



AN BILLE LOINGIS THRACHTALA, 1955.

MERCANTILE MARINE BILL, 1955.

EXPLANATORY MEMORANDUM.

1. The Bill is designed to codify, amend and extend that part of the Merchant Shipping Code dealt with in Part 1 of the Merchant Shipping Act, 1894, which refers to the National character, ownership, registration, transmission, mortgage and tonnage measurement of ships.

2. Merchant Shipping Law in this country consists mainly of adapted British statutes, viz., the Merchant Shipping Act, 1894, and some twenty subsequent enactments, which have been technically continued in force under the Constitution of 1922 and have been further amended and expanded by a series of measures enacted since 1922. These statutes have been of imperfect application to the circumstances of this country and the development of an ocean-going Irish Merchant Shipping fleet has given rise to a need for the enactment of Merchant Shipping legislation adapted to the particular needs of an independent Irish Mercantile Marine.

3. This Bill is designed as the first step towards a comprehensive code of Merchant Shipping legislation adapted to Irish requirements. The Bill, as drafted, covers :

- (i) Irish ships, National colours and character ;
- (ii) Qualifications for ownership and obligation to register ;
- (iii) Procedure for Registration ;
- (iv) Certificate of Registry ;
- (v) Transfers and Transmissions of Ownership ;
- (vi) Mortgages of Ships ;
- (vii) Measurement of Ships and Tonnage and some miscellaneous matters of general application which appear appropriate to the Bill.

4. The principal subjects covered by the Bill are the Ownership and Registry of Irish ships (Sections 16 to 23). Section 16 provides that—

- (a) the Government ;
- (b) a Minister of State ;
- (c) an Irish citizen ;
- (d) an Irish body corporate

shall alone be unconditionally qualified to own an Irish registered ship or a share therein.

5. The existing statutory rights of British subjects and companies registered in Britain and the British Commonwealth countries to own an Irish registered ship will be terminated by the enactment of this section. Section 19 of the Bill, however, provides that where the Government, by Order, declares a state to be a reciprocating state, citizens of that state and companies

registered therein will become entitled to own an Irish ship. In order to regularise the position of shipowners who have vessels on the Irish Register at present, the Bill also provides in Section 20 (2) that any ship whose name is entered on the Irish Register on or before the passing of this Bill shall be deemed to be registered under it, notwithstanding the fact that the owners may not be qualified under Section 16 to own an Irish registered ship.

6. There is a further innovation under Section 18 of the Bill which provides that, subject to an exemption for existing ships acquired before the passing of the Bill, a ship owned by an Irish registered company or by Irish citizens ordinarily resident in the State must in future be registered in the State, unless a specific exemption has been granted by the Minister. This is a logical extension of existing law which prohibits the transfer of an Irish ship to a foreign register without the approval of the Minister. No other important changes in existing law are being made by this Bill and the sections dealing with national colours and character, procedure for registration and transfers and mortgages of ships are substantially re-enactments of existing legislation with appropriate adaptations.

*An Roinn Tionscail agus Tráchtála,
Iúil, 1955.*

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4. The principal subjects covered by the Bill are the Ownership and Registry of Irish ships (Sections 10 to 23). Section 16 provides that—

- (a) the Government;
- (b) a Minister of State;
- (c) an Irish citizen;
- (d) an Irish body corporate.

5. A ship shall be unconditionally qualified to own an Irish registered ship if it is owned by—

- (a) the Government;
- (b) a Minister of State;
- (c) an Irish citizen;
- (d) an Irish body corporate.