

STATUTORY INSTRUMENTS

S. I. No. 261 of 2005

MERCHANT SHIPPING (REGISTRY, LETTERING AND NUMBERING OF FISHING BOATS) REGULATIONS 2005

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S. I. No. 261 of 2005

MERCHANT SHIPPING (REGISTRY, LETTERING AND NUMBERING OF FISHING BOATS) REGULATIONS 2005

I, Pat the Cope Gallagher, Minister of State at the Department of Communications, Marine and Natural Resources, in exercise of the powers conferred on me by section 373(5) of the Merchant Shipping Act 1894 (57 & 58 Vict. c.60), as amended by section 4 of the Fisheries (Amendment) Act 1994 (No. 23 of 1994) (as adapted by the Marine and Natural Resources (Alteration of Name and Title of Minister) Order 2002 (S.I. No. 307 of 2002)) and the Marine (Delegation of Ministerial Functions)(No. 2) Order 2004 (S.I. No. 703 of 2004), hereby make the following regulations:

Citation

1. These Regulations may be cited as the Merchant Shipping (Registry, Lettering and Numbering of Fishing Boats) Regulations 2005.

Revocation of previous Regulations

2. The Merchant Shipping (Registry, Lettering and Numbering of Fishing Boats) Regulations 1997 (S. 1. No. 294 of 1997) and the Merchant Shipping (Registry, Lettering and Numbering of Fishing Boats)(Amendment) Regulations 2001 (S.I. No. 411 of 2001) are revoked.

Interpretation

3. (1) In these Regulations, unless the context otherwise requires –

"the Act of 1955" means the Mercantile Marine Act 1955 (No. 29 of 1955) as amended;

"certificate of registry" means a certificate of registry issued under Regulation 10(1) or under the Regulations revoked by Regulation 2 and still in force;

"fishing boat" means a boat employed or intended to be employed in sea fishing, and intended for the catching or taking for sale of sea fish, and which is wholly owned by -

- (a) a citizen of Ireland,
- (b) a national of a Member State, or
- (c) a body corporate established under and subject to the law of a Member State and having its principal place of business in a Member State;

but does not include a boat that is –

- (i) registered under the law of any state, other than the State, or
- (ii) engaged in fishing or dredging solely for scientific, research or training purposes;

"functions" includes powers and duties;

"local registrar" means a local registrar under Regulation 6(2);

"Member State" means a member state of the European Community;

"Minister" means the Minister for Communications, Marine and Natural Resources;

"port of registry" means a port specified in column (1) of Schedule 1;

"Principal Act" means the Merchant Shipping Act 1894 (57 & 58 Vict. c.60) as amended;

"Register" means the Register of Fishing Boats established and maintained under Regulation 7(1) or referred to in Regulation 7(2);

"Registrar General" means the Registrar General of Fishing Boats appointed under Regulation 5(2) and includes the Deputy Registrar General while acting as or performing the functions of the Registrar General;

"sea-fish" means fish of any kind (except salmonids and fresh water eels) found in the sea, and includes all marine invertebrates, and the brood and spawn of fish found exclusively in the sea;

"sea-fisheries protection officer" means a sea-fisheries protection officer who is an officer of the Department of Communications, Marine and Natural Resources;

"surveyor of ships" means a person appointed under section 724 of the Principal Act to be a surveyor of ships.

- (2) In these Regulations -
- (a) a reference to a regulation is a reference to a Regulation of these Regulations, unless it is indicated that a reference to some other enactment is intended,
 - (b) a reference to a paragraph or subparagraph is a reference to a paragraph or subparagraph of the Regulation in which the reference occurs, unless it is indicated that some other provision is intended, and
 - (c) a reference to a Schedule by number is a reference to the Schedule so numbered to these Regulations.

Application

4. These Regulations apply to every fishing boat.

Registrar General and Deputy Registrar General

5. (1) There shall be a registrar of fishing boats (who shall be known as the "Registrar General of Fishing Boats").
- (2) The Minister shall appoint the Registrar General and may remove him or her from office.
- (3) The Minister may appoint a Deputy Registrar of Fishing Boats to act for or perform the functions of the Registrar General during any absence from duty or inability to act of the Registrar General, or as the Registrar General may from time to time direct, and the Minister may remove the Deputy Registrar from office.
- (4) The persons who, immediately before the making of these Regulations, held the positions of Registrar General and Deputy Registrar General under the Regulations revoked by Regulation 2 shall be the first Registrar General and Deputy Registrar General under these Regulations as if so appointed on that making.

Local registrars

6. (1) There shall be such local registrars of fishing boats, for such ports, as provided in these Regulations.
- (2) The holders from time to time of the offices mentioned in column (3) of Schedule 1 shall be local registrars for the ports of registry mentioned in column (1) of that Schedule opposite the name of the respective offices in column (3).

Register of Fishing Boats

7. (1) The Registrar General shall establish and maintain, in such form as he or she thinks appropriate (including in an electronic or other non-documentary form), a register of fishing boats (which shall be known as the "Register of Fishing Boats").
- (2) Without prejudice to the generality of paragraph (1), the system of registry, lettering and numbering of boats maintained by the Registrar General of Fishing Boats under the Regulations revoked by Regulation 2 immediately before the making of these Regulations shall be the Register, and all entries and amendments on that system before that making shall be taken as entries on and amendments to, as the case may be, the Register.

Application for registration

8. (1) A person who -
- (a) on the coming into operation of these Regulations, is the owner of a fishing boat and has not applied for registration of the fishing boat under the Regulations revoked by Regulation 2, or

- (b) after the coming into operation of these Regulations, becomes the owner of a fishing boat,

shall apply to the Registrar General to have the fishing boat entered on the Register in accordance with this Regulation.

- (2) An application under paragraph (1) shall be lodged with a local registrar and be made -
 - (a) in a case where the fishing boat has been registered under the Act of 1955 at the port where it was so registered, or
 - (b) in any other case (including where the boat has not been registered or where it has been registered under these Regulations or the Regulations revoked by Regulation 2) at any port of registry.
- (3) An application under paragraph (1) shall include-
 - (a) such particulars as may be specified by the Registrar General for the purposes of Regulation 7 and for the purposes of compliance with any Regulation, Directive or Decision of an institution of the European Communities on the registration of fishing boats, and
 - (b) in the case of a fishing boat not required to be registered under the Act of 1955, a statement, in such form as may be specified by the Registrar General, by a person referred to in Regulation 11(5) of the length, breadth and depth of the fishing boat.
- (4) A local registrar, on receipt of an application under this Regulation, shall satisfy himself or herself -
 - (a) that the information set out in the application is correct, and
 - (b) that the applicant has been granted a sea-fishing boat licence under section 222B of the Fisheries (Consolidation) Act 1959, as amended, which would become operative on or after the registration of the boat under these Regulations.
- (5) For the purposes of paragraph (4)(a), the fishing boat shall be inspected by the local registrar or, at his or her request, by -
 - (a) a sea-fisheries protection officer, or
 - (b) a Bord Iascaigh Mhara Area or Inshore Officer in the area where the application is made,

who shall indicate on the application whether or not the particulars on the application form are correct.

- (6) Where the local registrar is not satisfied in relation to subsection (4)(a) or (b), the local registrar shall refuse the application.
- (7) Where the local registrar is satisfied in relation to subsection (4)(a) and (b), he or she shall -
 - (a) allocate to the fishing boat -
 - (i) a distinguishing letter or letters of the port of registry in accordance with Schedule 1 (hereinafter referred to as the “Port Code”), and
 - (ii) a number,
 - and
 - (b) deliver the application, or cause it to be delivered, to the Registrar General.

Marking of fishing boat with identification marks

9. (1) The Registrar General may allocate to a fishing boat, to be registered under these Regulations, of a type mentioned in column (2) of Schedule 2, a letter (hereinafter referred to as a “segmentation letter”) mentioned in column (3) of that Schedule opposite the reference to the type of boat in column (2).
- (2) Where a segmentation letter is allocated under paragraph (1), it shall be indicated on a licence referred to in Regulation 8(4)(b).
- (3) Where the local registrar is satisfied in relation to Regulation 8(4)(a) and (b), he or she shall inform the owner of the fishing boat concerned of the Port Code and number and shall ensure that the owner marks or causes to be marked the fishing boat with that Port Code and number together with the segmentation letter, if any, allocated under paragraph (1).
- (4) Where the owner of a fishing boat applies for registration and the fishing boat is allocated a Port Code, number and segmentation letter, if any, in accordance with this Regulation, the owner shall, subject to paragraph (5), mark or cause to be marked the fishing boat with -
- (a) that Port Code and number in accordance with Commission Regulation(EEC) No. 1381/87 of 20 May 1987¹ and,
 - (b) where a segmentation letter is allocated to the fishing boat under paragraph (1), the segmentation letter, which shall be placed immediately after the places where such Port Code and number are marked,

¹ O.J. No. L 132, 21.5.1987, p.9

and advise the local registrar accordingly.

- (5) In the case of a fishing boat referred to in column (2) of Schedule 2 at reference number 2, which immediately before the making of these Regulations was registered under the Regulations revoked by Regulation 2, the owner shall, not later than 30 June 2006 and in accordance with Commission Regulation (EEC) No. 1381/87 of 20 May 1987, mark or cause to be marked the fishing boat with that segmentation letter in addition to the Port Code and number immediately after the places where such Port Code and number are marked and advise the local registrar accordingly.
- (6) The local registrar shall notify the Registrar General when the fishing boat concerned has been marked with the appropriate Port Code, number and segmentation letter, if any.

Procedures for registration

10. (1) The Registrar General shall keep a record of all applications received by him or her under Regulation 8.
- (2) The Registrar General shall, as soon as practicable after receiving it, examine each application received and if not satisfied that the particulars contained in the application are sufficient to enable the fishing boat to be registered, may request further particulars.
- (3) If the Registrar General is satisfied that the particulars contained in an application under Regulation 8 and under paragraph (2), if applicable, are sufficient to enable the fishing boat to be registered and that its owner has been granted a sea-fishing boat licence under section 222B of the Fisheries (Consolidation) Act 1959, as amended, which would become operative on or after the registration of the boat under these Regulations, he or she shall, subject to Regulation 11, enter into the Register opposite or related to the Port Code, number and segmentation letter, if any, allocated to the fishing boat, the particulars provided by the applicant under Regulation 8(3) and, where applicable, paragraph (2), and shall issue to the owner of the fishing boat a certificate of registry.
- (4) A certificate of registry issued under paragraph (3) shall be a certificate of registry or official paper within the meaning of Part IV of the Principal Act, and a document relating to the fishing boat within the meaning of Commission Regulation (EEC) No. 1381/87 of 20 May 1987.

Tonnage and dimensions to be registered in relation to fishing boats

11. (1) Subject to paragraph (3), the tonnage to be recorded in the Register in relation to a fishing boat shall be its tonnage as determined in accordance with Council Regulation (EEC) No. 2930/86 of 22 September 1986

defining the characteristics of fishing vessels,¹ as amended by Council Regulation (EC) No. 3259/94 of 22 December 1994² and Commission Decision 95/84/EC of 20 March 1995.³

- (2) The length, breadth and depth to be recorded in the Register in relation to a fishing boat shall be its length, breadth and depth as defined in Council Regulation (EEC) No. 2930/86 of 22 September 1986 defining the characteristics of fishing vessels, as amended by Council Regulation (EC) No. 3259/94 of 22 December 1994.
- (3) In the case of a fishing boat of less than 15 metres in overall length which was registered under the Regulations revoked by Regulation 2 at any time between 1 October 1990 and the making of these Regulations, its tonnage may be determined in accordance with the formula for existing vessels of less than 15 metres in overall length set out in the Annex to Council Regulation (EEC) No. 2930/86, as inserted by Council Regulation (EC) No. 3259/94.
- (4) For the purposes of these Regulations, the length, breadth, depth and tonnage of a fishing boat required to be registered under the Act of 1955 shall be ascertained by a surveyor of ships in accordance with this Regulation who shall give a certificate specifying the boat's length, breadth, depth and tonnage and the certificate shall be delivered to the local registrar before registration.
- (5) The length, breadth and depth of a fishing boat not required to be registered under the Act of 1955 shall be measured in accordance with this Regulation by -
 - (a) a surveyor of ships,
 - (b) a sea-fisheries protection officer,
 - (c) a Bord Iascaigh Mhara Area or Inshore Officer, or
 - (d) a local registrar

and its tonnage ascertained by the Registrar General.

Fishing boats registered under revoked Regulations deemed registered under these Regulations

12. The owner of a fishing boat which immediately before the making of these Regulations was registered under the Regulations revoked by Regulation 2 is deemed to have applied for registration of the fishing boat, and the boat is deemed to have been registered, under these Regulations.

¹ O.J. L 274, 25.9.1986, p.1

² O.J. L 339, 29.12.1994, p. 11

³ O.J. L 67, 25.3.1995, p. 33

Procedures in relation to removal of fishing boat from Register

13. (1) Where a fishing boat –

- (a) is actually or constructively lost,
- (b) is broken up,
- (c) is no longer the subject of an operative sea-fishing boat licence under section 222B of the Fisheries (Consolidation) Act 1959, as amended,
- (d) ceases to be employed in fishing for the catching for sale of sea-fish,
or
- (e) in the case of a fishing boat which has been registered under the Act of 1955, is no longer so registered,

its owner shall immediately give notice thereof to the Registrar General or to a local registrar and shall deliver up to the Registrar General or that local registrar, as the case may be, the certificate of registry.

(2) Where a local registrar has been given notice under paragraph (1), the local registrar shall -

- (a) notify the Registrar General, and
- (b) deliver up the certificate of registry to the Registrar General.

(3) Where the Registrar General is given notice under paragraph (1) or (2), he or she shall make an entry to the effect of the notice in the Register and may remove the boat from the Register.

(4) Where the Registrar General becomes aware that -

- (a) a fishing boat
 - (i) is actually or constructively lost,
 - (ii) is broken up,
 - (iii) has ceased to be employed for the catching of sea-fish for sale,
or
 - (iv) in the case of a fishing boat which has been registered under the Act of 1955, is no longer so registered,
or

- (b) the owner of a fishing boat no longer holds an operative sea-fishing boat licence under section 222B of the Fisheries (Consolidation) Act 1959, as amended,

the Registrar General may, by notice in writing, require the owner to make a submission to the Registrar General as to the circumstances pertaining to the boat.

- (5) The Registrar General may, taking into account any submission made pursuant to paragraph (4) within 30 days of being notified by the Registrar General under that paragraph, remove the boat from the Register.

Change in particulars of registration other than ownership

- 14.** (1) The owner of a fishing boat, whenever there is a change in any of the particulars provided under Regulation 8(3) and under Regulation 10(2), if applicable, other than ownership of the boat, such that the information in the Register relating to the fishing boat is rendered incomplete or inaccurate, shall –
- (a) report the change to the Registrar General or to a local registrar,
 - (b) return the certificate of registry of the fishing boat to the Registrar General, and
 - (c) apply to the Registrar General for a new certificate of registry.
- (2) The Registrar General or the local registrar, may, on receiving information under paragraph (1)(a), require the fishing boat to be re-measured in the case where the length or breadth or tonnage or engine power of the fishing boat may have changed.
- (3) Where the local registrar requires the re-measurement of a fishing boat under paragraph (2), he or she shall send any new measurements, verified by him or her, in respect of the fishing boat to the Registrar General.
- (4) The Registrar General may retain a certificate of registry returned under paragraph (1) and grant a new certificate of registry containing a description of the fishing boat as changed and enter in the Register notice of the changes.

Change of ownership of fishing boat

- 15.** (1) Each local registrar shall forward to the Registrar General details of any transactions affecting the Register as they come to the local registrar's notice.
- (2) Where a person, whose name is entered in the Register as owner of a fishing boat, ceases to be the owner of the fishing boat, that person shall, as soon as practicable thereafter, apply to the Registrar General to have the

fishing boat removed from the Register and shall return the certificate of registry of the fishing boat to the Registrar General.

- (3) The Registrar General, following receipt of an application under paragraph (2), may, if he or she considers it appropriate to do so, remove the fishing boat concerned from the Register.
- (4) Where the Registrar General becomes aware that a fishing boat is no longer owned by the person whose name is entered in the Register as owner of the fishing boat, the Registrar General may, by notice in writing, require the person to apply to have the boat removed from the Register and to return the certificate of registry of the fishing boat to the Registrar General.
- (5) Where no application under paragraph (4) is received by the Registrar General within 30 days of a notice under that paragraph, the Registrar General may remove the fishing boat from the Register.

Lost or destroyed certificate of registry

- 16.** Where it is shown to the satisfaction of the Registrar General that a certificate of registry has been lost or destroyed, the Registrar General may issue a new certificate of registry on being satisfied that the information supplied on the original application relating to the lost or destroyed certificate of registry remains unchanged.

SCHEDULE 1- PORTS OF REGISTRY

Distinguishing letter or letters for each port set out in column (1) are set out in column (2) of this Schedule.

Ports of Registry (1)	Distinguishing Letters (2)	Registrars (3)
Cork	C.	Chief Officer of Customs
Drogheda	DA.	do.
Arklow/Dublin	D.	do.
Dundalk	DK.	do.
Galway	G.	do.
Limerick	L.	do.
Skibbereen	S.	Chief Officer of Customs (stationed at Bantry)
Sligo	SO.	
Tralee	T.	do.
Waterford	W.	do.
Westport	WT.	do. (stationed at Castlebar)
Wexford	WD.	Chief Officer of Customs

The Chief Officer of Customs herein referred to shall mean the Officer of Customs superintending the port.

SCHEDULE 2- Segmentation letters for certain fishing boats

Reference Number (1)	Type of Boat (2)	Segmentation letter (3)
1	Boats entitled to fish non-quota species only with pots	P
2	Boats registered within the Aquaculture Fleet Segment	A

GIVEN under my hand 24 May 2005

Pat the Cope Gallagher

Minister of State at the Department
of Communications, Marine and
Natural Resources

EXPLANATORY NOTE

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

These Regulations, which replace the Merchant Shipping (Registry, Lettering and Numbering of Fishing Boats) Regulations 1997 (S. I. No. 294 of 1997) as amended, provide for the registration of sea-fishing boats, the marking of sea-fishing boats with identification marks and related matters.

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