

Marine Notice No. 45 of 2015

This Marine Notice Supersedes Marine Notice No. 27 of 2012

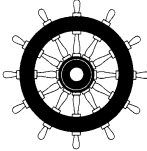
Notice to all Boat Builders, Boat Repairers, Owners and End Users.

Standards of Materials, fixtures and fittings acceptable for use
on Class Exempt Unlicensed Vessels
(Open Boats Carrying Passengers for the purpose of Angling
on Smooth Water Voyages)

1. Preamble

- 1.1 This Marine Notice should be read in conjunction with the *Licensing of Passenger Boats (Exemption) Regulations 2002* [[S.I. No. 274 of 2002](#)], and the *Licensing of Passenger Boats (Exemption) (Amendment) Regulations 2002* [[S.I. No. 556 of 2002](#)] – hereunder referred to as **the 2002 Regulations**.
- 1.2 **Owners of Vessels already in possession of Declarations stamped by the Minister.** A Declaration by an owner of a vessel, which is already stamped by the Minister, remains exempt from the requirement to be licensed provided that the owner is satisfied that his or her vessel remains fully compliant with requirements detailed on the reverse side of the Declaration.
- 1.3 In order to ensure the safety of all persons on board any vessel, the hull, machinery and equipment should be properly designed, fit for its intended purpose and in good condition. The equipment should be readily available for use at all times. Owners, Masters, and persons-in-charge should ensure that maintenance is carried out as required. Any vessel in which the hull, machinery or equipment has become unsuitable or defective may not be considered as fit for the purpose of carrying passengers engaged in angling.
- 1.4 Many references are made throughout the 2002 Regulations to hull, machinery, fixtures, fittings etc. being of a suitable or adequate standard and to items, fixtures and fittings being approved.
- 1.5 This Marine Notice gives guidance on what is to be considered adequate, suitable and approved in relation to the hull, machinery, items, fixtures, fittings etc. Adhering to the guidelines given in this Marine Notice will generally satisfy the standard expected in relation to such items.
- 1.6 This Marine Notice gives guidance on the 2002 Regulations covering the hull, machinery, lifesaving appliances and other items. Reference should also be made to the 2002 Regulations.
- 1.7 This Marine Notice does not preclude the use of any other hull, machinery, item, fixture, fittings etc. However where there is uncertainty regarding its fitness for purpose, the use of such should be discussed with the Marine Survey Office.

- 1.8 Generally the terms “suitable” and “adequate” refer to any item that is being used for the specific purpose for which it is designed – for example a gaff hook for landing fish will not be considered suitable for use as a boat hook.
- 1.9 Where EU harmonised standards or International Standards exist in relation to the vessel and/or its equipment, the standards should be adhered to, and may be considered as complying with the 2002 Regulations unless otherwise specified. Where no such standard exists best marine practice is to be applied and owners of vessels are encouraged to contact the Marine Survey Office if advice or guidance is required.
- 1.10 Any item of equipment that bears the Marine Equipment Directive Mark of Conformity, as shown below, may be considered as complying with the 2002 Regulations and is approved.

Type and Markings	Legislation
 <p data-bbox="277 913 689 983">IMO SOLAS/ EU Marine Equipment Directive</p>	<p data-bbox="756 757 1331 869">Referred to in Council Directive 96/98/EC of 20 December 1996 on marine equipment and subsequent amendments.</p>

- 1.11 **Pre-Departure Safety Checks and Briefing.** The owner of the vessel and/or the master should plan every voyage considering the weather forecasts, tidal information, charts and pilotage information and have checked that the engine has been maintained and the vessel carries sufficient fuel, with reserves, for the intended voyage.

Before departure, every person on board should be wearing an approved lifejacket or personal flotation device having been briefed by the master on its donning and, if of the inflatable type, its operation.

The master should brief at least one other person on board on the use of a lifebuoy, use of hand-held distress flares or horn, procedures and operation of any communications equipment, procedure for the recovery of a person from the water, operation of the propulsion engine, and the voyage plan and directions to safe places of refuge.

The vessel should carry a chart covering the planned voyage and a list of emergency contacts.

2. Areas of operation

For the purposes of the 2002 Regulations, areas of smooth waters are specified in the Appendix to this Marine Notice. Smooth waters are interpreted for tidal rivers and estuaries and large, deep lakes and loughs where the significant wave height could not be expected to exceed 1.2 metres at any time.

An owner of a vessel wishing to operate in an area of water not contained in the Appendix may apply in writing to the Chief Surveyor of the Marine Survey Office clearly stating a case for the area of water to be classified as “smooth waters.”

3. The 2002 Regulations

- **Regulation 3 – The class of vessel exempt from the requirement to be licensed.**

Vessels referred to in Regulation 3 are **open vessels of no less than 4 metres in length, carrying no more than 3 passengers on board for the purpose of angling and engaged on domestic voyages in smooth waters on canals, rivers, lakes and loughs.** The passengers may only be on board for the specific purpose of angling and may not go outside the limits of smooth waters as specified in the Appendix. For clarity, all inland canals, rivers, lakes and loughs are regarded as smooth waters. It is expected that not more than two crew will be on board this class of vessel.

- **Regulation 4(1) - General Safety Provisions.**

- a) The master, person-in-charge of the vessel must take account of other people and vessels on the water and should have knowledge of the Collision Regulations and any local rules relevant to the area of operation.
- b) The class exempt vessel must be in the charge of a responsible person over the age of eighteen.
- c) The person in charge of the vessel should not operate the vessel whilst under the influence of an intoxicant. Passengers should refrain from being under the influence of any intoxicant whilst on board the vessel as intoxicants not only impair judgement, they can have a debilitating effect on a person in the water by increasing blood flow to the skin and accelerating the onset of hypothermia.
- d) Every vessel must be maintained in good condition with regard to the hull, machinery and equipment. Hull damage must be repaired promptly and prior to carrying passengers. Every hull should be inspected regularly for any signs of damage or deterioration, especially with regard to their area of operation. For example, any vessel that is regularly grounded or mounted on a trailer, a close inspection of the hull should be made at least weekly and any damage attended to. The frequency of inspection of any vessel should be appropriate but at least once every year. The marine outboard engine should be serviced at least once every year in accordance with the manufacturer's instructions. Equipment should be inspected, checked and, if appropriate, tested weekly to ensure that it is in place, in date and ready for immediate use at all times.
- e) Every vessel must be 'fit for purpose'. For example, a vessel operating in smooth waters in a river estuary may need to be more robust and fitted with a marine outboard engine of greater power than an engine fitted to a vessel operating within the confines of a canal. Every vessel must be designed and built to accommodate the number of passengers and crew that it will carry. It must have adequate stability to accommodate every person on board without capsize. Persons on board may be seated or standing, however if stability is determined with the persons seated then standing in the vessel should not be allowed whilst on the water. The Department of Transport, Tourism and Sport recommend that every such vessel is fitted with sufficient reserve buoyancy to ensure that the fully loaded vessel is capable of staying afloat and upright in the event of being swamped.

Owners considering buying a vessel are recommended to consider a vessel that is CE marked indicating compliance with the Recreational Craft Directive. Further guidance on recreational craft can be found in Marine Notices [No.6 of 2005](#) and [No. 56 of 2011](#).

- **Regulation 4(2) – Construction, Machinery and Equipment.**

- a) Every vessel must be constructed of any material listed in the 2002 Regulations and be 'fit for purpose'. Before owners make a declaration for a vessel constructed of other materials they should satisfy themselves that the material and the vessel's method of construction is at least equivalent to a vessel constructed of one of the listed materials in relation to its strength, buoyancy, ability to support number of persons etc.
- b) Every marine outboard engine is to be designed, built for the purpose and may be petrol, diesel or electric powered. Any modified outboard or 'home made' engine is not considered suitable. Any electric outboard motor is considered suitable provided enough battery reserve is fitted on board to cover the area of operation.
- c) A suitable pair of oars with rowlocks that can be safely handled by one person on board any vessel and are capable of propelling and steering the vessel steadily through the water when fully loaded at the same time.
- d) Adequate seating or thwarts is taken to mean that all persons on board can be seated allowing at least 460mm of seating per person.
- e) Bailers must be capable of effectively removing water from all parts of the vessel where water may accumulate. More than one bailer should be provided if water does not readily drain to a single collection point or bilge. A suitable bailer may be in the form of a small open topped plastic container such as a 5-litre container with the top cut off to allow water to be scooped from the bottom of the vessel.
- f) A suitable anchor should be of a recognised pattern such as a folding, kedge or fisherman's anchor of size and weight recommended by the manufacturer for the size of the vessel. The breaking strain of the rope is to match the anchor and any manufacturer's instructions should be adhered to. The anchor and rope, with the end securely attached to the vessel, should be stowed in such a way that it will not interfere with any persons on board.
- g) The painter should be of good quality non-kinking rope and fastened at one end to a strong point on the bow of the vessel to allow the vessel to be towed.
- h) An approved hand-held distress flare is one that carries the Marine Equipment Directive symbol as described. The Department of Transport, Tourism and Sport recommend that all distress flares are stored in a readily accessible waterproof container. The waterproof container is to protect the flares in the event of flooding or in the event of abandon ship.
- i) A suitable boat hook is one that is long enough and strong enough to assist in the recovery of a person from the water and to aid in berthing of the vessel. It should be round nosed to prevent injury to personnel.
- j) A suitable waterproof torch is one that will withstand immersion in water for a short period of time and retain the ability to work. A standard rubber torch will normally comply with this regulation.

- k) An approved portable fuel tank, CE marked, for use with any outboard engine is the fuel tank supplied by or recommended by the engine manufacturer, complete with the hoses and fittings, for use with their engines. Portable tanks are to be secured in place on the vessel to stop them moving about. This may consist of purpose-made brackets, lugs and ratchet tie-down straps or any similar means that is effective on the vessel concerned. Hoses should be routed and secured so that equipment, chaffing, persons etc. do not damage them. Any spare fuel is to be carried in another approved portable fuel tank.

Decanting fuel from jerry cans or similar cans is not permitted on board due to the risk of fire.

- l) Accumulator batteries should be stored securely against movement in fixed containers with lids. Containers should be made of, or lined with, materials resistant to corrosion from electrolyte. Ventilation should be provided by holes at the base and top of the containers to remove gases produced by charging of the batteries. Hydrogen gas, which is lighter than air, does not tend to 'flow' particularly well and any ventilator pipes should be straight or have a minimum number of swept bends. The connections to batteries should be made using correctly fitted clamps, bolts and swaged fittings. Manufacturers' recommendations should be adhered to. Loose or frayed connections, bolts clamped direct to wire strands and similar connections are not considered suitable.
- m) An approved lifejacket is one that carries the wheel mark symbol signifying compliance with the Marine Equipment Directive. On existing vessels, lifesaving appliances made before the introduction of the wheelmark symbol must comply with the requirements of the SOLAS Convention in order to be considered approved.

An approved personal flotation device (PFD) is one that carries the CE marking and complies at least with EN ISO 12402: Part 3 – performance level 150 newton (superseded standard EN396). Further guidance is given in [Marine Notice No. 45 of 2012](#).

Every person on board should wear an approved lifejacket or personal flotation device at all times.

- n) The means of recovery is to allow a person in the water to gain a firm foothold to enable them to climb back on board. Similarly it should allow a person on board access to a person in the water who may be unconscious or otherwise unable to climb on board.

One of the following means should be considered:

- Rigid aluminium, plastic or wood ladder capable of being hooked over or fastened to the gunwale and extending into the water for a distance of at least three steps.
- A transom step sufficiently close to the waterline to allow a person in the water to climb onto it and then into the vessel. The step should be clear of propellers or propellers should be fitted with guards.
- In the case of a vessel having a low freeboard allowing persons in the water to be recovered over the side with the assistance of a person, a non-floating rope ladder may be provided unless it can be demonstrated in practice that this is not necessary.

- **Regulation 5 – Declaration.**

A Declaration Form (attached below), for submission to the Minister for stamping, is to be fully completed by the **owner** of a vessel and submitted by post to the Marine Survey Office.

Any Declaration not fully completed will be returned to the owner unstamped for resubmission.

Postal address – Marine Survey Office,
Irish Maritime Administration,
Department of Transport, Tourism and Sport,
Leeson Lane,
Dublin,
IRELAND,
D02 TR60

Important Note

The Declaration is an important undertaking by the owner of a vessel and in the Declaration, the owner is declaring in writing to the Minister that the vessel complies with the 2002 Regulations.

The owner of a vessel may not use the vessel, under this particular Class Exemption for unlicensed vessels, until the owner is in receipt of the Declaration for the vessel stamped by the Minister.

An owner is under no obligation to sign a declaration if he or she feels that their vessel does not comply with the 2002 Regulations, however a vessel that does not fully comply with the 2002 Regulations is not exempt from licensing.

Where an owner may have doubts concerning their vessel, they are at liberty to make application to the Minister for a passenger boat inspection. Following inspection, if an authorised person has stated in a report of inspection that the vessel is suitable for use as a passenger boat, subject to such conditions and restrictions as the authorised person may specify, and complies with the *Merchant Shipping (Passenger Boat) Regulations 2002*, [[S.I.No. 273 of 2002](#)], as amended, then the Minister will grant a Passenger Boat Licence to the owner.

Craft Identification Number (CIN)

It is a requirement that each recreational craft is marked with a CIN. This number is unique to each craft and may be found permanently marked into the transom on the starboard side at the top.


Marine Notice No. 27 of 2012 is hereby superseded.

Irish Maritime Administration,
Department of Transport, Tourism and Sport,
Leeson Lane, Dublin 2, D02 TR60, Ireland.

16/09/2015
Encl. Appendix

<p>For any technical assistance in relation to this Marine Notice, please contact: The Marine Survey Office, Leeson Lane, Dublin 2, tel: +353-(0)1-678 3400. For general enquiries, please contact the Maritime Safety Policy Division, tel: +353-(0)1-678 3418. Written enquiries concerning Marine Notices should be addressed to: Maritime Safety Policy Division, Dept. of Transport, Tourism and Sport, Leeson Lane, Dublin 2, Ireland. email: marinenotices@dtas.ie or visit us at: www.dttas.ie</p>

Appendix 1

 <p>An Roinn Iompair Turasóireachta agus Spóirt Department of Transport, Tourism and Sport</p>	<h1>Declaration by Owner</h1> <h2>Class Exempt Unlicensed Vessel</h2>
Vessel identification (name or CIN)	
Intended area(s) of operation (Appendix)	
Maximum number of persons capable of being carried on board (crew and maximum of three passengers)	

Owner's Contact Particulars

Printed Name (surname & first name)			
Printed Postal address	House/street name		
	Town		
	County	Eircode	
	Country		
Telephone numbers (land and/or mobile)			
Email			

I hereby declare that the vessel described overleaf is a vessel of the class exempt under Regulation 3 of the Licensing of Passenger Boats (Exemption) Regulations, 2002, as amended, (the 2002 Regulations) that being **open vessels of no less than 4 metres in length, carrying no more than three passengers on board for the purpose of angling and engaged on domestic voyages in smooth waters on canals, rivers, lakes and loughs.**

I further declare that Regulation 4 requirements of the 2002 Regulations shall be complied with –

- Without prejudice to the Collision Regulations, the vessel shall be operated in a manner which takes account of other persons involved in waterborne activities, or persons who might otherwise be adversely affected by the operation of the vessel.
- A person who has not attained the age of eighteen years shall not be in charge of the vessel.
- A person shall not operate or be in charge or attempt to operate or be in charge of the vessel while that person is under the influence of an intoxicant to such an extent as to be incapable of safely operating and controlling the vessel.
- The vessel shall be maintained in a good structural and mechanical condition, and the machinery and equipment, specified in Regulation 4(2) of the 2002 Regulations, shall be kept in good order and be available for immediate use at all times.
- The vessel is suitable for use for the purpose of angling with the declared number of persons on board within the intended area of operation and taking into account the likely weather conditions.
- The transfer of fuel from a container to an approved portable fuel tank will not be undertaken on board the vessel.
- Each person shall wear an approved lifejacket or approved personal flotation device at all times when on board.

Owner's printed name: _____

Owner's signature: _____ Date: _____

This declaration is made in accordance with Regulation 5 of the 2002 Regulations.

Vessel's Particulars

Vessel identification (name or CIN)					
Vessel manufacturer & address					
Length overall (metres)		Beam maximum (metres)		Outboard power (kw)	

Construction, Machinery and Equipment

When the owner is satisfied that the vessel fully complies with all the above requirements, as specified in Regulation 4(2) of the 2002 Regulations, then the owner shall indicate compliance with every requirement by placing a tick (✓) in every box in the right hand column.	
The vessel is substantially constructed of steel, aluminium, glass reinforced plastic, wood or equivalent materials (delete as appropriate)	
The vessel is fitted with an efficient marine outboard engine capable of manoeuvring the vessel safely ahead and astern, and steering the vessel at its maximum speed in the fully loaded condition within the limits of the intended area of operation.	
The vessel is provided with a suitable pair of oars and rowlocks.	
The vessel is fitted with adequate seating or thwarts for all persons on board.	
The vessel is provided with a suitable bailer.	
The vessel is provided with a suitable anchor with a rope of length at least equal to four times the length of the vessel.	
The vessel is fitted with a permanently rigged suitable painter which does not exceed the length of the vessel and which may be used as a tow rope.	
The vessel is provided with two approved hand-held distress flares or a portable horn.	
The vessel is provided with a suitable boat hook.	
The vessel is provided with a suitable waterproof torch.	
Fuel is carried in no more than two approved portable fuel tanks which are secured in position on board the vessel; fuel hoses are of an acceptable type, with appropriate quick connections, in good condition, and routed and secured in such a manner as to be protected from mechanical damage.	
Any accumulator batteries are stored in an adequately ventilated container to protect from mechanical damage, flooding and shorting of the terminals; electrical connectors are of an approved type.	
The vessel is provided with an approved lifejacket or approved personal flotation device for each person the vessel is declared to carry.	
The vessel is provided with a suitable means to facilitate the recovery of a person from the water.	

Declaration received.	For official use only	Fully completed declaration returned.
	Rotation number	
	Date stamp.	Date stamp.

APPENDIX 2 – Areas of Operation

SMOOTH WATERS – INSIDE OF SEA AREAS

<i>LOCATION</i>	<i>LIMIT OF AREA, WEATHER AND DAYLIGHT</i>
Carlingford Lough	Within a line from Greencastle Point to Greenore.
Dundalk	Castletown Estuary, within a line from Ballurgan Point to Soldiers Point.
Drogheda	Within a line from Crook Point to Burrow Point.
Malahide Inlet	Within a line from Malahide Point to Grand Hotel.
Dublin	Inside the pier heads.
Wicklow	Inside the pier heads.
Arklow	Inside the pier heads.
Wexford	Inside Wexford Bridge.
Waterford	Within a line from Passage to Ballyhack.
Youghal	Within a line from Ferry Point to Green Park.
Cork	Within a line from Ram's Head to Dogs nose Quay.
Kinsale Harbour	Within a line from Blockhouse Point to Summer Cove.
Baltimore	Baltimore Harbour inside of Sherkin Island.
Dunbeacon Harbour Dunmanus Bay	Within a line from Rossmore Point to Dunbeacon Point, in fine weather and in daylight only.
Bantry Bay	From Bantry or Glengariff, within a line from Four Heads point to Whiddy Island. From Castletownbere, inside Bere Island.
Ardgroom Harbour	Within a line from Dogs Point to Illauneeragh, in fine weather and daylight only.
Kilmakilloge Harbour	Within a line from Collorus Point to Battle Point, in fine weather and daylight only
Sneem Harbour	Within a line from Garinish Sound to East end of Sherky Island to Bullig Rock

SMOOTH WATERS – INSIDE OF SEA AREAS (continued)

<i>LOCATION</i>	<i>LIMIT OF AREA, WEATHER AND DAYLIGHT</i>
Valentia	Inside a line from Knightstown to Reenard Point and inside Portmagee Swing Bridge. Within a line from Ringcaheragh Point to Scughaphort Reef, in Summer only and fine weather. Within a line from Fort point to Beginish Island inside Doulus Bar, in Summer only and fine weather.
Ventry Harbour	Within a line from Parkmore Point to Paddock Point, in summer only and fine weather
Dingle Harbour	Within a line from Flaherty Point to Black Point.
The Shannon	East of Rinalan Point.
Roundstone and Bertraghboy Bays	Within a line westward from Treh Point (Inishtreh).
Clifden Bay	Within a line due North from Fishing point, in fine weather and daylight only.
Cleggan	Within a line from Cleggan Point to Roeillaun.
Ballynakill Harbour	Inside Ross Point.
Killary Harbour	Inside Inishbarna Island.
Blacksod Bay	Within a line from Blacksod point to Kanfinalta Point, in fine weather and daylight only. Inside Dooniver Point.
Broadhaven Bay	Within a line from Shanaghy point to Fox Point.
Westport	Within a line from Murrisk Pier to Inishgort Light.
Killala Bay	Inside Rinnaun Point.
Sligo Harbour	Inside Metal Man Rock.
Ballyshannon	Inside the Bar.
Donegal	Inside the Bar.
Killybegs	Within a line Westward from Carntullagh Head.
Mulroy Bay	Within a line from Dundooan Point to Inverbeg Bay
Lough Swilly	Within a line from Bunrana to Muckamish point

SMOOTH WATERS - INLAND LAKES AND LOUGHS

<i>LOCATION</i>	<i>LIMIT OF WEATHER AND DAYLIGHT</i>
Lough Corrib	In fine weather and daylight only.
Lough Mask	In fine weather and daylight only.
Lough Derg Co Tipperary	In fine weather and daylight only.
Lakes of Killarney	In fine weather and daylight only.
Lough Erne	In fine weather and daylight only.
Lough Ree	In fine weather and daylight only.
Lough Gill	In fine weather and daylight only.

SMOOTH WATERS – CANALS AND RIVERS

<i>LOCATION</i>	<i>LIMIT OF AREA, WEATHER AND DAYLIGHT</i>
Grand Canal	The entire canal.
Royal Canal	The entire canal.
Shannon River	Above Thomond Bridge.
Barrow River	Above New Ross road bridge.