



STATUTORY INSTRUMENTS.

S.I. No. 90 of 2014



STATISTICS (CARRIAGE OF GOODS AND PASSENGERS BY SEA)
ORDER 2013

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ORDER 2013

I, ENDA KENNY, Taoiseach, in exercise of the powers conferred on me by section 25(1) of the Statistics Act 1993 (No. 21 of 1993) and for the purpose of giving effect to Directive 2009/42/EC of the European Parliament and of the Council of 6 December 2009¹ (Recast), hereby order as follows:

1. This Order may be cited as the Statistics (Carriage of Goods and Passengers by Sea) Order 2013.

2. (1) In this Order—

“Annex” means Annex VIII to the Directive;

“Directive” means Directive 2009/42/EC of the European Parliament and of the Council of 6 December 2009¹ on statistical returns in respect of carriage of goods and passengers by sea (Recast);

“fishery harbour centre” has the meaning assigned to it by the Fishery Harbour Centres Act 1968 (No. 18 of 1968);

“maritime transport operator” means any person by whom or on behalf of whom a contract for the transport of goods or persons by sea is concluded with a shipper or a passenger;

“Office” means Central Statistics Office;

“port authority” means a body or Minister specified in Schedule 1 or 2 and—

- (a) in the case of Iarnród Éireann — Irish Rail, shall be construed as referring to that company acting as the body having the control or management of Rosslare Harbour,
- (b) in the case of Louth County Council, shall be construed as referring to that council acting as the body maintaining Annagassan Pier,
- (c) in the case of Carlingford Lough Shipping Agency Ltd., shall be construed as referring to that company acting as the body having the control or management of Greenore Port,
- (d) in the case of CRH Roadstone Provinces Ltd., shall be construed as referring to that company acting as the body having the control or management of Arklow Head Port,

¹OJ No. L141, 6.6.2009, p.29.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 21st February, 2014.*

- (e) in the case of Donegal County Council, shall be construed as referring to that council acting as the body maintaining the harbour of Ballyshannon, the harbour of Bunrana, the harbour of Burtonport, the harbour of Greencastle and the harbour of Rathmullan,
- (f) in the case of Dungarvan Town Council, shall be construed as referring to that council acting as the body maintaining Dungarvan Harbour,
- (g) in the case of Kilrush Town Council, shall be construed as referring to that council acting as the body maintaining Cappa Pier at Kilrush,
- (h) in the case of River Moy Commissioners, shall be construed as referring to those Commissioners acting as the body having the control or management of River Moy Harbour, and
- (i) in the case of Youghal Town Council, shall be construed as referring to that council acting as the body maintaining Youghal Harbour,

and includes any body or person to which or to whom the responsibilities for such control or management, or maintenance, as the case may be, are assigned;

“quarter” means a period of 3 months beginning on the 1st day of January, the 1st day of April, the 1st day of July or the 1st day of October in any year;

“seagoing vessel” means a seagoing vessel other than—

- (a) a vessel which navigates exclusively in inland waters or in waters within, or closely adjacent to, sheltered waters or areas where port regulations apply,
- (b) a fish-catching vessel,
- (c) a fish-processing vessel,
- (d) a vessel for drilling and exploration,
- (e) a tug,
- (f) a pusher craft,
- (g) a research and survey vessel,
- (h) a dredger,
- (i) a naval vessel, or
- (j) a vessel used solely for non-commercial purposes.

(2) A word or expression that is used in this Order and is also used in the Directive has the same meaning in this Order as it has in the Directive.

3. (1) (a) A maritime transport operator who, in any quarter commencing with the quarter that begins on the 1st day of January, 2012, uses a port of a port authority specified in Part 1 of Schedule 1 shall, not later than 2 months after the expiration of that quarter, provide that port authority with the information required to complete data sets A1, A2, C1, D1 and F2 specified in the Annex relating to—

(i) goods loaded onto or unloaded from, and passengers who embarked onto or disembarked from, a seagoing vessel of that operator at that port, and

(ii) each such vessel,

during that quarter.

(b) A maritime transport operator who, in any quarter commencing with the quarter that begins on the 1st day of January, 2012, uses a port of a port authority specified in Part 2 of Schedule 1 shall, not later than 2 months after the expiration of that quarter, provide that port authority with the information required to complete data sets A1, A2, C1 and F2 specified in the Annex relating to—

(i) goods loaded onto or unloaded from a seagoing vessel of that operator at that port, and

(ii) each such vessel,

during that quarter.

(c) A maritime transport operator who, in any quarter commencing with the quarter that begins on the 1st day of January, 2012, uses a port of a port authority specified in Part 3 of Schedule 1 shall, not later than 2 months after the expiration of that quarter, provide that port authority with the information required to complete data sets D1 and F2 specified in the Annex relating to—

(i) passengers who embarked onto or disembarked from, a seagoing vessel of that operator at that port, and

(ii) each such vessel,

during that quarter.

(2) (a) A maritime transport operator who, in any year commencing with the year 2012, uses a port of a port authority specified in Part 1 or Part 2 of Schedule 1 shall, not later than 2 months after the expiration of that year, provide that port authority with the information required to complete data sets A3, B1 and E1 specified in the Annex relating to—

- (i) goods loaded onto or unloaded from, and passengers who embarked onto or disembarked from, a seagoing vessel of that operator at that port, and
- (ii) each such vessel,

during that year.

- (b) A maritime transport operator who, in any year commencing with the year 2012, uses a port of a port authority specified in Part 3 of Schedule 1 or in Schedule 2 shall, not later than 2 months after the expiration of that year, provide that port authority with the information required to complete data set A3 specified in the Annex relating to goods loaded onto or unloaded from, and passengers who embarked onto or disembarked from, a seagoing vessel of that operator at that port during that year.

- 4. (1) (a) A port authority specified in Part 1 of Schedule 1 shall, not later than 3 months after the expiration of any quarter commencing with the quarter that begins on the 1st day of January, 2012, provide the Office with information in accordance with data sets A1, A2, C1, D1 and F2 specified in the Annex relating to—

- (i) goods loaded onto or unloaded from, and passengers who embarked onto or disembarked from, a seagoing vessel at a port of that port authority, and
- (ii) each such vessel,

during that quarter.

- (b) A port authority specified in Part 2 of Schedule 1 shall, not later than 3 months after the expiration of any quarter commencing with the quarter that begins on the 1st day of January, 2012, provide the Office with information in accordance with data sets A1, A2, C1 and F2 specified in the Annex relating to—

- (i) goods loaded onto or unloaded from a seagoing vessel of that operator at port of that port authority, and
- (ii) each such vessel,

during that quarter.

- (c) A port authority specified in Part 3 of Schedule 1 shall, not later than 3 months after the expiration of any quarter commencing with the quarter that begins on the 1st day of January, 2012, provide the Office with information in accordance with data sets D1 and F2 specified in the Annex relating to—

- (i) passengers who embarked onto or disembarked from a seagoing vessel at each port of that port authority, and

(ii) each such vessel,

during that quarter.

(2) (a) A port authority specified in Part 1 or Part 2 of Schedule 1 shall, not later than 4 months after the expiration of any year commencing with the year 2012, provide the Office with information in accordance with data sets A3, B1 and E1 specified in the Annex relating to—

(i) goods loaded onto or unloaded from, and passengers who embarked onto or disembarked from, seagoing vessels at each port of that port authority, and

(ii) each of those vessels,

during that year.

(b) A port authority specified in Part 3 of Schedule 1 or in Schedule 2 shall, not later than 4 months after the expiration of any year commencing with the year 2012, provide the Office with information in accordance with data set A3 specified in the Annex relating to goods loaded onto or unloaded from, and passengers who embarked onto or disembarked from, seagoing vessels at each port of that port authority during that year.

5. A person who fails or refuses to comply with a requirement of Article 3 or 4 commits an offence.

6. Where an offence under this Order is committed by a body corporate and is proved to have been so committed with the consent, connivance or approval of, or to have been attributable to any neglect on the part of any person, being a director, manager, secretary or other similar officer of the body corporate, or any other person purporting to act in any such capacity, that person, as well as the body corporate, commits an offence and is liable to be proceeded against and punished as if he or she committed the first-mentioned offence.

7. The Statistics (Carriage of Goods and Passengers by Sea) Order (S.I. No. 750 of 2007) is revoked.

SCHEDULE 1
PORT AUTHORITIES FOR PORTS PROVIDING INFORMATION TO
THE OFFICE QUARTERLY AND ANNUALLY

Articles 3 and 4.

PART 1

Port of Cork Company.

Dublin Port Company.

Iarnród Éireann — Irish Rail.

PART 2

Bantry Bay Harbour Commissioners.

Drogheda Port Company.

Galway Harbour Company.

New Ross Port Company.

Shannon Foynes Port Company.

Port of Waterford Company.

PART 3

Dún Laoghaire Harbour Company.

SCHEDULE 2

PORT AUTHORITIES FOR PORTS PROVIDING INFORMATION TO
THE OFFICE ANNUALLY

Articles 3 and 4.

Louth County Council.

Arklow Harbour Commissioners.

Baltimore and Skibbereen Harbour Commissioners.

Carlingford Lough Shipping Agency Ltd.

CRH Roadstone Provinces Ltd.

Dingle Harbour Commissioners.

Donegal County Council.

Dundalk Harbour Commissioners.

Dungarvan Town Council.

Kilrush Town Council.

Kinsale Harbour Commissioners.

The Minister for Agriculture, Food and the Marine, in relation to the following fishery harbour centres:

- (a) the fishery harbour centre referred to as Castletownbere Fishery Harbour Centre in the Fishery Harbour Centre (Castletownbere) Order 1970 (S.I. No. 57 of 1970);
- (b) the fishery harbour centre referred to as Dunmore East Fishery Harbour Centre in the Fishery Harbour Centre (Dunmore East) Order 1989 (S.I. No. 337 of 1989);
- (c) the fishery harbour centre referred to as Howth Fishery Harbour Centre in the Fishery Harbour Centre (Howth) Order 1989 (S.I. No. 336 of 1989);
- (d) the fishery harbour centre referred to as Killybegs Fishery Harbour Centre in the Fishery Harbour Centre (Killybegs) Order 1969 (S.I. No. 210 of 1969);
- (e) the fishery harbour centre referred to as Rossaveel Fishery Harbour Centre in the Fishery Harbour Centre (Rossaveel) Order 1981 (S.I. No. 208 of 1981).

River Moy Commissioners.

Sligo Harbour Commissioners.

Tralee and Fenit Pier and Harbour Commissioners.

Westport Port and Harbour Commissioners.

Wexford Harbour Commissioners.

Wicklow Port Company.

Youghal Town Council.



GIVEN under my Official Seal,
30 January 2014.

ENDA KENNY,
Taoiseach.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
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