



STATUTORY INSTRUMENTS.

S.I. No. 246 of 2008



FISHING VESSEL (FEES) REGULATIONS 2008

(Prn. A8/0980)

FISHING VESSEL (FEES) REGULATIONS 2008

I, NOEL DEMPSEY, Minister for Transport, in exercise of the powers conferred on me by sections 19 (inserted by section 47(1) of the Maritime Safety Act 2005 (No. 11 of 2005)) and 31 (as amended by section 44 of the Merchant Shipping (Investigation of Marine Casualties) Act 2000 (No. 14 of 2000)) of the Merchant Shipping Act 1992 (No. 2 of 1992), and the Maritime Transport, Safety and Security (Transfer of Departmental Administration and Ministerial Functions) Order 2005 (S.I. No. 842 of 2005), and with the consent of the Minister for Finance, hereby make the following regulations:

Citation and commencement.

1. These Regulations may be cited as the Fishing Vessel (Fees) Regulations 2008.

Application.

2. These Regulations apply to—

(1) Fishing Vessels of 15 metres length and over but less than 24 metres in length to which the Merchant Shipping (Safety of Fishing Vessels) (15 - 24 metres) Regulations 2007 (S.I. No. 640 of 2007) apply, and

(2) Fishing Vessels of 24 metres in length and over to which the Fishing Vessels (Safety Provisions) Regulations 2002 (S.I. No. 418 of 2002) apply.

Definitions.

3. (1) In these Regulations—

“all Sea Areas” means any Sea Area including Sea Area A1 and Sea Area A2;

“classed vessel” means a vessel which has been surveyed by or on behalf of a recognised organisation (other than the Minister) and has, following such survey, been classified by that organisation in accordance with standards set for vessels by it and remains so classified at the date of the survey or inspection and for which a fee is payable under these Regulations;

“fishing vessel” means a vessel designed, equipped or used commercially for catching or taking fish or other living resources of the sea (including the sea bed) or freshwater;

“recognised organisation” includes an organisation recognised by the Minister under Regulation 3 of the European Communities (Ship Inspection and Survey Organisations) Regulations 1998 (S.I. No. 56 of 1998);

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 8th July, 2008.*

“Sea Area A1” means an area within the radiotelephone coverage of at least one VHF coast station in which continuous DSC alerting is available;

“Sea Area A2” means an area, excluding Sea Area A1, within the radiotelephone coverage of at least one MF coast station in which continuous DSC alerting is available, as may be defined in a Marine Notice.

4. (1) In respect of a survey referred to in Part 1 of Schedule 1 the fee specified—

(a) in column (3), for a vessel not classed with a recognised organisation, shall be payable in respect of a survey of a vessel described in column (2) opposite the reference number in column (1),

(b) in column (4), for a vessel classed with a recognised organisation, shall be payable in respect of a survey of a vessel described in column (2) opposite the reference number in column (1).

(2) In respect of a survey referred to in Part 2 of Schedule 1 the fee specified in column (3) shall be payable in respect of a survey of a vessel described in column (2) opposite the reference number in column (1).

(3) (a) The fees specified in Part 1 of Schedule 2 shall be payable in respect of the matters specified in paragraphs 1 to 4 of Part 2 of that Schedule.

(b) Notwithstanding Part 1 of Schedule 2 the fee payable in respect of the initial approval of a vessel referred to in paragraph 4(a) of Part 2 of that Schedule shall not exceed €1,600.

(4) Travelling or subsistence expenses of a surveyor mentioned in—

(a) Part 1 of Schedule 3 apply to surveys carried out in the State or Northern Ireland, and

(b) Part 2 of Schedule 3 apply to surveys carried out outside the State or Northern Ireland.

(5) Part 3 of Schedule 3 sets out the basis for calculating overtime of a surveyor.

(6) Fees and expenses shall in every case be paid to the Superintendent of the Mercantile Marine Office concerned and an official receipt shall be issued by that Office in respect of all payments to which these Regulations apply.

Revocation.

5. The Fishing Vessel (Fees) Regulations 2007 (S.I. No. 669 of 2007) are revoked.

SCHEDULE 1

Part 1

1. Fees payable for an initial or 4 year periodical survey for the issue of a Certificate of Compliance or a Fishing Vessel Safety Certificate, including a Record of Equipment and an Exemption Certificate or a Fishing Vessel Exemption Certificate.

Ref No. (1)	Length (2)	Fee for vessel not classed with a recognised organisation (3)	Fee for vessel classed with a recognised organisation (4)
1	15m length and over but less than 24m	€1,500 + €100 for each metre or part thereof by which the length exceeds 15m	€700 + €25 for each metre or part thereof by which the length exceeds 15m
2	24m and over but less than 45m	€2,400 + €75 for each metre or part thereof by which the length exceeds 24m	€925 + €25 for each metre or part thereof by which the length exceeds 24m
3	45m and over but less than 100m	€3,975 + €50 for each metre or part thereof by which the length exceeds 45m	€1,450 + €20 for each metre or part thereof by which the length exceeds 45m
4	100m and over	€6,725 + €50 for each metre or part thereof by which the length exceeds 100m	€2,550

2. Two year periodical survey

Ref No. (1)	Length (2)	Fee for vessel not classed with a recognised organisation (3)	Fee for vessel classed with a recognised organisation (4)
1	15m length overall and over	60% of fee for initial or four year periodical survey	70% of fee for initial or four year periodical survey

Part 2

3. One year periodical radio survey (year one and year three) for vessels of 24m length and over

Ref No. (1)	Sea Area (2)	Fee (3)
1	Vessels equipped to engage on voyages within Sea Area 1	€400
2	Vessels equipped to engage on voyages beyond Sea Area 1 but remaining within Sea Area 2	€500
3	Vessels equipped to engage on voyages in all Sea Areas	€600

SCHEDULE 2

Part 1

FEE FOR APPROVAL OF PLANS AND STABILITY

1. The fees payable in respect of each matter mentioned in paragraphs 1 to 4 of Part 2 shall be determined by the amount of work involved, charged at an hourly rate of €50.

Part 2

1. Approval of safety equipment plans.
2. Approval of safety construction plans.
3. Approval of radiocommunication equipment plans.
4. Stability approval—
 - (a) Initial approval.
 - (b) Lightship check.
 - (c) Inclining and re-approval.

SCHEDULE 3

SURVEYORS' EXPENSES

Part 1

SURVEYS IN THE STATE OR NORTHERN IRELAND

Other than overtime charges specified in Part 3, a separate fee shall not be payable in respect of a surveyor relating to—

- (a) expenses, or
- (b) subsistence

in the State or in Northern Ireland in addition to the fees set out in Schedules 2 and 3, except:

- (i) where a surveyor is called to a survey or inspection by the owner and is prepared to carry out such survey or inspection but is prevented from doing so by circumstances within the power of the owner, his servants or agents to prevent, or
- (ii) where a surveyor is called upon to carry out a partial survey away from a normal survey centre for the purpose of the issue of a short-term certificate,

and in such event the fee in respect of expenses and subsistence shall be calculated at the rate for the time being in force in respect of such surveyor.

Part 2

SURVEYS OTHER THAN IN THE STATE OR NORTHERN IRELAND

- (a) The relevant survey fees together with a fee equivalent in amount to the surveyors' travelling and subsistence expenses shall be payable.
- (b) All fees and a deposit to cover travelling and subsistence expenses must be paid in advance in the case of surveys abroad and an undertaking given for the payment of any balance of fees and expenses connected with the service.

Part 3

FEES IN RESPECT OF OVERTIME

- (1) A fee in respect of overtime shall be calculated as follows:
 - (a) €100 per hour, where a survey does not take place—
 - (i) on a Saturday, Sunday or public holiday, or
 - (ii) between 8 a.m. and 6 p.m;
 - (b) €200 per hour, where all or part of a survey takes place on a Saturday, Sunday or public holiday;
 - (c) for periods of one hour or less than one hour, the fee will be charged as one hour at the appropriate overtime rate;
 - (d) for periods exceeding one hour, one-quarter fee will be charged for each quarter or part quarter of an hour according to the appropriate rate but in no case shall the fee exceed the fee payable for 10 hours;
 - (e) where service cannot be commenced at the hour stated in the application or cannot be completed without interruption or if there is a delay after completion, through no fault of the surveyor, the time during which the surveyor is kept waiting shall be charged at half the full appropriate overtime rate subject to a maximum fee of €1,000;
 - (f) time occupied in travelling will not be deemed overtime except for time spent on a tender between the shore and the vessel and such time will be charged at half the full appropriate overtime rate;

and such overtime fees shall be payable in addition to any other fee set out in these Regulations.

(2) Fees and expenses shall in every case be paid to the Superintendent of the Mercantile Marine Office concerned and an official receipt shall be issued by that Office in respect of all payments to which these Regulations apply.

The Minister for Finance consents to the making of the foregoing Regulations.



GIVEN under the Official Seal,
3 July 2008

BRIAN LENIHAN,
Minister for Finance.



GIVEN under my Official Seal,
3 July 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)

These Regulations provide for Fishing Vessel fees for surveying fishing vessels of 15 metres length overall and over. These Regulations correct and revoke the Fishing Vessel (Fees) Regulations, 2007 (S.I. No. 669 of 2007).

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
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