

A high-angle photograph of a wooden boat deck, likely a sailboat, with light-colored wooden planking and a dark hull. The deck is surrounded by green water. Several ropes and rigging lines are visible, including a prominent white rope running diagonally across the lower left. The image is partially obscured by a large orange and red graphic overlay that contains the chapter title.

# Chapter 1 Legislation

## 1.1 Statutory requirements for recreational craft

Part A of the Code identifies and explains the legislation that applies to recreational craft operating within Irish waters and with which owners and operators of such craft must comply. Statutory requirements arise from Irish maritime legislation, European Union Directives and the State's obligations under various international maritime conventions adopted by the International Maritime Organization (IMO) and other international maritime bodies.

Legislation comprises primary legislation such as the Merchant Shipping Acts 1894 to 2015 and associated secondary legislation in the form of Statutory Instruments (Merchant Shipping Rules and Regulations). National legislation relating to the maritime sector is available on the Irish Maritime Administration (IMA) webpage at [www.dttas.ie](http://www.dttas.ie) and in the Irish Statute Book at [www.irishstatutebook.ie](http://www.irishstatutebook.ie).

While much of the national maritime legislation is primarily directed at commercial shipping, there are certain parts of it that apply to recreational craft and these are set out in Table A.

### 1.1.1 Marine Notices

Attention is drawn to Marine Notices that are published by the IMA throughout the year. Marine Notices

are information notices issued to publicise important safety, regulatory and other information relating to the maritime sector in Ireland. They are organised into three categories as follows:

**Statutory** – to draw attention to a regulation or other legal requirement;

**Information** – to give information on non-statutory topics such as safety alerts, Marine Survey Office procedures and examinations, publications and product recalls;

**Works** – to advise of construction, works or surveys at sea that affect navigation.

Marine Notices are available on the Department of Transport, Tourism and Sport webpage at [www.dttas.ie](http://www.dttas.ie). If you wish to be added to the email circulation list for new IMA Marine Notices, please send a request to [marinenotices@dtas.ie](mailto:marinenotices@dtas.ie).

The Commissioners of Irish Lights, Waterways Ireland, harbour and local authorities also issue marine notices from time to time for waters under their jurisdiction. For example, the Waterways Ireland Special Marine Notice Number 1 of each year deals with a range of inland navigation matters.

**Table A – Legislation that applies to recreational craft**

Legislation	All Recreational Craft	Recreational Craft >12 m	Recreational Craft >15 NRT	Recreational Craft >13.7 m
Merchant Shipping (Collision Regulations) (Ships and Water Craft on the Water) Order 2012 (S.I. No. 507 of 2012)	✓			
SOLAS Chapter V – safety of navigation	✓			
MARPOL Annex I and V – prevention of pollution from ships	✓			
Pleasure Craft (Personal Flotation Devices and Operation) (Safety) Regulations 2005, as amended (S.I. No. 921 of 2005 as amended by S.I. No. 349 of 2012)	✓			
Recreational and personal watercraft Directive 2013/53/EU and European Union (Recreational Craft and Personal Watercraft) Regulations 2017 (S.I. No. 65 of 2017)	✓			
Merchant Shipping (Investigation of Marine Casualties) Act 2000 (No. 14 of 2000) – Marine Casualty Investigation Board	✓			

Table A – Legislation that applies to recreational craft – continued

Legislation	All Recreational Craft	Recreational Craft >12 m	Recreational Craft >15 NRT	Recreational Craft >13.7 m
Harbours Acts 1996 to 2015 and Fishery Harbour Centres Act 1968, as amended	✓			
Signals of Distress (Ships) Rules 2012 (S.I. No. 170 of 2012)	✓			
Maritime Safety Act 2005 (No. 11 of 2005), as amended	✓			
Merchant Shipping (Carriage of Nautical Publications) Regulations 1985 (S.I. No. 282 of 1985)		✓	✓	✓
Mercantile Marine Act 1955 (No. 29 of 1955), as amended			✓	✓
Merchant Shipping (Life Saving Appliances) Rules 1983 and 1993				✓
Merchant Shipping (Fire Appliances) Rules 1967, 1983 and 1985				✓

## 1.2 Legislation applicable to all recreational craft

### 1.2.1 Collision Regulations

Applicable Legislation:

- Merchant Shipping (Collision Regulations) (Ships and Water Craft on the Water) Order 2012, S.I. No. 507 of 2012
- Signals of Distress (Ships) Rules 2012, S.I. No. 170 of 2012.

All recreational craft must comply with the International regulations for preventing collisions at sea.

All owners, skippers or persons in charge of a recreational craft should be fully familiar with the collision regulations. Some of the main requirements are included in Appendix 1.

### 1.2.2 SOLAS Chapter V – safety of navigation

On 1 July 2002, a number of new regulations in Chapter V of the International Convention for the Safety of Life at Sea (SOLAS) came into force which directly affect recreational craft.

While most of the SOLAS Convention only applies to large commercial ships, parts of Chapter V dealing with safety of navigation apply to all recreational craft. Marine Notice No. 9 of 2003 explains the implications of the legislation, which is summarised as follows:

- It is a requirement that any voyage

is properly planned prior to being undertaken. See Appendix 8 for an example of a Passage Planning Template.

- Recreational craft must as far as practicable be fitted with a radar reflector (i.e. if it can reasonably be fitted, it should be fitted with one).
- An illustrated table of lifesaving signals must be carried on board where possible. A copy is included in the Marine Notice and in Appendix 1.
- There is an obligation on the skipper of a recreational craft to report any dangers to navigation and respond to distress messages. This can be done by contacting the Irish Coast Guard at 112 or 999 and reporting directly to them.
- It is a requirement that distress signals are not misused.

### 1.2.3 The International Convention for the prevention of pollution from ships (MARPOL)

#### 1.2.3.1 Prevention of pollution by garbage from ships – Annex V of MARPOL

All recreational craft must comply with the following requirements in relation to the disposal of garbage:

- (a) It is prohibited to dispose into the sea any items of plastic including plastic garbage bags, wrappings, synthetic rope, etc.
- (b) The disposal into the sea of the

following garbage must be made as far away as practicable from the nearest land but is in any case prohibited if the distance from the nearest land is less than:

- (i) 25 nautical miles for dunnage – lining and packing materials that will float.
- (ii) 12 nautical miles for food wastes and all other garbage including paper products, rags, glass, metal, bottles, crockery and similar refuse.

Additionally, **recreational craft of 12 metres or more in length overall** must display placards which notify the crew of the requirements concerning the disposal of garbage.

### 1.2.3.2 Prevention of pollution by oil from ships – Annex I of MARPOL

Recreational craft are required to be equipped as far as practicable and reasonable with installations to ensure the storage of oil or oily mixtures on board. Their discharge into the sea is prohibited unless the craft is proceeding en route and the oil content of the effluent without dilution does not exceed 15 parts per million.

### 1.2.4 Wearing of Personal Flotation Devices/Lifejackets

The term “personal flotation device” (PFD) covers all forms of lifejackets

and buoyancy aids which, when correctly worn and used in water, will provide buoyancy and increase the likelihood of survival. Buoyancy aid clothing ensures a degree of buoyancy and support in the water while enabling the user to swim or take action to escape from danger.

A lifejacket is designed to prevent drowning and must be capable of returning the user to the surface as quickly as possible and of keeping the person afloat, permitting breathing while waiting for help.

### Legislative Requirements

- Pleasure Craft (Personal Flotation Devices and Operation) (Safety) Regulations 2005 (S.I. No. 921 of 2005), as amended by the Pleasure Craft (Personal Flotation Devices and Operation) (Safety) (Amendment) Regulations 2012 (S.I. No. 349 of 2012).

These Regulations do not apply to “Olympic style” rowing boats. These are described in the Regulations as craft designed and specifically used for rowing in boat races and capable of being entered into regattas or other events recognised by the Irish Amateur Rowing Union, and also events held in the Olympic Games or other international rowing regattas.

### 1.2.4.1 Lifejacket regulations on recreational craft other than personal watercraft (PWC)

The following provisions apply to all

recreational craft:

- All persons on board any craft of less than 7 m in length must wear a personal flotation device (PFD) or a lifejacket while on board an open craft or while on the deck of a decked craft, other than when the craft is made fast to the shore.
- The master or owner of any craft is required to ensure that either a PFD or a lifejacket is carried on the craft for each person on board.
- The master or owner of a craft is required to take all reasonable steps to ensure that all persons under the age of 16 years wear a PFD/lifejacket while on board an open craft or while on the deck of a decked craft.
- The term “open craft” refers to a craft without a cabin or below deck facilities for persons on board and where any seating is exposed or partially exposed to the elements.
- The master or owner of a craft is required to take all reasonable steps to ensure that a person wears a suitable PFD/lifejacket at all times while:
  - (a) being towed by the craft, or
  - (b) on board a vessel or object of any kind that is being towed by the craft.

The PFD/lifejacket requirements under the Regulations do not apply to a person on board a craft which is not underway and is made fast to the shore or at anchor, and when the person:

- (a) is wearing, putting on or taking

- (b) off scuba diving equipment or is about to engage in, or has just completed swimming (including snorkelling) from the craft.

#### **1.2.4.2 Lifejacket regulations on personal watercraft (PWC), e.g. Jet Skis**

- Every person on a PWC is required to wear a PFD/lifejacket at all times while on board or being towed in any manner by a PWC.
- The master or owner of a PWC is required to take all reasonable steps to ensure that a person under the age of 16 years complies with the requirement to wear a PFD/lifejacket while on board or being towed by a PWC.

#### **1.2.4.3 Lifejacket regulations for Waterskiing, Wake Boarding, Paragliding and other towed rides**

The Pleasure Craft (Personal Flotation Devices and Operation) (Safety) Regulations 2005 (S.I. No. 921 of 2005), as amended, apply as follows to waterskiing, wake boarding, paragliding and other towed rides:

- All persons while being towed by a pleasure craft or on board any vessel or object of any kind being towed by a craft must wear a personal flotation device or lifejacket. The responsibility for compliance with this requirement lies with the master or owner of the towing craft.

- Persons partaking in towed rides must not consume alcohol or drugs.

More information on PFD/lifejackets is set out in Appendix 5.

### 1.2.5 Operation of recreational craft – minimum age levels

- The master or owner of a PWC or fast power craft is required to take all reasonable steps to ensure that persons under the age of 16 years do not operate or control the craft. The term “fast power craft” means a craft that can attain a speed through or over water of 17 knots or more.
- The master or owner of a craft with an engine rating of more than 5 hp (3.7 kW) is required to take all reasonable steps to ensure that a person under the age of 12 years does not operate or control the craft.

### 1.2.6 Controls on alcohol and drugs

- The master or owner of a pleasure craft must not operate or control or allow another person to operate or control the craft while under the influence of alcohol or drugs or any combination of drugs or of drugs and alcohol.
- Any person on board a pleasure craft must not consume alcohol or drugs or any combination of drugs or of drugs and alcohol in circumstances that could affect

the safety of persons on board or others using Irish waters, or create a disturbance on board the craft or be a nuisance to others using Irish waters.

- Any person being towed or on board a vessel or object of any kind that is being towed by a pleasure craft shall not consume alcohol or drugs or any combination of drugs or drugs and alcohol.

Violation of any of the provisions of the Pleasure Craft (Personal Flotation Devices and Operation) (Safety) Regulations 2005 may result in a fixed payment notice for €150 issued by an Authorised Officer, or prosecution in the District Court and, on summary conviction, a fine of up to €5,000.

Authorised Officers include members of the Garda Síochána, Naval Service, Harbour Masters and members of the Irish Maritime Administration who are authorised by the Minister.

The Maritime Safety Act 2005 (No. 11 of 2005), as amended, also contains prohibitions on operating a vessel in Irish waters while under the influence of alcohol or drugs (see section 1.7 of this Code).

### 1.2.7 Marine Equipment Directive

Directive 2014/90/EU sets the



performance and testing standards for marine safety equipment. Equipment complying with the Marine Equipment Directive is marked with a distinctive ships wheel mark.

The Directive has been given effect in Irish law through the European Union (Marine Equipment) Regulations 2017 (S.I. No. 177 of 2017).

When purchasing marine equipment other than PFDs, ensure it always carries the approval wheel mark shown below as required by legislation.



Marine Equipment Directive approval Wheelmark

In the case of a PFD, ensure it always carries the approval CE mark shown opposite.



## 1.2.8 Directive 2013/53/EU on recreational craft and personal watercraft

### Summary of Directive

Directive 2013/53/EU updates legislative requirements in Ireland dating from June 1998 for the design and construction of leisure boats and personal watercraft between 2.5 metres and 24 metres in length,

such as sailing craft, motorboats and jet skis. It also lays down particular requirements for manufacturers, importers, private importers and distributors of watercraft. The following watercraft products come within the scope of the Directive:

- Recreational craft of hull length from 2.5 metres to 24 metres;
- Personal watercraft of less than 4 metres in hull length;
- Partly completed watercraft, being either a recreational craft or personal watercraft;
- Components, listed in Annex II of the Directive, when placed separately on the EU market;
- Propulsion engines installed or intended to be installed on or in watercraft;
- Propulsion engines installed or specifically intended for installation in or on watercraft, or subject to major engine modification;
- Watercraft subject to major craft conversion.

Under Directive 2013/53/EU, any watercraft falling under its scope (whether new or second-hand) that is placed on the EU market for the first time must comply with the essential requirements as set out in the Annexes to the Directive. This guarantees their suitability for sale or use in the EU. The essential requirements cover technical, safety and environmental specifications.

Directive 94/25/EC, amended by Directive 2003/44/EC, continues to apply to recreational craft, personal watercraft, components or propulsion engines placed on the EU market for the first time before 18 January 2017.

### Exempted watercraft

Directive 2013/53/EU does not apply to some watercraft products intended for sports and leisure purposes as listed in Article 2.2 of the Directive. However, particular products are required to be labelled as specified in the Directive. With regard to the design and construction requirements, specified in Part A of Annex 1, the Directive does not apply to the following products:

- Watercraft intended solely for racing, including rowing racing boats and training rowing boats labelled as such by the manufacturer.
- Canoes and kayaks designed to be propelled solely by human power, gondolas and pedalos.
- Surfboards designed solely to be propelled by wind and to be operated by a person or persons standing.
- Surfboards.
- Original historical watercraft and individual replicas thereof designed before 1950, built predominately with original materials and labelled as such by the manufacturer.

- Experimental watercraft, provided that the watercraft is not placed on the Union market.
- Watercraft built for own use, provided that they are not subsequently placed on the Union market during a period of five years from the putting into service of the watercraft.
- Watercraft specifically intended to be crewed and to carry passengers for commercial purposes.
- Submersibles, air cushion vehicles, and hydrofoils.
- Amphibious vehicles, i.e. wheeled or track-laying motor vehicles, which are able to operate both on water and on solid land.
- External combustion steam powered watercraft, fuelled by coal, coke, wood, oil or gas.

Certain exemptions with regard to exhaust and noise emission requirements also apply as set out in the Directive.

### Design categories for watercraft coming within the scope of the Directive

The Directive specifies design categories (A, B, C and D) for watercraft based on suitability for navigation conditions such as ranges of wind force and significant wave height. Further information on these design categories can be found in Part A of Annex 1 to the Directive, and they are summarised as follows:

### ■ **Category A**

Recreational craft designed for winds that may exceed wind force 8 (Beaufort scale) and significant wave height of 4 m and above but excluding abnormal conditions, such as storm, violent storm, hurricane, tornado and extreme sea conditions or rogue waves.

### ■ **Category B**

Recreational craft designed for a wind force up to and including 8, and significant wave height up to and including 4 m.

### ■ **Category C**

Watercraft designed for a wind force up to and including 6, and significant wave height up to and including 2 m.

### ■ **Category D**

Watercraft designed for a wind force up to and including 4, and significant wave height up to and including 0.3 m, with occasional waves of 0.5 m maximum height.

## **CE marking and essential requirements**

All watercraft, components and propulsion engines are subject to CE marking, indicating that a product complies with the Directive. In the case of a watercraft, CE marking must be affixed to the Watercraft Builder's Plate, mounted separately from the craft's identification number, and in the case of a propulsion engine, directly on the engine. In the case of a component, where it is not

possible to affix the CE mark to the product, it shall be affixed to the packaging and to the accompanying documentation.

In summary, the CE marking must be affixed to:

- all newly manufactured watercraft, components and propulsion engines, whether manufactured in the Member States or in third countries;
- all used and second-hand products when imported from third countries and placed on the EU market for the first time;
- modified products that, as new, are subject to this Directive and which have been modified in a way that could affect the safety or the compliance of the product with the EU legislation.

Other essential requirements in the Directive include:

- an identification number for each watercraft and a requirement to carry the craft's builder's plate;
- the need for watercraft to be designed to minimise the risk of falling overboard and to allow for easy re-boarding;
- good all-round visibility for the operator, under normal conditions;
- a written manual in a language easily understood by the end-user, to accompany all watercraft to ensure their safe use;
- sufficient structure, stability and buoyancy in accordance with its design category;

- an emergency stopping device for all tiller-controlled outboard propulsion engines;
- stricter limits for nitrogen oxide, hydrocarbons, and particulate matters for new propulsion engines for watercraft;
- mandatory installation of holding tanks to recreational craft fitted with toilets, in order to contribute to marine environmental protection;
- requirements for engines and engine compartments.

**Transition period**

Manufacturers must comply with the Directive’s requirements from 18 January 2017, while small and medium-sized enterprises that manufacture some smaller outboard spark-ignition propulsion engines have until 18 January 2020 to comply.

The provisions of the Directive are given effect in Irish law by the European Union (Recreational Craft and Personal Watercraft) Regulations 2017 (S.I. No. 65 of 2017) as amended by S.I. No. 217 of 2017. Attention is also drawn to Marine Notice No. 33 of 2015, Marine Notice No. 10 of 2017 and Marine Notice No. 23 of 2017 which provide further information regarding the requirements of the Directive and S.I. No. 65 of 2017, as amended.

The European Union (Recreational

Craft and Personal Watercraft) (Procedures for Watercraft Identification) Regulations 2017 (S.I. No. 217 of 2017) amended the rules on the assignment and administration of the Unique Code of the Manufacturer (UCM) and appointed the Marine Survey Office as the competent authority for assigning the UCM.

See Appendix 7 for advice on purchasing products that fall within the scope of the recreational craft and personal watercraft Directive 2013/53/EU.



CE Plate for Category ‘C’ boat

### 1.2.9 Marine Casualty Investigation Board

The Marine Casualty Investigation Board (MCIB) was established on 5 June 2002 under section 7(1) of the Merchant Shipping (Investigation of Marine Casualties) Act 2000 (No. 14 of 2000). Under the provisions of the Act, it is the responsibility of all owners, operators and skippers to advise the Board of the MCIB (see Appendix 10 for contact details) of any incident which qualifies as a marine casualty as soon as is practical after it occurs. Where it is considered that an incident warrants it, an investigation will be instigated by the MCIB, and an Accident Investigator appointed.

The European Communities (Merchant Shipping) (Investigation of Accidents) Regulations 2011 (S.I. No. 276 of 2011) set out the regulatory framework governing the investigation of accidents in the maritime transport sector. The purpose of the Regulations is to improve maritime safety and the prevention of pollution by ships, and so reduce the risk of future marine casualties. The Regulations designate the MCIB as the permanent investigative body in Ireland to investigate marine casualties and accidents. See [www.mcib.ie](http://www.mcib.ie) for further information.

### 1.2.10 Harbours Acts – Powers of Harbour Masters

Harbours Acts 1996 to 2015 and Fishery Harbour Centres Acts 1968 to 2015.

Under these Acts, Harbour Masters have the power to create bye-laws within the limits of their port areas. While the majority of shipping within such ports is of a commercial nature, recreational craft are required to comply with any relevant bye-laws, in particular those in relation to:

- Safety of navigation
- Speed limits
- Operating within channels
- Buoyage
- Mooring and berthing.

Details of bye-laws are available from the Harbour Masters Office and should be checked prior to using the port area.

### 1.2.11 Radiocommunications

It is recommended that all recreational craft carry at least one means of approved marine radiocommunications equipment in order to enable the initiation of a distress alert in the event of an emergency. See Appendix 2 for Guidance notes on Radiocommunications.

If marine radiocommunication equipment is voluntarily fitted or carried on any type of recreational craft, the vessel must be licensed in accordance with the Wireless Telegraphy Act 1926, as amended. Licences are issued under the Wireless Telegraphy (Ship Station Radio Licence) Regulations 2006 (S.I. No. 414 of 2006). The responsibility for the licensing of radio communications equipment on Irish ships and the issuing of associated Certificates of Competency rests with the Marine Survey Office (MSO) of the Department of Transport, Tourism and Sport.

The basic requirements to obtain a Ship Station Radio Licence are as follows:

- (a) The radio equipment must be type approved in accordance with either the Marine Equipment Directive (2014/90/EU) or the Radio Equipment Directive (2014/53/EU). Caution should be taken when purchasing marine radio equipment as non-approved equipment may not be licensed. This is particularly relevant for equipment purchased outside the European Union.
- (b) The personnel operating the radio equipment must hold an appropriate Radio Operator's qualification.

The licence document will contain a unique Radio Call Sign for the craft and a Maritime Mobile Service Identity (MMSI) number if applicable.

### **1.2.11.1 Emergency Position Indicating Radio Beacons and Personal Locator Beacons**

#### **Emergency Position Indicating Radio Beacons (EPIRBs)**

A 406 MHz EPIRB is a radio transmitter that can be activated in an emergency situation to raise a distress alert.

When an EPIRB is activated, it transmits a signal that is detected by the Cospas-Sarsat satellite system. As the satellites orbit the earth, they "listen" for any activated beacons. They retransmit the beacon signals to ground stations, which compute the beacon position and report the distress alert to search and rescue authorities.

The majority of beacon models also transmit a lower powered homing signal on 121.5 MHz as a reference for local search teams. Some older EPIRB models are only capable of transmitting a legacy analogue signal on 121.5 MHz or 243 MHz. The Cospas-Sarsat global satellite system NO LONGER MONITORS those frequencies. These beacons should be replaced with a modern 406 MHz EPIRB.

Although the Cospas-Sarsat System is designed to independently locate activated EPIRBs with good accuracy, newer beacons are available with an integrated receiver chip for the beacon to determine its own location using signals from global navigation satellite systems such as GPS. If the integrated receiver chip is able to calculate a location for the beacon, that location is reported in the distress message transmitted from the beacon. GPS-equipped beacons provide helpful redundancy in determining the beacon location and in certain circumstances can reduce the time needed for Cospas-Sarsat to locate the beacon. In order to ensure the greatest degree of positional accuracy in the event of a GPS EPIRB activation, GPS EPIRBs must be programmed with Standard Location Protocol with the Maritime Mobile Service Identity (MMSI) number of the vessel. Non GPS enabled EPIRBs may be programmed with the vessel's Callsign.

**All EPIRBs must be tested regularly as per manufacturers instructions. Care should also be taken to ensure that the EPIRB battery is in date.**

**All EPIRBs must be correctly programmed and registered with the MSO. Any changes to the vessel's registered details must**

**be immediately notified to the MSO.** Search and rescue (SAR) authorities rely on the EPIRB register in the event of an EPIRB activation. Correct programming and registration is essential to ensure that the SAR authorities have accurate, reliable and up to date information about a vessel and its contacts in the event of an emergency. It also allows any inadvertent false alerts to be quickly resolved without the unnecessary deployment of search and rescue resources.

### **Personal Locator Beacons (PLBs)**

PLBs work on the same principle as EPIRBs. When correctly activated in an emergency situation, a PLB transmits a 406 MHz signal which is detected by the Cospas-Sarsat satellite system. The distress alert is then reported to search and rescue authorities.

- PLBs are designed to be carried by an individual.
- EPIRBs can be manually activated or automatically activated on contact with water.
- **PLBs can only be manually activated.**
- EPIRBs are designed to transmit while floating.
- **PLBs MUST be held clear out of the water for transmission.**
- The environmental survivability of EPIRBs is greater than that of PLBs.

In view of the above, a PLB is not considered to be a substitute for an EPIRB. However, the wearing of a PLB by seafarers, particularly those boating alone, is recommended.

**All PLBs must be correctly registered** with the Commission for Communications Regulation (ComReg). Correct registration of PLBs is essential to ensure that the SAR authorities have accurate, reliable and up to date information and contacts in the event of an emergency.

ComReg maintains an online registration facility for PLB devices in Ireland. PLB owners should register their PLB at <https://www.comreg.ie/industry/licensing/personal-locator-beacons/>. Any queries relating to PLB registration may be addressed to:

The Commission for  
Communications Regulation  
1 Dockland Central  
Guild Street  
Dublin 1  
D01 E4X0.  
Website: [www.comreg.ie](http://www.comreg.ie)  
Email: [licensing@comreg.ie](mailto:licensing@comreg.ie)  
Phone: (01) 804 9600 (Industry)  
(01) 804 9668 (Consumer)

It is recommended that PLBs carried on Irish vessels be the 406 MHz satellite type and be provided with a 121.5 MHz homing device. It

is also recommended that PLBs have an integrated GPS receiver. This is to enable greater position accuracy, hence a quicker response time in the event of activation. PLBs should be type approved by Cospas-Sarsat and certified in accordance with the Radio Equipment Directive (2014/53/EU) and the European Standard ETSI EN 302 152.

**Note:** Compliance with Directive 2014/53/EU is indicated by a “CE Mark of Conformity”.

## 1.3 Legislation applicable to recreational craft greater than 12 metres in length

### 1.3.1 Nautical publications

Applicable Legislation:

- Merchant Shipping (Carriage of Nautical Publications) Regulations 1985, S.I. No. 282 of 1985.

These regulations require that all recreational craft greater than 12 metres in length must carry:

1. Corrected charts for vessels that proceed to sea.
2. For craft that proceed to sea beyond a distance of 5 nautical miles from any coastline, one copy of each of the following publications as is appropriate for the voyage, carried on board in a readily accessible location:



- (1) International Code of Signals
- (2) Illustrated table of Life Saving Signals (See Appendix 1)
- (3) Relevant and applicable Marine Notices (Marine Notices are published on the Department of Transport, Tourism and Sport website)
- (4) Mariners Handbook
- (5) Notices to Mariners, as relevant, as issued by local Port Authority
- (6) Nautical Almanac
- (7) Navigational Tables
- (8) Lists of Radio Signals
- (9) Lists of Lights
- (10) Sailing Directions
- (11) Tide Tables
- (12) Tidal Stream Atlases
- (13) Operating and maintenance instructions for navigational aids carried by the ship.

## 1.4 Legislation applicable to recreational craft greater than 15 net registered tonnes (NRT)

### 1.4.1 Registration of recreational craft

Applicable legislation:

- Mercantile Marine Act 1955, as amended.

*“An Act to provide for the national character, ownership and registry of Irish ships, for the mortgage, sale, transfer and measurement of tonnage of such ships.”*

Registration imparts nationality on a vessel and brings it within the legal jurisdiction of the flag it flies. Therefore, Irish law binds an Irish flagged vessel even though it may be travelling worldwide. A vessel’s registration papers establish its bone fides in a very similar manner as a national passport does for an individual. Registration may establish criminal jurisdiction in the event of an incident or accident in international waters.

A major advantage of registration is the establishment of Title to the vessel, i.e. who actually owns it. This is essential if planning to take the boat overseas. There are also financial aspects to registration – lending institutions will only offer marine mortgages on registered craft, and mortgages on all such craft are recorded.

The 1955 Act does not discriminate between recreational and commercial craft – all are regarded as ships (unless propelled by oars) for the purpose of registration. The Act also defines those persons that may register a boat under the Irish flag as follows:

- Irish or EU Member State nationals
- Irish or EU bodies corporate, based within the EU
- The Government or Ministers of the Government.

Under section 18(1) of the 1955 Act every ship which is wholly owned by an Irish citizen or an Irish body corporate is required to be registered under the Act unless the ship is exempt under section 18(2). Exempt ships include those under 15 net tons while navigating on the rivers, canals, lakes or coasts of Ireland, Great Britain, the Channel Islands and the Isle of Man. Ships owned by Irish citizens not ordinarily resident in the State are also exempt. However, under the Act, recreational craft greater than 15 NRT owned by an Irish citizen or an Irish body corporate must be registered in accordance with the terms of the Act.

If leisure craft are navigating abroad outside the waters described above and are owned by an Irish citizen ordinarily resident in the State, they should be registered on the national register. Generally speaking, if a person is usually resident in Ireland, the person should ensure that his or her yacht is registered on the national register while operating abroad in order to comply with national statutory ship registration requirements.

As a general guide, many boats greater than 12 metres (approximately 40 ft) in length would likely equate to the 15 NRT tonnage figure. Should an owner require

advice on the likelihood that his/her craft may qualify for registration, the Mercantile Marine Office of the IMA can advise. As outlined above, there is no current requirement for craft less than 15 NRT or for vessels owned by an Irish citizen who is not ordinarily resident in the State to be registered. However, should an owner wish to do so, these vessels are entitled to be registered in order to avail of benefits offered under the Act.

Further information on registration procedures, including survey and measurement, is available from the Mercantile Marine Office of the IMA or from Revenue. The MMO is contactable at (01) 678 3480 or at [mmo@dttas.ie](mailto:mmo@dttas.ie).

#### **1.4.2 Future registration developments – Merchant Shipping (Registration of Ships) Act 2014**

The Merchant Shipping (Registration of Ships) Act 2014 (No. 43 of 2014) was enacted in December 2014. With the exception of section 69, the Act has not yet been commenced. The main purpose of the Act is to replace and update the Mercantile Marine Act 1955, as amended, and provide a basis for the establishment and regulation of a modern and comprehensive ship registration system that will be more efficient,

user friendly and accessible for ship owners. Among the changes and improvements that will be introduced under the Act are the following:

- A new centralised, electronic and accessible Irish Register of Ships consisting of different Parts for the registration of different types of ships and for different registration purposes;
- An extension of mandatory ship registration to additional ship categories including fishing boats less than 15 metres in length overall, personal watercraft such as jet skis, small fast powered craft and some small commercial angling boats so that, subject to a number of exemptions, ships operating domestically will be required to be registered on the Register or to have a current valid registration conferring nationality from another country;
- New registration categories, including visitor registration for certain recreational craft visiting Ireland for short periods not exceeding 3 months where such vessels are not registered in another country;
- The introduction of ship registration renewal and a facility to refuse ship registration or remove ships from the Register. A ship registration will have to be renewed up to 5 years after initial registration and at intervals of up

to 10 years thereafter;

- An improved enforcement and penalty regime.

Regulations to be made under the Act will set out the detail of the new Register structure and the different registration requirements for each Part of the Register. The requirements and conditions of registration for each Part of the new Register, and the registration fees, will vary depending on the type, size, use, etc., of the vessel involved, with less onerous requirements applying to smaller non-commercial recreational vessels. It is envisaged that the Part of the Register for personal watercraft and small fast powered craft will also accommodate the voluntary registration of most other types of recreational craft less than 24 metres in length if an owner wishes to register such craft.

The new ship registration regime will not come into operation until the necessary regulations are made under the 2014 Act and the new Irish Register of Ships and registration system are established under a separate IT project. Pending the establishment of the new Irish Register of Ships, the current arrangements under the 1955 Act for the registration of ships by officers of the Revenue Commissioners will continue.

## 1.5 Legislation applicable to recreational craft of 13.7 metres in length and greater

### 1.5.1 Lifesaving and Safety Equipment

Applicable legislation:

- Merchant Shipping Life Saving Appliances Rules.

Lifesaving appliances consist of items of lifesaving equipment such as lifejackets, liferafts, flares, lifebuoys, EPIRBs, etc.

There are different Rules for craft constructed before and after 1986, as follows:

- Merchant Shipping (Life Saving Appliances) Rules 1983 (S.I. No. 302 of 1983). These apply to craft constructed before 1 July 1986.
- Merchant Shipping (Life Saving Appliances) Rules 1993 (S.I. No. 380 of 1993). These apply to craft constructed on or after 1 July 1986.
- Merchant Shipping (Life Saving Appliances) Rules 1983 (Amendment) Rules 1993 (S.I. No. 381 of 1993).
- Merchant Shipping (Life Saving Appliances) Rules 1983 (Amendment) (No. 2) Rules 1993 (S.I. No. 382 of 1993).

Under these Rules, recreational craft with a length of 13.7 m or greater are classed as **Class XII** vessels. The lifesaving appliances requirements applicable to Class XII vessels under these Rules are set out in Table B. The requirements differ depending on the length and area of operation of the vessel.

**Table B: Class XII boats – Mandatory Lifesaving Equipment**

Lifesaving Equipment	Recreational Craft (1)* 13.7 – 21.3 metres length Restricted operations	Recreational Craft (2)+ 13.7 – 21.3 metres length Seagoing (post 1986)
<b>Lifebuoys</b>		
Lifebuoy for each 2 persons carried on board (Minimum of 2)	✓	
One Lifebuoy fitted with self-activating smoke and light signal	✓	
One Lifebuoy fitted with buoyant line (18 m)	✓	✓
2 Lifebuoys, one fitted with smoke/light signal		✓
<b>Lifejacket</b>		
Lifejacket for each person on board	✓	
Lifejacket for each person on board with light fitted		✓
<b>Pyrotechnics</b>		
Six parachute flares or red star rockets	✓	✓
Waterproof container for flares	✓	✓
<b>Rescue Signal Table</b>	✓	✓
<b>Liferaft of sufficient capacity for all persons on board</b>		✓
<b>Launching instructions/posters for liferaft on display</b>		✓
<b>Training Manual for onboard safety equipment</b>		✓
<b>Maintenance instructions for safety equipment</b>		✓

### 1.5.1.1 Class XII recreational craft constructed on or after 1 July 1986 of 13.7 metres in length and greater but less than 21.3 metres in length

These craft are covered by the Merchant Shipping (Life Saving Appliances) Rules 1993 – S.I. No. 380 of 1993.

Coastal areas are divided into areas of “Smooth waters”, “Partially smooth waters” and “To Sea”. The specific areas are defined in a Marine Notice issued by the IMA, and are subject to periodic review. As of 2017, the relevant Marine Notices are No. 10 of 2003 and No. 24 of 2004. These are available at [www.dttas.ie](http://www.dttas.ie).

Craft in this size range comprise two categories based on the area of operation and the time of the year. Different lifesaving appliances apply to the two categories, as follows:

#### Category (1)\* craft that are either:

- Engaged in voyages which **do not** proceed to sea, or
- Which only **proceed to sea** during the months of **April to October** inclusive, on voyages during which the craft is **never more** than three miles from the coast.

Craft in this category are unlikely to proceed to sea and will always operate in smooth or partially smooth waters. If they do proceed to sea, it is during the period April to October, and they must remain within three miles of the coastline.

#### Category (2)+ craft that are engaged on either:

- A voyage to **sea**, in the course of which the craft is **more** than three miles from the coast, or
- A voyage to sea during the months of November to March inclusive.

### 1.5.1.2 Class XII recreational craft constructed on or after 1 July 1986 of 21.3 metres in length and greater

These craft are covered by the Merchant Shipping (Life Saving Appliances) Rules 1993 – S.I. No. 380 of 1993.

Craft greater than or equal to 21.3 metres in length and regardless of sea area operation must carry the lifesaving equipment set out in the following Table C.

**Table C: Class XII boats – Mandatory Lifesaving Equipment**

Lifesaving Equipment	Recreational Craft 21.3 – 25.9 metres length Restricted operations	Recreational Craft of 25.9 metres length and greater
<b>Lifebuoys</b>		
Lifebuoy for each 2 persons carried on board (Minimum of 2)	✓	
One Lifebuoy fitted with self-activating smoke and light signal	✓	
One Lifebuoy fitted with buoyant line (18 metres)	✓	✓
2 Lifebuoys, one fitted with smoke/light signal		✓
<b>Lifejacket</b>		
Lifejacket for each person on board	✓	
Lifejacket for each person on board with light fitted		✓
<b>Pyrotechnics</b>		
Six parachute flares or red star rockets	✓	✓
Waterproof container for flares	✓	✓
<b>Rescue Signal Table</b>	✓	✓
<b>Liferaft of sufficient capacity for all persons on board</b>	✓	✓
<b>Launching instructions/posters for liferaft on display</b>	✓	✓
<b>Training Manual for onboard safety equipment</b>	✓	✓
<b>Maintenance instructions for safety equipment</b>	✓	✓
<b>Line throwing appliance</b>	✓	✓
<b>Rescue boat and launching davit</b>		✓

### 1.5.1.3 Class XII recreational craft constructed before 1 July 1986

Safety equipment requirements are broadly similar to those outlined in sections 1.5.1.1 and 1.5.1.2. Specific details can be obtained from the IMA or by reading the Merchant Shipping (Life Saving Appliances) Rules 1983 (S.I. No. 302 of 1983).

### 1.5.1.4 Recreational craft less than 13.7 metres in length

There are no statutory lifesaving appliance requirements for recreational craft less than 13.7 metres in length apart from the Pleasure Craft (Personal Flotation Devices and Operation) (Safety) Regulations 2005, (S.I. No. 921 of 2005), as amended. However, it is strongly recommended that such vessels carry at least a minimum standard of life saving equipment and guidance on this is given in Part B of this Code.

## 1.5.2 Fire Fighting Equipment

Applicable legislation:

- Merchant Shipping Fire Appliances Rules.

The term “Fire Appliances” refers to items of fire-fighting equipment such as fire extinguishers, fire

blankets, fire hoses and pumps, etc.

While there are different sets of Rules which may apply to a recreational craft depending on its date of construction, the Rules impose similar requirements.

Relevant Legislation:

- Merchant Shipping (Fire Appliances) Rules 1967 (S.I. No. 101 of 1967) apply to craft built before 25 May 1980
- Merchant Shipping (Fire Appliances) (Post 1980 Ships) Rules 1983 (S.I. No. 303 of 1983) apply to craft built between 25 May 1980 and 1 September 1984
- Merchant Shipping (Fire Appliances) (Post 1980 Ships) (Amendment) Rules 1985 (S.I. No. 278 of 1985) apply to craft built on or after 1 September 1984.
- Merchant Shipping (Fire Protection) Rules 1985 (S.I. No. 279 of 1985) apply to craft built on or after 1 September 1984.



### 1.5.2.1 Recreational craft of 13.7 metres in length and greater

See Table D below.

**Table D: Mandatory Fire Fighting Equipment**

Equipment Item	Boats 13.7 – 15 metres in length	Boats 15 – less than 21.34 metres in length and less than 150 tonnes	Boats of 21.34 metres in length and greater
<b>Fire Extinguishers</b>			
2 fire extinguishers or fire buckets (one with lanyard)	✓	✓	
3 fire extinguishers or fire buckets (one with lanyard)			✓
2 fire extinguishers suitable for use on oil fires, for boats with internal combustion engines fitted	✓	✓	✓
<b>Fire Pumps/Hoses</b>			
Manual fire pump (hand operated)	✓	✓	
Dedicated fire pump sea suction	✓	✓	✓
Fire hose	✓	✓	
Fire hose nozzle (minimum diameter 6 mm) with jet and water spray	✓	✓	
Power driven fire pump			✓*
Fire main and hydrant			✓
2 fire hoses			✓
Fire hose spray nozzle for machinery spaces			✓
<b>Fireman's axe</b>			✓

\*Power driven fire pumps may be driven from the main engine. However, if this option is used, a second manual fire pump, external to the machinery spaces, must also be supplied. This additional manual pump must be able to supply a 6 metre jet of water through a 10 mm nozzle.

### 1.5.2.2 Recreational craft less than 13.7 metres in length

There are currently no statutory fire appliance requirements for recreational craft less than 13.7 metres in length. However, it is strongly recommended that such vessels carry at least a minimum standard of fire appliances and guidance on this is given in Part B of this Code.

## 1.6 Inland Waterways and Canal Systems

Inland waterways comprise the navigable sections of the larger rivers, the canal network and lakes. Conditions on inland waterways are generally not as severe as those experienced in coastal regions. For the purposes of this Code, inland waterways refer to non-tidal and/or fresh water. There are a number of different authorities with a role in managing navigable inland waterways in the State. There is more detail on these authorities in Chapter 3.

In Ireland, Waterways Ireland has responsibility for the Shannon Navigation, the Grand Canal, the Royal Canal, the Barrow Navigation and the Shannon Erne Waterway. The Corrib is managed by the Corrib Navigation Trustees. Parts of other waterways come under the jurisdiction of the relevant Harbour Authority and still others (e.g. the Slaney) have no navigation

authority per se but may be subject to local authority bye-laws. Appendix 3 provides further information in relation to buoyage and marking schemes on some inland waterways.

### 1.6.1 Shannon Navigation Acts and associated Bye-Laws

Relevant legislation for the Shannon system:

- Shannon Navigation Acts 1990 and 2005
- Shannon Navigation (Construction of Vessels) Bye-Laws 1992 (S.I. No. 79 of 1992)
- Shannon Navigation Bye-Laws 1992 (S.I. No. 80 of 1992), as amended.

The above legislation applies to any recreational craft based on the Shannon waterway, including lakes and tributaries.

S.I. No. 79 of 1992 specifically refers to vessel construction requirements, the safety equipment required to be carried, engine installations, Liquid Petroleum Gas and cooker installations. S.I. No. 80 of 1992 defines authorised officers and their powers, speed limits, maximum drafts, rules of navigation, crewing levels, use of facilities and groundings.

All vessels operating on the Shannon Navigation must be

registered with Waterways Ireland as set out in Bye-Laws 5 and 6 of the Shannon Navigation Bye-Laws 1992 (S.I. No. 80 of 1992).

A “vessel” is defined as any craft that is not:

- an open boat or undecked punt
- a canoe, skiff, skull
- a row boat
- a boat designed to be propelled primarily by oars or sail
- propelled by engine greater than 15 horsepower.

The bye-laws were amended in 1994 to prevent the discharge of sewage directly into the navigation from any vessel.

### 1.6.2 Navigation on the Shannon

The Shannon Navigation Bye-Laws (S.I. No. 80 of 1992) identify the rules to be followed by craft navigating the Shannon waterways.

While similar in content to the COLREGS, there are a number of additional specific rules that apply.

- Vessels shall not run abreast or overtake in any part of the navigation less than 13 m in width.
- Vessels navigating **with** the stream shall be given precedence for passage through a bridge by those craft navigating against the stream of the river.
- Boats should keep to the starboard side of the fairway

passing port to port.

- A craft proceeding upstream must give way to those going downstream.
- Speed limits are to be adhered to as laid down in the Bye-laws.
- On entering the Shannon Navigation, the direction of Buoyage is **Northwards**.

Buoys, Beacons and Perches are painted **Red** on the **Port** hand and **Green** on **Starboard** hand when proceeding upstream. Navigation marks are not lit on the Shannon.

On the Shannon Erne Waterway east of Lough Scur, the marking system changes to a system of red marks with white flashes where the white flash indicates the safe side. The Corrib system uses a red and green lateral buoyage system which is the same as that on the Shannon.

### 1.6.3 Canal System Navigation

Navigation on the Royal and Grand Canals is controlled by bye-laws passed under the Canals Act 1986 and 2005. Please contact Waterways Ireland for further details on these bye-laws.

### 1.6.4 Navigation on the Corrib System

The Lough Corrib Navigation Trustees are responsible for the maintenance of navigation aids and a limited number of piers on the

Corrib system, maintenance of the Eglinton canal system, associated walkways, tow paths, lock gates and boundary walls.

### **1.7 Maritime Safety Act 2005 (No. 11 of 2005), as amended**

One of the primary purposes of this Act is to strengthen the law against improper use of certain recreational craft, to outlaw reckless behaviour in operating or on board vessels and to promote good practice in operating vessels generally. The Act also updates safety regulation-making provisions for passenger boats, fishing vessels and pleasure craft, and updates penalty and other provisions of certain related Acts.

The main provisions of the Act which affect recreational craft are as follows:

#### **Part 2 Personal Watercraft and Recreational Craft**

The main provisions of this Part are:

- Clear powers for local authorities, Waterways Ireland, harbour companies, Iarnród Éireann and, in respect of the six fishery harbour centres, the Minister for Agriculture, Food and the Marine, to make bye-laws to regulate and control the use of jet skis and other fast powered recreational craft.

- The appointment by local authorities, Waterways Ireland, harbour companies, Iarnród Éireann and, in respect of the six fishery harbour centres, the Minister for Agriculture, Food and the Marine, of authorised persons to enforce the provisions of the Act. The Garda Síochána also play a key role in enforcement.
- The seizure, detention and forfeiture of craft involved in serious offences and the disqualification of serious offenders from operating the craft in question in the interest of public safety and heritage protection.
- Fines of up to €2,000 on summary conviction for bye-law contraventions.

The Local Government Management Agency website provides links to the individual websites for each local authority area – [www.lgcsb.ie/en/irish-local-government](http://www.lgcsb.ie/en/irish-local-government). It is recommended that checks are made with the relevant local authority for information on the beach bye-laws that may apply in that county.

### Part 3 Prohibitions relating to Vessels – Codes of Practice for the Safe Operation of Vessels

The main provisions of this Part address:

- the prohibition of the use of “unseaworthy” vessels in or on any waters
- a prohibition on careless or dangerous navigation or operation of vessels
- prohibitions on the operation of a vessel while under the influence of alcohol or drugs or any combination of drugs or drugs and alcohol
- actions arising from drunkenness, disruptive behaviour, etc., of persons on board a vessel
- a prohibition on endangering vessels or the safety of persons on board leading, on summary conviction, to a fine of up to €5,000 or to imprisonment for a term not exceeding 6 months, or both, or on conviction on indictment to a fine not exceeding €100,000 or to imprisonment for a term not exceeding 2 years or both
- the preparation and publication of Codes of Practice to promote the proper and safe operation of vessels.



#### **Part 4 Safety Regulations – Passenger Boats, Fishing Vessels and Pleasure Craft**

- The main provisions of this Part, as amended, update and restate Ministerial regulation-making provisions dating from 1992 in relation to passenger boats, fishing vessels and pleasure craft.

#### **Part 5 Amendment of Certain Enactments**

This Part updates the offences, enforcement and penalty provisions in a number of related Acts, including those relating to fixed payment notices (“on-the-spot-fines”).

#### **Part 6 Provisions relating to the foreshore and to foreshore and aquaculture licences**

Part 6 amends certain provisions in the Foreshore Acts.

### **1.8 Other legislation**

The main focus of this Code of Practice is the recreational use of craft in Irish waters. However, owners and operators of recreational craft are reminded that where such craft are operated on a commercial basis, certain other legislative requirements under other relevant legislation such as the Merchant Shipping Acts, the Sea Pollution Acts, and the Safety, Health and Welfare at Work Act

2005 (No. 10 of 2005) may apply in particular circumstances.

For example, where the use of recreational craft involves an employer/employee relationship or where the use of such craft directly relates to an undertaking of a self-employed person, there are duties imposed under the Safety, Health and Welfare at Work Act 2005. Further information on the 2005 Act is available from the Health and Safety Authority at [www.hsa.ie](http://www.hsa.ie) or Locall 1890 289 389 (between 9am and 12:30pm, Monday to Friday).