

# S.I. No. 381/1993 - Merchant Shipping (Life-Saving Appliances) Rules, 1983 (Amendment) Rules, 1993.

---

S.I. No. 381 of 1993.

MERCHANT SHIPPING (LIFE-SAVING APPLIANCES) RULES, 1983 (AMENDMENT) RULES, 1993.

I, DAVID ANDREWS, Minister for the Marine, in exercise of the powers conferred on me by section 427 of the Merchant Shipping Act, 1894 (as amended by section 11 of the Merchant Shipping (Safety Convention) Act, 1952 (No. 29 of 1952) and section 10 of the Merchant Shipping Act, 1966 (No. 20 of 1966)) and the Communications (Transfer of Departmental Administration and Ministerial Functions) Order, 1987 ( S.I. No. 91 of 1987 ), hereby make the following Rules:—

1. These Rules may be cited as the Merchant Shipping (Life-Saving Appliances) Rules, 1983 (Amendment) Rules, 1993, and shall come into operation on the 1st day of April, 1994.

2. The Merchant Shipping (Life-Saving Appliances) Rules, 1983 ( S.I. No. 302 of 1983 ), are hereby amended by the substitution for Rule 1 (3) of the following Rules:—

"(3) These Rules apply in relation to:—

( a ) all existing ships registered in the State and other existing ships while they are within the State or the territorial waters thereof;

( b ) new ships of classes III, IV, V and VI registered in the State and other such ships while they are within the State or the territorial waters thereof;

Provided that these Rules shall not apply to:

(i) a ship by reason of her being within a port in the State if she would not have been in any such port but for stress of weather or any other circumstances that neither the master nor the owner nor the character (if any) could have prevented;

(ii) pleasure craft which are not passenger ships and are of less than 13.7 metres in length;

(iii) fishing vessels;

( c ) in this Rule:—

(i) "new ship" means a ship the keel of which is laid or which is at a similar state of construction on or after 1 July, 1986; and "similar stage of construction" means the stage at which

( a ) construction identifiable with a specific ship begins; and

( b ) assembly of that ship has commenced comprising at least 50 tonnes or 1 per cent. of the estimated mass of all structural material whichever is the less".

(ii) "existing ship" means a ship other than a new ship."

3. The Merchant Shipping (Life-Saving Appliances) Rules, 1983 ( S.I. No. 302 of 1983 ) are hereby amended as follows:—

(1) In Rule 1:

( a ) In paragraph (2) there shall be substituted the following definitions for the definition of "Certificated lifeboatman";

""Certificated person" means a member of the crew who holds either

( a ) a Certificate of Proficiency in Survival Craft under the Merchant Shipping (Certificates of Proficiency in Survival Craft) Regulations, 1984, ( S.I. No. 191 of 1984 ), or such certificate issued by or under the authority of any Government outside the State which is recognised by the Minister as being Equivalent to a certificate issued under those Regulations;

or

( b ) a Certificate of Efficiency as Lifeboatman issued before 19th October, 1984, by or under the authority of the Minister or such certificate issued before 19th October, 1984 by or under the Authority of any Government outside the State which is recognised by the Minister as being the equivalent of such a certificate issued by or under the Authority of the Minister;";

( *b* ) in paragraph (2) for the definition of "pleasure craft" there shall be substituted the following:

""Pleasure craft" means a vessel (other than a passenger ship and ship engaged in trade) primarily used for sport or recreation;"

( *c* ) in paragraph (2) for the definition of "tons" there shall be substituted the following:

""Tons" means gross tons and a reference to tons:

( *a* ) in relation to a ship having alternative gross tonnages under paragraph 12 of the Fourth Schedule to the Merchant Shipping (Tonnage) Regulations, 1984 ( S.I. No. 369 of 1984 ), is a reference to the larger of those tonnages; and

( *b* ) in relation to a ship having its tonnage determined both under Part II and Regulation 16 of those Regulations is a reference to its gross tonnage as determined under Regulation 16 of those Regulations.";

( *d* ) in paragraph (2) for the definition of "Near continental trading area" there shall be substituted the following:

""Near continental trading area" means the area defined in Schedule 2 to the Merchant Shipping (Certification of Deck Officers) Regulations, 1988 ( S.I. No. 368 of 1988 )."

(2) in Rule 2:

( *a* ) in paragraph (1) in the definitions of Classes III and VI passenger ships for "fine weather" there shall be substituted "favourable weather";

( *b* ) in paragraph (1) in the definition of Class XII the words "(other than ships of Classes I to VI inclusive)" shall be deleted;

( *c* ) in paragraph (2) in the appropriate alphabetical order there shall be inserted the following definitions:

""Favourable weather" means fine, clear settled weather with a sea state such as to cause only moderate rolling or pitching;"

""International voyage" has the meaning given to it in the Merchant Shipping.(Safety Convention) Act, 1952 (No. 29 of 1952);"

""Short international voyage" has the meaning given to it in the Merchant Shipping.(Safety Convention) Act, 1952 (No. 29 of 1952);"

(3) Rule 29 (2) shall be deleted.

(4) In Rule 35 (6) (a) the word "banked" shall be inserted between "single" and "complement".

(5) In Rule 37 for paragraphs (1) and (2) there shall be substituted the following:

"(1) Every lifeboat carried in a ship of Class I, every lifeboat carried in a ship of Classes VII, VII(A), and VII(T) in compliance with Rules 10 (2), 11 (2) and 12 (2) respectively, and every lifeboat carried in a ship of Class XI in compliance with sub-paragraph (a) of Rule 21 (2) shall be provided with a food ration totalling not less than 10,000 kilojoules for each person it is deemed to accommodate. Such ration shall not be required on ships of Classes I or XI which do not make voyages outside the Near continental trading area.

"(2) Such rations shall be kept in airtight packaging and be stowed in suitable watertight containers labelled to indicate the contents."

(6) In Rule 37 (3) after "VIII" there shall be added "VIII(T)".

(7) For Rule 43 (3) there shall be substituted the following:—

"43 (3) ( a ) Lifebuoys shall be so distributed as to be readily available on both sides of the ship and as far as practicable on all open decks extending to the ship's side. At least one lifebuoy shall be placed in the vicinity of the stern.

( b ) Lifebuoys shall be so stowed as to be capable of being rapidly cast loose, and shall not be permanently secured in any way.

( c ) Except as otherwise provided, lifebuoys with lights and those with lights and smoke signals shall be equally distributed on both sides of the ship."

(8) For Rule 45 there shall be substituted the following:—

"45 (1) This Rule applies to ships of Classes I, II, II(A), III, VII, VII(A), VII(T), VIII, VIII(T) and ships of Classes IX and XI engaged on international voyages.

(2) There shall be a sufficient number of crew members to operate the survival craft and launching arrangements required for abandonment by the total number of persons on board. The minimum number of deck officers, certificated persons and other crew members required to be carried shall be specified in a Marine Notice which may be amended or replaced from time to time.

(3) A deck-officer or certificated person shall be placed in charge of each lifeboat to be used. In addition a deck officer or certificated person shall be nominated second-in-command of such lifeboat.

(4) Except as otherwise provided in this paragraph a deck officer or certificated person shall be placed in charge of each liferaft to be used. In ships of Classes II, II(A) and III the person placed in charge of the liferaft may in lieu of a deck officer or certificated person be a crew member practised in the handling and operation of liferaft.

(5) The person in charge of a survival craft shall have a list of the survival craft crew and shall ensure that the crew under his command are acquainted with their duties. In lifeboats the second-in-command shall also have a list of the life-boat crew.

(6) In ships carrying liferafts served by launching appliances a deck officer or certificated person shall be assigned to each launching appliance.

(7) In ships carrying liferafts not served by launching appliances a deck officer or certificated person shall be assigned to each launching position.

(8) A person capable of operating the engine and carrying out minor adjustments shall be assigned to every motor lifeboat.