



STATUTORY INSTRUMENTS.

S.I. No. 19 of 2022



EUROPEAN UNION (PASSENGER SHIPS) (AMENDMENT)
REGULATIONS 2022

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I, EAMON RYAN, Minister for Transport, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving further effect to Directive 2009/45/EC of the European Parliament and of the Council of 6 May 2009¹, as amended by Commission Delegated Regulation (EU) 2020/411 of 19 November 2019², hereby make the following regulations:

1. These Regulations may be cited as the European Union (Passenger Ships) (Amendment) Regulations 2022.

2. In these Regulations “Principal Regulations” means European Union (Passenger Ships) Regulations 2019 (S. I. No. 676 of 2019).

3. Regulation 2(1) of the Principal Regulations is amended by substituting —

(a) for the definition of “Directive” the following:

“ ‘Directive’ means Directive 2009/45/EC of the European Parliament and of the Council of 6 May 2009¹, as amended by Commission Directive 2010/36/EU of 1 June 2010³, Commission Directive (EU) 2016/844 of 27 May 2016⁴, Directive (EU) 2017/2108 of the European Parliament and of the Council of 15 November 2017⁵ and Commission Delegated Regulation (EU) 2020/411 of 19 November 2019²;”, and

(b) for the definition of “Minister” the following:

“ ‘Minister’ means Minister for Transport;”.

4. Regulation 13 of the Principal Regulations is amended by inserting after paragraph (4) the following:

“(5) Where a certificate is suspended or revoked under this Regulation, the holder of the certificate may, within 14 days of notification of the suspension or revocation, make representations to the Minister. The Minister shall consider any such representations and having considered them may confirm (with or without variation) the decision or withdraw the suspension or revocation.

¹ OJ L 163, 25.6.2009, p.1.

² OJ L 83, 19.3.2020, p.1.

³ OJ L 162, 29.6.2010, p.1.

⁴ OJ L 141, 28.5.2016, p.51

⁵ OJ L 315, 30.11.2017, p.1 .

(6) A suspension or revocation under this Regulation takes effect on the date of its notification to the holder, notwithstanding any representations made under paragraph (5) or appeal brought under Regulation 17A(1). However, the holder may make an application to the District Court referred to in Regulation 17A(1) for an order to suspend the suspension or revocation and, if granted, the suspension or revocation stands suspended until the determination or withdrawal of the appeal.”.

5. Regulation 17 of the Principal Regulations is amended —

(a) by substituting for paragraph (2) the following:

“(2) The Minister may withdraw a High Speed Craft Safety Certificate or a Permit to Operate High Speed Craft issued under paragraph (1) where, in relation to the Irish high-speed passenger craft concerned, the Minister is satisfied that there is a failure to comply with the applicable requirements of the HSC Code.”,

(b) by substituting for paragraph (4) the following:

“(4) The Minister may withdraw a DSC Construction and Equipment Certificate or a DSC Permit to Operate High Speed Craft issued under paragraph (3) where, in relation to the Irish high-speed passenger craft concerned, the Minister is satisfied that there is a failure to comply with the requirements of the DSC Code.”, and

(c) by inserting after paragraph (4) the following:

“(4A) Where a certificate or permit is withdrawn under paragraph (2) or (4), the holder of the certificate or permit may, within 14 days of notification of the withdrawal, make representations to the Minister. The Minister shall consider any such representations and having considered them may confirm (with or without variation) or revoke the withdrawal.

(4B) A withdrawal under paragraph (2) or (4) takes effect on the date of its notification to the holder, notwithstanding any representations made under paragraph (4A) or appeal brought under Regulation 17A(1). However, the holder may make an application to the District Court referred to in Regulation 17A(1) for an order to suspend the withdrawal and, if granted, the withdrawal stands suspended until the determination or withdrawal of the appeal.”.

6. The following is inserted after Regulation 17 of the Principal Regulations:

“Appeals – certificates

17A (1) The holder of a passenger ship safety certificate revoked or suspended under Regulation 13 or a certificate or permit withdrawn under Regulation 17 may, within 14 days of the expiry of the period in which to make representations to the Minister under Regulation 13(4) or 17(4A), as the case may be, appeal the decision to the judge of the District Court in whose district the decision was made. A notice of an appeal shall contain a statement of the grounds on which the appeal is made and be made by written notice, which shall be lodged with the appropriate office of the Court by the appellant within 14 days of the expiry of the period in which to make representations to the Minister under Regulation 13(4) or 17(4A). The judge may confirm (with or without variation) the decision or allow the appeal.

(2) The bringing of an appeal under this Regulation shall not have the effect of suspending the operation of the suspension, revocation or withdrawal of the certificate or permit concerned, but the District Court may, on application to it by the appellant, suspend its operation until the appeal is determined or withdrawn.

Prohibition on proceeding to sea without certification

17B Where —

- (a) a ship or craft proceeds to sea which is required to be certified by the Minister under Regulation 12 or 17, without being so certified, or
- (b) a certificate is revoked or suspended under Regulation 13 or a certificate or permit is withdrawn under Regulation 17, as the case may be, and the ship or craft to which it relates proceeds to sea,

the owner, operator and master of the ship or craft each commits an offence.”.

7. The following is substituted for Regulation 23 of the Principal Regulations:

“Penalties and prosecution

23. (1) A person who commits an offence under Regulation 14, 16(3) or (4), 17(5) or (6) or 18(2) is liable on summary conviction to a class A fine.

(2) A person who commits an offence under Regulation 5, 6(2), 7, 9(5), 10(2), 11(1), 12(6) or 17B is liable —

- (a) on summary conviction, to a class A fine, or

(b) on conviction on indictment, to a fine not exceeding €250,000.

(3) A person who commits an offence under Regulation 15 or 19 is liable

(a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 3 months, or both, or

(b) on conviction on indictment, to a fine not exceeding €250,000 or imprisonment for a term not exceeding 12 months, or both.

(4) An offence under these Regulations may be brought and prosecuted summarily by the Minister.”.

8. Schedule 2 to the Principal Regulations is amended, in the Sea Area entry entitled South Coast of Ireland, by substituting for the matter in the first column —

(a) in the second last entry “Toe Head to Fastnet Rock”, and

(b) in the last entry “Fastnet Rock to Streak Head”.



GIVEN under my Official Seal,
17 January, 2022.

EAMON RYAN,
Minister for Transport.

EXPLANATORY NOTE

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

This Statutory Instrument amends the European Union (Passenger Ships) Regulations 2019 (S.I. No. 676 of 2019) to give further effect to Commission Delegated Regulation (EU) 2020/411 of 19 November 2019 amending Directive 2009/45/EC of the European Parliament and the Council on safety rules and standards for passenger ships, as regards the safety requirements for passenger ships engaged on domestic voyages.

It also amends the Schedule of Sea Areas listed in Schedule 2 to S.I. No. 676 of 2019.

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