

Marine Notice No. 11 of 2018

This Marine Notice supersedes Marine Notice Nos. 56 of 2012 and 15 of 2017

Notice to all owners, masters and users of pleasure and recreational craft and other vessels operating in Irish waters, and boat hire companies

Prohibitions on the consumption of Alcohol and / or Drugs

The purpose of this Marine Notice is to remind the public of the law in relation to being under the influence of alcohol and / or drugs when operating or while on board a recreational craft or any vessel in Irish waters, or on board vessels or objects being towed by recreational craft.

The recently published 2016 Annual Report of the Marine Casualty Investigation Board (MCIB) highlights the fact that alcohol or drug consumption continues to be a factor in marine incidents, including incidents involving recreational craft. Successive MCIB Annual Reports have shown that incidents are occurring where diminished human performance and impairment due to the effects of alcohol and / or drug consumption have been primary causes or contributing factors, leading to the loss of life in some cases. In the recent Annual Report, the MCIB Board reminds all vessel operators of the need to take personal responsibility and to ensure that they are fit to undertake their planned voyage.

The Department of Transport, Tourism and Sport wishes to remind all recreational craft users that it is the responsibility of each individual taking to the water to be mindful of their own safety:

- **YOU** must take personal responsibility for your actions on the water.
- **YOU** must avoid alcohol and drugs before or during a voyage.
- If you fail to operate safely and to comply with the law in relation to alcohol and drug consumption **YOU put your life and your vessel at risk as well as the lives of others**, including members of the rescue services.
- It is against the law to consume alcohol and drugs in circumstances that could affect the safety of others on board or others using Irish waters, or create a disturbance on board or be a nuisance to others using Irish waters.
- Alcohol speeds up the rate of body cooling and thus **increases the risk of hypothermia** in the event that you fall into the water.

Regulations 8 and 9 of the [Pleasure Craft \(Personal Flotation Devices and Operation\) \(Safety\) Regulations 2005 \[S.I. No. 921 of 2005\]](#), as amended, set out the law regarding the consumption of alcohol or drugs while on board a pleasure craft, including prohibitions on operating a pleasure craft while under the influence. Failure to comply with the law can result in a fixed payment of €150 and/or prosecution proceedings which, on summary conviction, can lead to a fine of up to €5,000. A pleasure craft includes personal watercraft, such as jet skis, and fast power craft.

Sections 28 to 30 of the [Maritime Safety Act 2005 \(No. 11 of 2005\)](#) contain a range of provisions relating to the prohibition on operating or being on board a vessel in Irish waters while under the influence of alcohol or drugs, and the associated penalties. These include the following prohibitions:

1. A person in command or in charge or another member of the crew of a vessel in Irish waters (or an Irish ship in waters anywhere) **must not operate or control** or attempt to operate or control the vessel or carry out any task or duty in relation to the operation or control of the vessel while he or she is under the influence of alcohol or a drug or any combination of drugs, or drugs and alcohol to such an extent as to be incapable of properly controlling or operating the vessel or carrying out the task or duty (section 28).
2. A person on board a vessel in Irish waters (or an Irish ship in waters anywhere) **must not consume alcohol or take a drug** or any combination of drugs or drugs and alcohol while on board the vessel in circumstances which could affect the safety of persons or create a disturbance or serious nuisance on board the vessel or affect the safety of other persons using Irish waters or constitute a nuisance to such persons (section 30).
3. **Failure to comply with the above requirements is an offence** and the person is liable on summary conviction to a fine not exceeding €5,000 or to imprisonment for a term not exceeding 3 months or both.
4. If a **person in command or in charge or another member of the crew of a vessel** is, while on duty, under the influence of alcohol or a drug or any combination of drugs or drugs and alcohol to such an extent that his or her ability to discharge his or her duties is impaired, he or she commits an offence and is liable on summary conviction to a fine not exceeding €5,000 (section 29).
5. **A person on board a vessel in Irish waters (or on an Irish ship in waters anywhere)** who through any deliberate or reckless action or by reason of being under the influence of alcohol or a drug or any combination of drugs or drugs and alcohol puts at risk or endangers the safety, security or seaworthiness of the vessel or the lives or safety of persons on board commits an offence and is liable on summary conviction to a fine not exceeding €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 (section 32).

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