



AN BILLE LOINGIS CHEANNAIOCHTA (DEIMHNIUCHAN
MAIRNEALACH), 1979
MERCHANT SHIPPING (CERTIFICATION OF SEAMEN)
BILL, 1979

*Mar a ritheadh ag Dáil Éireann
As passed by Dáil Éireann*

ARRANGEMENT OF SECTIONS

Section

1. Definitions.
2. Application of Act.
3. Certificates of competency by personnel of certain ships.
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6. Going to sea without certificate of competency.
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10. Consequential construction of certain provisions of Principal Act.
11. Return of certificate.
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13. Repeals.
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SCHEDULE

ENACTMENTS REPEALED

ACTS REFERRED TO

Criminal Procedure Act, 1967	1967, No. 12
Merchant Shipping Act, 1894	1894, c. 60
Merchant Shipping Act, 1906	1906, c. 48
Merchant Shipping (Certificates) Act, 1914	1914, c. 42
Merchant Shipping Acts, 1894 to 1968	



AN BILLE LOINGIS CHEANNAIOCHTA (DEIMHNIUCHAN
MAIRNEALACH), 1979
MERCHANT SHIPPING (CERTIFICATION OF SEAMEN)
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entitled

AN ACT TO PROVIDE FOR THE ISSUE BY THE MINISTER
FOR TOURISM AND TRANSPORT OF CERTIFICATES OF
COMPETENCY TO CERTAIN CATEGORIES OF
SEAMEN, FOR THAT PURPOSE TO REPEAL CERTAIN 10
PROVISIONS OF THE MERCHANT SHIPPING ACTS, 1894
TO 1968, AND TO PROVIDE FOR OTHER MATTERS
CONNECTED WITH THE ABOVE MATTERS.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Definitions.

1.—In this Act—

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“the Minister” means the Minister for Tourism and Transport;

“the Principal Act” means the Merchant Shipping Act, 1894.

Application of
Act.

2.—This Act applies to every ship registered in the State under the
Merchant Shipping Acts, 1894 to 1968, and also to any ship registered
elsewhere which carries passengers between places in the State or on 20
voyages which begin and end at the same place in the State and on
which the ship calls at no place outside the State.

Certificates of
competency by
personnel of
certain ships.

3.—(1) The Minister may make regulations requiring ships to
which this Act applies to carry such numbers and such categories of
personnel as he may specify in the regulations and are the holders 25
of valid certificates of competency duly issued by the Minister under
this Act.

(2) For the purpose of giving effect to *subsection (1)* of this section,
the Minister may by regulations—

(a) prescribe standards of competence to be attained by per- 30
sonnel of ships to which this Act applies,

(b) provide for the conduct of examinations (including the
charging of fees in relation to such examinations) and,
with the consent of the Minister for the Public Service,
the appointment and remuneration of examiners for such 35
examinations, and

(c) provide for the issue, form and recording of certificates and
other documents.

(3) A person who, for the purpose of obtaining for himself or another person a certificate of competency under this Act, makes a statement which he knows to be false, or recklessly makes a statement which is false in a material particular, shall be guilty of an offence and liable on summary conviction to a fine not exceeding £250.

4.—(1) Whenever the Minister is of the opinion that a requirement of or under *section 3* of this Act is substantially complied with by a particular class of ship, he may by order declare that that requirement shall not apply to that class of ship, either generally or in such circumstances or for such period as may be specified in the order and, on the making or commencement of such an order, such a declaration shall have the force of law.

Non-application of *section 3*.

(2) The Minister may by order amend or revoke an order under this section.

5.—(1) Where—

Sending to sea ship not carrying required personnel.

(a) a person sends to sea a ship to which this Act applies,

(b) there is not then in force an order under *section 4* of this Act relating to the class of ship to which the ship belongs, and

(c) the ship is not carrying the appropriate numbers and categories of personnel required under *section 3* of this Act,

the person shall be guilty of an offence and liable, on conviction on indictment, to a fine not exceeding £5,000.

(2) A Justice of the District Court shall have jurisdiction to try summarily an offence under this section if—

(a) the Justice is of opinion that the facts proved or alleged against a defendant charged with such an offence constitute a minor offence fit to be tried summarily,

(b) the Director of Public Prosecutions consents, and

(c) the defendant (on being informed by the Justice of his right to be tried by a jury) does not object to being tried summarily,

and, upon conviction under this subsection, the defendant shall be liable to a fine not exceeding £500.

(3) Section 13 of the Criminal Procedure Act, 1967, shall apply in relation to an offence under this section as if, in lieu of the penalties specified in subsection (3) of the said section 13, there were specified therein the penalty provided for by *subsection (2)* of this section, and the reference in subsection (2) (a) of the said section 13 to the penalties provided for in the said subsection (3) shall be construed and have effect accordingly.

6.—Where—

Going to sea without certificate of competency.

(a) a person who is required by or under this Act to hold a valid certificate of competency under this Act goes to sea on a ship to which this Act applies,

(b) there is not then in force an order under *section 4* of this Act relating to the class of ship to which the ship belongs, and

(c) the person is not the holder of a valid certificate of competency under this Act,

the person shall be guilty of an offence and liable on summary conviction to a fine not exceeding £250.

Production of certificate of competency.

7.—(1) Any person serving or engaged to serve in a ship to which this Act applies shall, when so required by the master of the ship or an authorised officer of the Minister, produce the appropriate certificate of competency under this Act held by the person. 5

(2) A person who fails or refuses to comply with *subsection (1)* of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding £250. 10

Special certificates of competency.

8.—(1) The Minister may—

(a) issue and record documents certifying the attainment of any standard of competence relating to ships or their operation, other than a standard of competence prescribed under *section 3* of this Act, 15

(b) in relation to a standard certified under this section, make regulations corresponding to those provided for in *section 3 (2) (b)* of this Act.

(2) A person who, for the purpose of obtaining for himself or another person a document under this section, makes a statement which he knows to be false, or recklessly makes a statement which is false in a material particular, shall be guilty of an offence and liable on summary conviction to a fine not exceeding £250. 20

Inquiry into fitness or conduct of holder of certificate under this Act.

9.—(1) Where it appears to the Minister that the holder of a certificate under this Act— 25

(a) is unfit to discharge his duties, whether because of incompetence or for any other reason,

(b) has been seriously negligent in discharging his duties, or

(c) has failed to comply with *section 422* of the Principal Act, 30

the Minister may cause an inquiry to be held by a person or persons appointed by him for that purpose and may, pending the outcome of the inquiry, suspend any certificate under this Act issued to the person in relation to whom the inquiry is to be held and require the holder to surrender the certificate to the Minister. 35

(2) The Minister may make regulations governing the conduct of an inquiry under this section and may by such regulations provide for the appointment of one or more than one assessor to assist a person or persons holding such an inquiry.

(3) (a) As soon as practicable after its conclusion the person or persons holding an inquiry under this section— 40

(i) shall make a report on the inquiry to the Minister,

(ii) may cancel or suspend any certificate under this Act held by the person in relation to whom the inquiry was held, 45

(iii) make such order relating to the costs of inquiry as he or they think just.

5 (b) Any costs which a person is ordered to pay under this section may be recovered from him by the Minister as a simple contract debt in a court of competent jurisdiction.

10 (4) A person in relation to whom an inquiry under this section is to be held or has been held may appeal to the High Court against a suspension or cancellation under this section and the High Court, after it has heard such evidence as may be adduced and such submissions as may be made by or on behalf of the person and the Minister, may revoke the suspension or cancellation.

15 10.—References to suspension or cancellation of a certificate in sections 466, 469, 470 and 475 of the Principal Act shall be construed as including references to suspension or cancellation under section 9 of this Act. Consequential construction of certain provisions of Principal Act.

11.—(1) Any certificate under this Act suspended or cancelled under section 9 of this Act shall be delivered to the Minister by the holder as soon as practicable after it is suspended or cancelled. Return of certificate.

20 (2) A person who fails or refuses to comply with subsection (1) of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding £100.

12.—The Minister may, if he thinks the circumstances of the case so warrant, re-issue and return a certificate suspended or cancelled under this Act or reduce the period of suspension. Restoration of certificate.

25 13.—Each enactment specified in column (2) of the Schedule to this Act is hereby repealed to the extent specified in column (3) of that Schedule. Repeals.

30 14.—The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas. Expenses.

15.—(1) This Act may be cited as the Merchant Shipping (Certification of Seamen) Act, 1979. Short title, construction, collective citation and commencement.

35 (2) This Act shall be construed as one with the Merchant Shipping Acts, 1894 to 1968, and, without prejudice to the generality of this provision, references in those Acts to the Merchant Shipping Acts shall be construed as including references to this Act.

(3) The Merchant Shipping Acts, 1894 to 1968, and this Act may be cited together as the Merchant Shipping Acts, 1894 to 1979.

40 (4) This Act shall come into operation on such day or days as may be fixed by order or orders of the Minister, either generally or with reference to any particular purpose or provisions, and different days may be so fixed for different purposes and different provisions of this Act.

Enactments Repealed

Chapter and Year (1)	Short Title (2)	Extent of Repeal (3)
c. 60, 1894.	Merchant Shipping Act, 1894.	Sections 92, 471, 473, 474.
c. 48, 1906.	Merchant Shipping Act, 1906.	Section 56.
c. 42, 1914.	Merchant Shipping (Certificates) Act, 1914.	The whole Act.

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Acht do dhéanamh socrú chun an tAire Turasóireachta agus Iompair d'eisiúint deimhnithe inniúlachta d'earnálacha áirithe mairnéalach, chun na críche sin d'aisghairm forálacha áirithe de na hAchtanna Loingis Cheann-aíochta, 1894 go 1968, agus do dhéanamh socrú i dtaobh nithe eile a bhaineann leis na nithe sin thuas.

An tAire Turasóireachta agus Iompair a thiolaic

*Ritheadh ag Dáil Éireann,
6 Nollaig, 1979*

BAILE ÁTHA CLIATH:
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR

Le ceannach díreach ón Oifig Díolta Foilseachán Rialtais,
An Stuaire, Ard-Oifig an Phoist, Baile Átha Cliath, nó trí
son díoltóir leabhar.

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entitled

An Act to provide for the issue by the Minister for Tourism and Transport of certificates of competency to certain categories of seamen, for that purpose to repeal certain provisions of the Merchant Shipping Acts, 1894 to 1968, and to provide for other matters connected with the above matters.

*Presented by the Minister for Tourism and
Transport*

*Passed by Dáil Éireann,
6th December, 1979*

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