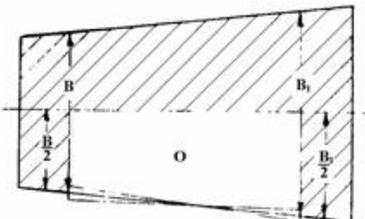
$h = \text{AT LEAST } \frac{H}{3} \text{ OR } 0.75 \text{ m (2.5 FEET) WHICHEVER IS THE GREATER.}$



$h = \text{AT LEAST } \frac{H}{3} \text{ OR } 0.75 \text{ m (2.5 FEET) WHICHEVER IS THE GREATER.}$

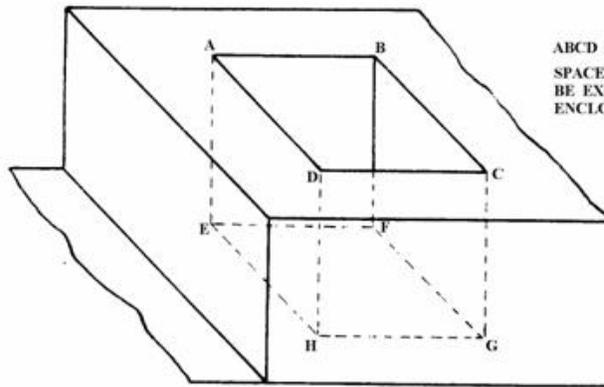


OPPOSITE SIDE OPENINGS



OPENING ON ONE SIDE ONLY

Fig. 8



ABCD = OPENING IN THE DECK.  
SPACE ABCDEFGH SHALL BE EXCLUDED FROM ENCLOSED SPACE.

Fig. 9

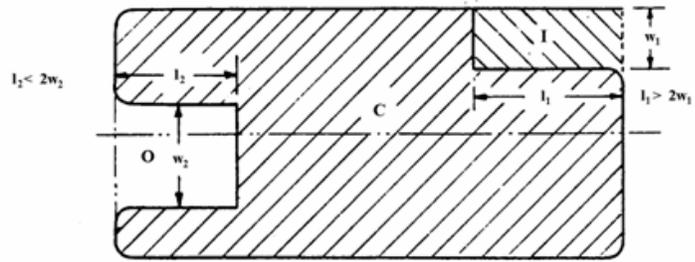


Fig. 10

SHIPS WITH ROUNDED GUNWALES

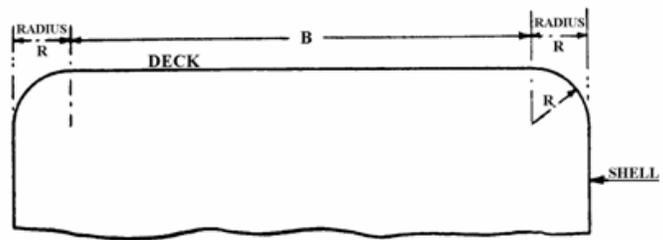


Fig. 11

## SCHEDULE 2

COEFFICIENTS  $K_1$  AND  $K_2$  REFERRED TO IN REGULATIONS 7, 8, 9  
AND 15**V OR  $V_c$  = VOLUME IN CUBIC METRES**

V or $V_c$	$K_1$ or $K_2$						
10	0.2200	45000	0.2931	330000	0.3104	670000	0.3165
20	0.2260	50000	0.2940	340000	0.3106	680000	0.3166
30	0.2295	55000	0.2948	350000	0.3109	690000	0.3168
40	0.2320	60000	0.2956	360000	0.3111	700000	0.3169
50	0.2340	65000	0.2963	370000	0.3114	710000	0.3170
60	0.2356	70000	0.2969	380000	0.3116	720000	0.3171
70	0.2369	75000	0.2975	390000	0.3118	730000	0.3173
80	0.2381	80000	0.2981	400000	0.3120	740000	0.3174
90	0.2391	85000	0.2986	410000	0.3123	750000	0.3175
100	0.2400	90000	0.2991	420000	0.3125	760000	0.3176
200	0.2460	95000	0.2996	430000	0.3127	770000	0.3177
300	0.2495	100000	0.3000	440000	0.3129	780000	0.3178
400	0.2520	110000	0.3008	450000	0.3131	790000	0.3180
500	0.2540	120000	0.3016	460000	0.3133	800000	0.3181
600	0.2556	130000	0.3023	470000	0.3134	810000	0.3182
700	0.2569	140000	0.3029	480000	0.3136	820000	0.3183
800	0.2581	150000	0.3035	490000	0.3138	830000	0.3184
900	0.2591	160000	0.3041	500000	0.3140	840000	0.3185
1000	0.2600	170000	0.3046	510000	0.3142	850000	0.3186
2000	0.2660	180000	0.3051	520000	0.3143	860000	0.3187
3000	0.2695	190000	0.3056	530000	0.3145	870000	0.3188
4000	0.2720	200000	0.3060	540000	0.3146	880000	0.3189
5000	0.2740	210000	0.3064	550000	0.3148	890000	0.3190
6000	0.2756	220000	0.3068	560000	0.3150	900000	0.3191
7000	0.2769	230000	0.3072	570000	0.3151	910000	0.3192
8000	0.2781	240000	0.3076	580000	0.3153	920000	0.3193
9000	0.2791	250000	0.3080	590000	0.3154	930000	0.3194
10000	0.2800	260000	0.3083	600000	0.3156	940000	0.3195
15000	0.2835	270000	0.3086	610000	0.3157	950000	0.3196
20000	0.2860	280000	0.3089	620000	0.3158	960000	0.3196
25000	0.2880	290000	0.3092	630000	0.3160	970000	0.3197
30000	0.2895	300000	0.3095	640000	0.3161	980000	0.3198
35000	0.2909	310000	0.3098	650000	0.3163	990000	0.3199
40000	0.2920	320000	0.3101	660000	0.3164	1000000	0.3200

Coefficients  $K_1$  or  $K_2$  at intermediate values of V or  $V_c$  shall be obtained by linear interpolation.

**INTERNATIONAL TONNAGE CERTIFICATE (1969)**

*Issued under the provisions of the*

**INTERNATIONAL CONVENTION OF TONNAGE MEASUREMENT OF SHIPS (1969)**

*under the authority of the Government of Ireland*

Name of Ship	Official Number & IMO Number	Port of Registry	Date <sup>‡</sup>
	ON IMO		

<sup>‡</sup>Date on which keel was laid or the ship was at a similar stage of construction (Article 2(6)), or date on which the ship underwent alterations or modifications of a major character (Article 3(2)(b)), as appropriate.

**MAIN DIMENSIONS**

Length (Article 2(8))	Breadth (Regulation 2(3))	Moulded Depth amidships to upper deck (Regulation 2(2))

the tonnages of the ship are:

**GROSS TONNAGE****NET TONNAGE**

THIS IS TO CERTIFY

that the tonnages of this ship have been determined in accordance with the provisions of the International Convention on Tonnage Measurement of Ships 1969.

Issued at .....20...  
(place of issue of Certificate) (date of issue)

The undersigned declares that he\*/she\* is duly authorised by the said Government to issue this Certificate

.....(signed)  
An authorised officer of the Department of Transport.

\_\_\_\_\_  
\*Delete as required

(reverse side of certificate)

<b>SPACES INCLUDED IN TONNAGE</b>					
<b>GROSS TONNAGE</b>			<b>NET TONNAGE</b>		
Name of Space	Location (Frames)	Length (metre)	Name of Space	Location (Frames)	Length (metre)
Underdeck			NUMBER OF PASSENGERS (Regulation 4(1))		
			Number of passengers in cabins with not more than 8 berths.....		
EXCLUDED SPACES (Regulation 2(5))  An asterisk (*) should be added to those spaces listed above which comprise both enclosed and excluded spaces.			MOULDED DRAUGHT (Regulation 4(2))		
			Length overall		
Date and place of original measurement:					
Date and place of last previous re-measurement:					
REMARKS:					

## SCHEDULE 4

**IRISH TONNAGE CERTIFICATE**

For ships of Length less than 24 metres and measured according to Part 2 or Part 3 of the Mercantile Marine (Tonnage) Regulations 2007

Name of Ship	Official Number	Port of Registry	Date <sup>‡</sup>

<sup>‡</sup>Date on which keel was laid or the ship was at a similar stage of construction ("new ship" Regulation 2), or date on which the ship underwent alterations or modifications of a major character, as appropriate.

**MAIN DIMENSIONS**

Length <sup>†</sup> (Regulation 2)	Length overall (Regulation 2)	Breadth (Regulation 2)	Moulded Depth amidships to upper deck (Regulation 2)

the tonnages of the ship are:

**GROSS TONNAGE****NET TONNAGE**

## THIS IS TO CERTIFY

that the tonnages of this ship have been determined in accordance with the provisions of Part 2<sup>\*</sup>/3<sup>\*</sup> of the Mercantile Marine (Tonnage) Regulations 2007.

Issued at .....20...  
(place of issue of Certificate) (date of issue)

The undersigned declares that he<sup>\*</sup>/she<sup>\*</sup> is duly authorised by the Government of Ireland to issue this Certificate

.....(signed)

An authorised officer of the Department of Transport.

<sup>†</sup>To be left blank for vessels of less than 15 metres Length overall

<sup>\*</sup>Delete as required

(reverse side of certificate)

SPACES INCLUDED IN TONNAGE					
GROSS TONNAGE			NET TONNAGE		
Name of Space	Location (Frames)	Length (metre)	Name of Space	Location (Frames)	Length (metre)
Underdeck			NUMBER OF PASSENGERS (Regulation 8)		
			Number of passengers in cabins with not more than 8 berths.....		
EXCLUDED SPACES (Regulation 2)			MOULDED DRAUGHT (Regulation 2)		
An asterisk (*) should be added to those spaces listed above which comprise both enclosed and excluded spaces.					
Date and place of original measurement:					
Date and place of last previous re-measurement:					

REMARKS:



GIVEN under my Official Seal,  
13 June 2007

\_\_\_\_\_  
Minister for Transport.

## EXPLANATORY NOTE

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

These draft regulations give effect to the International Convention on Tonnage Measurement of Ships 1969, and Council Regulation (EEC) No 2930/86 as amended which deals with the tonnage measurement of fishing vessels. Additionally the Regulations extend the application of Council Regulation (EEC) No 2930/86 as amended to all ship types.

Part 2 applies to all Irish registered ships of 15 metres in length and over.

Provision is made for net and gross tonnages to be measured in accordance with the Regulations (Regulations 6 to 9) and for the Minister or an authorised certifying authority to issue or cancel tonnage certificates (Regulations 10 and 11).

Where segregated ballast tanks complying with the International Convention for the Prevention of Pollution from Ships 1973 are provided in oil tankers, including combination carriers, an entry may be made on the International Tonnage Certificate (1969) in accordance with the International Maritime Organisation Resolution A388(X) indicating the total tonnage of those tanks (Regulation 9(1)).

Certain existing ships of 24 metres in length and over, as specified, may continue to have their tonnages ascertained in accordance with the Regulations as set out in the Fourth Schedule and Appendices thereto of the Merchant Shipping (Tonnage) Regulations 1984 (S.I. No. 369 of 1984) (Part 5).

An existing ship, other than an existing fishing boat, of less than 24 metres length, already registered in the State, may retain its tonnages as ascertained in accordance with the Regulations, which were in force prior to the coming into force of these Regulations (Regulation 4(2)).

Part 3 applies to all ships of less than 15 metres in length overall registered under the Mercantile Marine Act 1955 and fishing boats registered under the Mercantile Marine Act 1955 and Chapter 6 of the Sea-Fisheries and Maritime Jurisdiction Act 2006 or only under Chapter 6 of the Sea-Fisheries and Maritime Jurisdiction Act 2006.

An existing ship, other than an existing fishing boat, of less than 15 metres length overall already registered in the State, may retain its tonnages as ascertained in accordance with the Regulations that were in force prior to the coming into force of these Regulations (Regulation 13(2)).

Part 4 deals with the treatment of foreign ships whilst within the State or the territorial waters of the State, and provides for the inspection of their tonnage certificate (Regulation 18).

The Regulations also implement the Interim Scheme for the Tonnage Measurement for Certain Ships, adopted by the International Maritime Organisation in Resolution A.494 (XII). This Scheme permits the use of gross tonnage ascertained in accordance with the provisions as set out in the Fourth Schedule and Appendices thereto of the Merchant Shipping (Tonnage) Regulations 1984 (S.I. No. 369 of 1984) to be used for the application of the provisions of Regulations made under the International Convention for the Safety of Life at Sea, 1974 and the Protocol of 1978 relating thereto (Regulation 20).

The Merchant Shipping Tonnage Regulations 1984 are being revoked under the new Regulations, save that existing ships as specified above may continue to have their tonnages ascertained under the Fourth Schedule of the 1984 Regulations.

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
Le ceannach díreach ón  
OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS,  
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2  
nó tríd an bpost ó  
FOILSEACHÁIN RIALTAIS, AN RANNÓG POST-TRÁCHTA,  
51 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2  
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nó trí aon díoltóir leabhar.

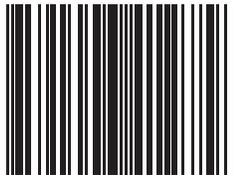
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