



STATUTORY INSTRUMENTS.

S.I. No. 594 of 2010



MERCHANT SHIPPING (FEES) ORDER 2010

(Prn. A10/1852)

MERCHANT SHIPPING (FEES) ORDER 2010

I, NOEL DEMPSEY, Minister for Transport in exercise of the powers conferred on me by section 210 of the Merchant Shipping Act 1894, section 5 of the Merchant Shipping (Amendment) Act 1939 (No. 12 of 1939), section 5 (as extended by section 3(4) of the Merchant Shipping Act 1966 (No. 20 of 1966)) of the Merchant Shipping (Safety Convention) Act 1952 (No. 29 of 1952), section 4 of the Mercantile Marine Act 1955 (No. 29 of 1955), section 43 of the Merchant Shipping (Salvage and Wreck) Act 1993 (No. 34 of 1993) and the Maritime Transport, Safety and Security (Transfer of Departmental Administration and Ministerial Functions) Order 2005 (S.I. No. 842 of 2005), with the consent of the Minister for Finance, hereby order as follows:

1. (1) This Order may be cited as the Merchant Shipping (Fees) Order 2010
- (2) This Order comes into operation on 15 December 2010.

2. In this Order—

“all sea areas” means any area including Sea Area A1 and Sea Area A2;

“classed ship” means a ship designed, constructed and maintained in compliance with the structural, mechanical and electrical requirements of a classification society which is recognised by the Minister in accordance with regulation XI-1/1 of the International Convention for the Safety of Life at Sea (SOLAS) 1974;

“cargo ship” means a mechanically propelled ship, which is not a passenger ship, troop ship or fishing vessel;

“Certifying Authority” means the Minister or any person authorised by the Minister for the purpose of the Mercantile Marine (Tonnage) Regulations 2007 (S.I. No. 369 of 2007);

“crew spaces” means crew accommodation within the meaning of the Merchant Shipping (Crew Accommodation on Board Ship) Regulations 1951 (S.I. No. 95 of 1951);

“Fees Regulations” means the Merchant Shipping (Fees) Regulations 2010;

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

“GT” means gross tonnage in accordance with regulation 7 of the Tonnage Regulations;

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 17th December, 2010.*

“International Tonnage Certificate (1969)” means a certificate issued under the provisions of the International Convention on Tonnage Measurement of Ships (1969);

“Irish tonnage certificate” means a certificate issued to the owner of a ship registered in the State the tonnage of which has been ascertained in accordance with the Tonnage Regulations;

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

“Sea Area A1” means an area within the radiotelephone coverage of at least one Very High Frequency (VHF) coast station in which continuous Digital Selective Calling (DSC) alerting is available;

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

“sister ship” means a ship which corresponds in all major respects relevant to the measurement for tonnage with a ship the tonnage of which has been previously ascertained under the Tonnage Regulations, and for which the calculation for tonnage is available to the Certifying Authority to which, prior to the commencement of its measurement for tonnage, application has been made in writing by or on behalf of the owner of the ship requesting it to be treated as a sister ship;

“Superintendent” means a superintendent of a Mercantile Marine Office or a duly appointed deputy;

“surveyor of ships” means a person appointed under section 724 of the Merchant Shipping Act 1894 to be a surveyor of ships for the purposes of that Act;

“Tonnage Regulations” mean the Mercantile Marine (Tonnage) Regulations 2007 (S.I. No. 369 of 2007).

3. (1) The fees specified in Part 1 of Schedule 1 shall be payable in respect of surveys required to be carried out for the purposes of cargo ship safety construction certification.

(2) The fees specified in Part 2 of Schedule 1 shall be payable in respect of surveys required to be carried out for the purposes of cargo ship radio certification.

(3) (a) The fees specified in Part 3 of Schedule 1 shall be payable in respect of surveys required to be carried out for the purposes of cargo ship safety equipment certification.

(b) The fee payable for a copy of a Cargo Ship Safety Equipment Certificate is €36.

4. (1) For the purposes of an inspection of crew accommodation by a surveyor of ships the fee payable, subject to paragraph (2), shall be €330 in respect of each visit made to the ship by the surveyor.

(2) The maximum fee that is payable under paragraph (1), irrespective of the number of visits, shall be €660.

5. (1) The fees specified in Schedule 2 shall be payable in respect of the tonnage measurement in accordance with the tonnage regulations in respect of ships referred to in that Schedule.

(2) The fee payable for a copy of an Irish Tonnage Certificate or an International Tonnage Certificate (1969) is €36.

6. (1) Schedule 3 applies in respect of the calculation of overtime fees.

(2) A fee in respect of overtime is payable in addition to any other fee prescribed under this Order or under the Fees Regulations.

7. (1) Where a survey in respect of which a fee is prescribed under this Order or under the Fees Regulations 2010 is carried out in the State or Northern Ireland, an additional amount in respect of travel expenses or subsistence shall not be payable except—

(a) where a surveyor is called to survey or inspection by the owner of a vessel and the surveyor is prepared to carry out such survey or inspection but is prevented from doing so by circumstances which it was within the power of the owner, his or her servants or agents to prevent, or

(b) where a surveyor is called upon to carry out a partial survey away from a normal survey centre for the purpose of a short-term certificate,

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

(2) Where the survey is carried out outside the State or Northern Ireland the relevant survey fee prescribed under this Order or the Fees Regulations shall be payable together with a fee equivalent in amount to the surveyor's travelling and subsistence expenses.

8. The fees specified in Schedule 4 shall be payable in respect of services provided by mercantile marine offices.

9. In respect of the matters mentioned in Parts 1 and 2 of Schedule 5, there shall be payable to the Registrar of Ships concerned the fees specified in that Schedule.

10. In respect of the matters mentioned in Schedule 6, there shall be payable to the Receiver of Wreck concerned the fees specified in that Schedule.

11. Unless otherwise provided, the fees and expenses specified in this Order 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 the payment concerned.

12. The Merchant Shipping (Fees) Order 1998 (S.I. No. 475 of 1998) is revoked.

SCHEDULE 1

SURVEYS OF CARGO SHIPS

Part 1

FEES PAYABLE FOR CARGO SHIP SAFETY CONSTRUCTION CERTIFICATION

1. Initial, renewal and intermediate survey of a cargo ship:

GT of ship	Fee for survey before issue of Cargo Ship Safety Construction Certificate	Fee for survey before renewal of Cargo Ship Safety Construction Certificate	Fee for each Intermediate Survey during period of validity of Cargo Ship Safety Construction Certificate
(1)	(2)	(3)	(4)
	€	€	€
under 1,000	14,614.00	2,511.00	573.00
1,000 and under 1,500	26,372.00	3,380.00	803.00
1,500 and under 2,000	27,089.00	4,298.00	1,033.00
2,000 and under 2,500	31,738.00	5,251.00	1,263.00
2,500 and under 3,000	34,364.00	5,711.00	1,371.00
3,000 and under 4,000	39,006.00	6,169.00	1,485.00
4,000 and under 5,000	48,024.00	6,507.00	1,599.00
5,000 and under 6,000	56,919.00	6,965.00	1,714.00
6,000 and under 7,000	64,035.00	7,540.00	1,829.00
7,000 and under 8,000	71,152.00	7,877.00	1,945.00
8,000 and under 9,000	81,612.00	8,221.00	2,059.00
9,000 and under 10,000	89,073.00	8,566.00	2,173.00
10,000 and under 16,000	97,517.00	8,911.00	2,289.00
	plus €8,911.00 for each 1,000GT or part thereof by which the ship exceeds 10,999GT	plus €229.00 for each 1,000GT or part thereof by which the ship exceeds 10,999GT.	plus €72.00 for each 1,000GT or part thereof by which the ship exceeds 10,999 GT.
16,000 and over	€151,515.00 plus €6,047.00 for each 1,000GT or part thereof by which the ship exceeds 16,999GT.	€10,273.00 plus €229.00 for each 1,000GT or part thereof by which the ship exceeds 16,999GT up to 20,000GT; and €459.00 for each 5,000GT or part thereof by which the ship exceeds 20,000 GT.	€2,698.00 plus €72.00 for each 1,000GT over 16,999GT up to 20,000GT; and €151.00 for each 5,000 GT or part thereof by which the ship exceeds 20,000GT.

2. Annual survey of a cargo ship:

GT of ship	Fee for annual survey during period of validity of Cargo Ship Safety Construction Certificate €
Does not exceed 2,000	459
Exceeds 2,000 but does not exceed 30,000	459 plus an additional €58 for each 500GT or part thereof by which the ship exceeds 2,000GT
Exceeds 30,000	3,523 plus an additional €58 for each 1,000GT or part thereof by which the ship exceeds 30,000GT

Part 2

FEES PAYABLE FOR CARGO SHIP RADIO CERTIFICATION

1. Initial survey for the purposes of radio certification of cargo ship:

Ref No. (1)	Radio Equipment (2)	Fee payable (3) €
1.1	Ships equipped to engage on voyages exclusively in Sea Area A1	523.00
1.2	Ships equipped to engage on voyages beyond Sea Area A1 but remaining within Sea Area A2	653.00
1.3	Ships equipped to engage on voyages in all sea areas	784.00

2. Renewal survey of cargo ship for the purposes of radio certification:

Ref No. (1)	Radio Equipment (2)	Fee payable (3) €
2.1	Ships equipped to engage on voyages exclusively within Sea Area A1	393.00
2.2	Ships equipped to engage in voyages beyond Sea Area A1 but remaining within Sea Area A2	523.00
2.3	Ships equipped to engage in voyages in all sea areas	653.00

Part 3

FEES PAYABLE FOR CARGO SHIP SAFETY EQUIPMENT CERTIFICATION.

1. Initial survey, renewal survey and annual or intermediate survey:

GT of ship	Fee for Initial survey €	Fee for Renewal survey €	Fee for Annual or Intermediate survey €
Not exceeding 3,000	976.00	488.00	345.00
Exceeds 3,000 and not exceeding 5,000	1,951.00	653.00	459.00
Exceeds 5,000 and not exceeding 10,000	3,056.00	1,019.00	717.00

SCHEDULE 2

Article 5

TONNAGE MEASUREMENT OF SHIPS

1. Standard fees applicable in respect of tonnage measurement of ships:

GT of Ship (1)	Fee (2) €
Not exceeding 50	272
Exceeds 50 and not exceeding 100	545
Exceeds 100 and not exceeding 1,000	545 plus €44 for each 100GT or part thereof by which the ship exceeds 100GT
Exceeds 1,000 and not exceeding 20,000	952 plus €31 for each 100GT or part thereof by which the ship exceeds 1,000GT subject to a maximum of €6,348
Exceeds 20,000	6,348 plus €25 for each 100GT or part thereof by which the ship exceeds 20,000GT subject to a maximum of €19,046

2. The fee payable in respect of the tonnage measurement of a sister ship, or a foreign ship with an International Tonnage Certificate (1969) transferring to the Irish register, shall be 50 per cent of the appropriate fee set out in the Table at paragraph 1.

3. The fee payable in respect of the tonnage measurement or measurement of a recreational craft not engaged in trade which is of less than 15 metres length overall shall be €165.

4. The fee payable for the tonnage measurement of a fishing vessel which—

(a) does not exceed 100GT, shall be 50 per cent of the appropriate fee set out in the Table at paragraph 1, and

(b) exceeds 100GT, shall be the same as the appropriate fee set out in the Table at paragraph 1.

5. Where re-measurement of the tonnage of a ship is required as a consequence of alterations made to the ship, the fee payable shall be 50 per cent of the appropriate fee set out in the Table at paragraph 1.

6. In this Schedule, “appropriate fee” means the fee payable accordingly to the GT of the ship.

SCHEDULE 3

OVERTIME FEES

The fees payable in respect of overtime shall be calculated as follows:

(a) other than on a Saturday, Sunday or public holiday, €101 per hour, where a survey takes place between 6 p.m. and 8 a.m.,

(b) €194 per hour, where 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, through no fault of a surveyor, a survey cannot be commenced at the hour stated in the application, or cannot be completed without interruption, or if there is a delay after completion, the time during which the surveyor is kept waiting shall be charged at half the full appropriate rate subject to a maximum fee of €954,

(f) time spent in travelling will not be treated as 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.

SCHEDULE 4

Article 8

SERVICES PROVIDED BY MERCANTILE MARINE OFFICES

Matter in respect of which fee is payable (1)	Fee (2) €
For personal inspection of the Register of any one registered ship	15
For the issue of a transcript of the following entries in the Register relating to any one ship: Current entries Other entries	36 15
For the certified extract or copy of documents including vessel log books and crew agreements, for each log, record, list, etc	15
For the provision of a seafarer's certificate of service	15
For the provision of Seaman's Record Book and Certificates of Discharge	15
For Irish Seaman's Identity Card	15
For entry of voyages in the Seaman's Record Book and Certificates of Discharge per voyage	3
For replacement of Seaman's Record Book and Certificates of Discharge or Irish Seaman's Identity Card where loss occurs otherwise than by shipwreck or fire at sea	15
For attendance of the Superintendent on board ship by request to render a service other than the engagement or discharge of seamen	58

In addition to the fee specified in column (2) of the Table in respect of a matter mentioned in column (1), a fee based on the estimated cost of the labour shall be charged for a search carried out by the mercantile marine office on behalf of applicants in records including vessel log books and crew agreements.

SCHEDULE 5

FEES FOR REGISTRATION, TRANSFER AND MORTGAGE OF SHIPS

Part 1

Fees in respect of transactions in the Ships Register:

Matter in respect of which fee is payable	Fee €
On initial registry, registry anew, re-registry and transfer of registry of ships— not exceeding 1,500GT exceeding 1,500GT	201 251
On the transfer, transmission, mortgage and transfer of mortgage of ship or share in ship, according to the gross tonnage of ship or share therein transferred, mortgaged or transmitted (for example, the transfer of a one sixty-fourth share in a ship of 6,400GT equals the transfer of 100GT)— ships not exceeding 400GT ships exceeding 400GT	64 64 plus €36 for each 1,000GT or part thereof by which the ship exceeds 400GT
For inspection of Register Book	15

Part 2

Fees in respect of providing documents:

Matter in respect of which fee is payable	Fee €
For certified copy of the particulars entered by the Registrar in the register book on the registry of the ship, together with a certified statement showing the ownership of the ship and details of outstanding encumbrances	36
For certified copy of any declaration or document a copy of which is made evidence by the Merchant Shipping Acts.	15
For any other certified extract from the register book, for each folio of 90 words or portion thereof:	15

SCHEDULE 6

Article 10

FEES OF RECEIVERS OF WRECK

Matter in respect of which fee is payable	Fee €
For every report required to be sent by a Receiver of Wreck	7
For wreck taken into custody by a Receiver of Wreck	7.5% of value of the wreck
For services rendered by a Receiver of Wreck in respect of any ship in distress (not being a wreck), or in respect of the cargo or articles belonging to the ship	72.00 for each day during which the Receiver is employed on that service

In addition to the fees set out in this Schedule, expenses incurred by a Receiver of Wreck in the due discharge of his or her functions in a particular case shall be payable.



GIVEN under my Official Seal,
26 November 2010.

NOEL DEMPSEY,
Minister for Transport.

The Minister for Finance hereby consents to the making of the foregoing Order.



GIVEN under the Official Seal of the Minister for Finance,
13 December 2010.

BRIAN LENIHAN,
Minister for Finance.

EXPLANATORY NOTE

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

The Order prescribes the fees payable for various services in relation to shipping and seamen under certain Merchant Shipping Acts and the Mercantile Marine Act 1955. The Merchant Shipping (Fees) Order 1998 (S.I. No. 475 of 1998) is revoked.

BAILE ÁTHA CLIATH
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