



STATUTORY INSTRUMENTS.

S.I. No. 314 of 2023

MERCHANT SHIPPING (SOLAS V – SAFE MANNING AND
WATCHKEEPING) REGULATIONS 2023

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I, JACK CHAMBERS, Minister of State at the Department of Transport, in exercise of the powers conferred on me by section 59 of the Merchant Shipping Act 2010 (No. 14 of 2010) and the Maritime Transport, Safety and Security (Transfer of Departmental Administration and Ministerial Functions) Order 2005 (S.I. No. 842 of 2005) (as adapted by the Transport (Alteration of Name of Department and Title of Minister) Order 2020 (S.I. No. 351 of 2020)) and the Transport (Delegation of Ministerial Functions) Order 2023 (S.I. No. 211 of 2023), hereby make the following regulations:

Citation and commencement

1. (1) These Regulations may be cited as the Merchant Shipping (SOLAS V – Safe Manning and Watchkeeping) Regulations 2023.
- (2) These Regulations come into operation on 1 July 2023.

Definitions

2. In these Regulations -

“hazardous cargo” means cargo classified as hazardous within the International Maritime Organization’s hazard classes in accordance with the International Maritime Dangerous Goods Code;

“Irish ship” has the meaning assigned to it under section 9 of the Mercantile Marine Act 1955 (No. 29 of 1955);

“partially smooth waters” means the areas of water specified in column (3) of the Schedule;

“sea-going” means going beyond the limits of smooth and partially smooth waters;

“shipowner”, in relation to a ship, means the person registered in the State as its owner or, if no person is so registered, the person who owns the ship, and includes any part owner, charterer, manager or operator of the ship;

“smooth waters” means the areas of water specified in column (2) of the Schedule;

“STCW Code” means the Seafarers’ Training, Certification and Watchkeeping Code and any amendments thereto and up to and including those amendments adopted by the Maritime Safety Committee of the International Maritime Organization at its one hundred and third session held between 5 and 14 May 2021.

Application

3. (1) Subject to paragraph (2), these Regulations apply to Irish sea-going ships of 100 gross tonnes or more and to other ships in a port in the State.

(2) These Regulations do not apply to ships of war, troopships, fishing vessels, or pleasure craft not engaged in trade.

Official language

4. (1) Every shipowner, or master as appropriate, shall ensure that in relation to each ship –

- (a) a working language is established,
- (b) the working language is recorded in the ship's logbook,
- (c) every seafarer onboard the ship understands the working language,
- (d) where necessary, seafarers have the ability to give orders and instructions and report back in the working language, and
- (e) all plans and lists required to be posted on the ship shall be provided in English and if the working language is not English, all plans and lists required to be posted on the ship shall include a translation into the working language.

(2) Every seafarer shall ensure that he or she understands the working language of the ship.

(3) Subject to paragraph (4), every shipowner, or master as appropriate, shall ensure that English is used on the bridge as the working language for –

- (a) bridge-to-bridge safety communications,
- (b) bridge-to-shore safety communications, and
- (c) communications between bridge watchkeeping crew and every pilot.

(4) If the persons involved in the communication under paragraph (3) speak a common language other than English, that language may be used for the communication.

Safe Manning

5. (1) A shipowner of an Irish ship shall, in submitting an application to the Minister for a minimum safe manning document, include proposals as to the numbers and grade of personnel the owner considers should be carried on board so that the ship is safely manned when proceeding to sea, taking into account any guidance issued by the Marine Survey Office of the Department of Transport in relation to the preparation of the application.

(2) A shipowner of an Irish ship shall ensure that every seafarer assigned to the ship has had the necessary training specified in the European Union (Training, Certification and Watchkeeping for Seafarers) Regulations 2014 (S.I.

No. 242 of 2014) and holds an appropriate certificate in respect of any function he or she is to perform on the ship.

(3) In determining proposals for the safe manning of the ship under paragraph (1), the shipowner should, at a minimum, take account of;

- (a) the capability to –
 - (i) maintain safe navigational, engineering and radio watches and general surveillance of the ship,
 - (ii) moor and unmoor the ship safely,
 - (iii) manage the safety function of the ship when employed in a stationary or near-stationary mode at sea,
 - (iv) perform operations, as appropriate, for the prevention of damage to the marine environment,
 - (v) maintain the safety arrangement and the cleanliness of all accessible spaces to minimise the risk of fire,
 - (vi) provide for medical care on board the ship,
 - (vii) ensure safe carriage of cargo during transit,
 - (viii) inspect and maintain the structural integrity of the ship, and
 - (ix) operate in accordance with the approved ship's security plan, where relevant,
- (b) the ability to operate –
 - (i) all watertight closing arrangements and maintain them in effective condition, and also deploy a competent damage control party,
 - (ii) all on-board fire-fighting and emergency equipment and live-saving appliances, carry out such maintenance of this equipment as is required to be done at sea, and muster and disembark all persons on board, and
 - (iii) the main propulsion and auxiliary machinery and maintain them in a safe condition to enable the ship to overcome the foreseeable perils of the voyage,
- (c) the need to meet the requirements of:
 - (i) Regulation 6 as regards watchkeeping arrangements, and
 - (ii) Regulation 6 of the European Communities (Merchant Shipping) (Organisation of Working Time) Regulations 2003 (S.I. No. 532 of 2003) as regards hours of rest, and
- (d) any other special consideration in relation to the operation of the ship.

(4) Notwithstanding the revocation of the Merchant Shipping (Safe Manning, Hours of Work and Watchkeeping) Regulations 1998 (S.I. No. 551 of 1998), any safe manning document issued to an Irish ship pursuant to those Regulations shall continue in force.

Watchkeeping arrangements

6. (1) The master of any ship shall ensure that the watchkeeping arrangements for the ship are at all times adequate for maintaining safe navigational and engineering watches, having regard to section A-VIII of the STCW Code.

(2) Without prejudice to the duties of the master provided by paragraph (1), the master of a ship shall give directions to the navigational watchkeeping officers responsible for the safe navigation of the ship during their periods of duty in accordance with Part 4-1 of section A-VIII/2 of the STCW Code.

(3) The chief engineer officer of a ship shall ensure that the engineering watchkeeping arrangements for the ship are at all times adequate for maintaining a safe engineering watch in accordance with Part 4-2 of section A-VIII/2 of the STCW Code, and when deciding the composition of the watch the chief engineer officer shall also observe the principles set out in that Part.

(4) The master of a ship shall ensure that the radio watchkeeping arrangements for the ship are at all times adequate for maintaining a safe watch in accordance with Part 4-3 of section A-VIII/2 of the STCW Code.

Watchkeeping arrangements in port

7. (1) The master of a ship which is safely moored or safely at anchor under normal circumstances in port shall arrange for an appropriate and effective watch to be maintained for the purposes of safety.

(2) Arrangements referred to in paragraph (1) shall be in accordance with Part 5 of section A-VIII/2 of the STCW Code.

Watchkeeping arrangements in port for ships carrying hazardous cargo

8. The master of any ship which is carrying hazardous cargo and which is in port, even when safely moored or safely at anchor, shall, in addition to any watchkeeping arrangements required under Regulation 7 comply with either of the following as appropriate:

- (a) where a ship is carrying hazardous cargo in bulk, ensure that a safe deck watch and safe engineering watch are maintained by the ready availability on board of a duly qualified officer or officers and ratings where appropriate;
- (b) where a ship is carrying hazardous cargo other than in bulk, ensure that in organising safe watchkeeping arrangements he or she takes account of the nature, quantity, packing and stowage of the hazardous cargo and of any special conditions on board, afloat and ashore.

Revocation

9. The following are revoked:

- (a) the Merchant Shipping (Safe Manning, Hours of Work and Watchkeeping) Regulations 1998 (S.I. No. 551 of 1998),
- (b) the Merchant Shipping (Safe Manning, Hours of Work and Watchkeeping) (Amendment) Regulations 2000 (S.I. No. 85 of 2000), and
- (c) the Merchant Shipping (Safe Manning, Hours of Work and Watchkeeping) (Amendment) Regulations 2002 (S.I. No. 425 of 2002).

SCHEDULE

Regulation 2

PORT AREAS (SMOOTH WATERS AND PARTIALLY SMOOTH WATERS)

(1) Place	(2) Areas of smooth waters	(3) Areas of partially smooth waters
Carlingford Lough	Within a line from Greencastle Point to Greenore	In summer: Inside of a line joining Cranfeld Point and Ballagan Point In winter: In favourable weather only, within a line drawn from Greenore and Greencastle points to a boundary line drawn from Soldiers Point at 245° to charted ruins at Ballytrasna
Dundalk	Westward of Longitude 006°21'W within Castletown Estuary	In summer and in favourable weather only, within a line joining Cooley Point and Dunany Point
Drogheda	Within a line from Crook Point to Burrow Point	In summer: In favourable weather only, within a radius of 2.6 nautical miles from the eastern tip of the north breakwater and terminating at the northern and southern foreshores respectively In winter: No partially smooth waters
Skerries	No smooth waters	To St. Patrick's Island in fine weather and daylight only
Rogerstown Inlet	West of Longitude 006°06.5'W	No partially smooth waters
Malahide Inlet	West of Longitude 006°08'W	No partially smooth waters
Howth Sound	No smooth waters	Within a line from the North end of Eastern Breakwater to Thulla and south of a line joining Westwood to Steer Rock
Dublin	Inside the Pier Heads	In summer: Within a line from Dalkey Island to Bailey Point In winter:

		(a) for tenders to ocean liners only; within a line from Dalkey Island to Bailey Point, in fine weather. (b) for all other ships; no partially smooth waters
Dun Laoghaire	Inside Pier Heads	As Dublin
Wicklow	Inside the Pier Heads	In summer and in favourable weather only, within 2 nautical miles of the pier heads
Arklow	Inside the Pier Heads	In summer and in favourable weather only, within 2 nautical miles of the pier heads
Wexford	Inside Wexford Bridge	Within a line from Raven Point to Rosslare Point
Saltees Islands	No smooth waters	In summer: In favourable weather only; licenced passenger boats operating as tenders and with an approved tender safety plan and no more than 50m from the designated landing point specified in the tender safety plan In winter: No partially smooth waters
Bannow Estuary	Bannow Bay. Within a line drawn East to West at the entrance to Bannow Bay at 052°12.9' N	In summer: In favourable weather only within a line between Ingard Point and Clammers Point
Waterford	Within a line from Passage to Ballyhack	In summer: Within a line from Dunmore to Hook Point In winter: Within a line from Geneva Barrack to Duncannon Light
Dungarvan	West of Cunnigar Point	In summer: Inside a line joining Ballynacourty Point Lighthouse to the western most point of the mainland of Helvick Head In winter: No partially smooth waters

Youghal	Within a line from Ferry Point to Green Park	No partially smooth waters
Cork	Within a line from Ram's Head to Dognose Quay	Within a radius of 3 miles from Roche's Point, in favourable weather
Oysterhaven	North of Ferry Point	In summer: North of Kinure Point In Winter: No partially smooth waters
Kinsale Harbour	Within a line from Blockhouse Point and Summer Cove	Within a line from Moneypoint and Carrignarone
Courtmacsherry	West of 008°41.5' W	In summer: North of a line joining Wood Point and Coolmain Point In winter: No partially smooth waters
Glandore	North of Long Point	In summer: North of a line joining Sheila Point and Goats Head In winter: No partially smooth waters
Castle Haven	East of Reen Point	In summer: North of Reen Point In winter: No partially smooth waters
Crookhaven	West of longitude 009°42' W	No partially smooth waters
Baltimore	In Baltimore Harbour and inside lines drawn between the following points; from Beacon Point to Barrack Point, from Long Point to Deelish Rock and from Deelish Rock to Frolic Point	No partially smooth waters
Schull	North of a line joining Skull Point and Coosheen Pt.	Gun Point to the West end of Long Island, North of Long Island and inside a line joining Copper Pt. to Coosheen Pt.
Dunbeacon Harbour, Dunmanus Bay	No smooth waters	Within a line joining Rossmore Point and Dunbeacon Point, in favourable weather only

Bantry Bay	From Bantry or Glengariff: Within a line joining Four Heads Point East and inside Whiddy Island From Castletownbere: Inside Bere Island	Castletownbere to within a line from Lonehort Point to White Horse Point, in favourable weather and in daylight only
Kenmare (including Ardgroom and Kilmakilloge Harbours)	North of $51^{\circ}50.0'N$	In summer and in favourable weather and daylight only: East of Longitude $9^{\circ}54.7'W$. In Winter: inside a line joining Dog's Pt and Laughaun Point and North of Rossmorebullig Pt.
Blasket Islands and Dunquin	No smooth waters	Great Blasket Island – within a 500 metre radius of the pier. Dunquin Harbour – within a 500 metre radius of the pier
Valentia	Between lines joining Knightstown and Renards Point and Portmagee Swing Bridge	In favourable weather only, within a line joining Ringcaheragh Point and Scughaport Reef and within a line joining Fort Point to Beginish Island and inside Doulus Bar
Ventry Harbour	No smooth waters	In summer and in favourable weather only, within a line joining Parkmore Point and Paddock Point
Smerwick Harbour	No smooth waters	In summer: Inside of a line joining Carrigbrean to Dunacapple Island In winter time: No partially smooth waters
Brandon Bay	No smooth waters	In summer: Inside of lines joining Brandon Point to Illaunboe to Rough Point
Tralee Bay	In summer and in favourable weather and daylight only: Inside a line joining Fenit Breakwater Light to Derrymore Point	In Tralee Bay south of a line running east through Rough Point
Castlemaine Harbour	No smooth waters	East of a line joining Rossbehy Point to Inch Point

Dingle Harbour	Within a line joining Flaherty Point and Black Point	No partially smooth waters
The Shannon	East of Rinalan Point	East of a straight line joining Carrig Island, Scattery Island Lighthouse and the Clare Coast
Doolin Point	No smooth waters	No partially smooth waters
Kilronan	No smooth waters	In summer: Within 0.6' from Kilronan Pier In winter: No partially smooth waters
Galway	Lough Corrib	(a) for ships when serving as tenders to ocean liners only; within a line from Black Head to Carrahouuna Point (b) for all other ships: within a line from Black Rock Beacon to Kilcolgan Point
Cashla Bay, Greatmans Bay Kilkieran Bay	Area of smooth waters, in favourable weather only, is considered to be to all waters inside Cashla Bay north of Tonacrick Point, all waters inside of Greatmans Bay north of Rin Point and all waters inside of Kilkieran Bay (and Casheen Bay) east of Kilkieran Point	No partially smooth waters
Roundstone Bay	No smooth waters	In summer time: North of an east west line through Inishnee Pt. In winter time: No partially Smooth Waters
Cleggan /Inishbofin	Within a line from Cleggan Point to Roeillaun	Within the area bounded by lines joining Cleggan Point to Lyon Point and Roeillaun to Shark Head and inside Bofin Harbour, in favourable weather and daylight only
Clifden Bay	No smooth waters	In favourable weather and daylight only, within a line due North from Fishing Point
Ballynakill Harbour	Inside Ross Point	In summer, favourable weather and daylight only, inside Freaghillaun Island

Killary Harbour	Inside Inishbarna Islands	Within a line from Tonakeera Point to Culfin Point, in favourable weather and daylight only
Clew Bay	Area of smooth waters, in favourable weather only, is considered to be to all waters to the east of a line joining Curraghmore Point to Inishgort Light House to Rosturk Castle	No partially smooth waters
Westport	Within a line from Murrisk Pier to Inishgort Light.	No partially smooth waters.
Achill Sound	North of Darby's Point to 54°00'N (In way of Bull's Mouth)	No partially smooth waters
Blacksod Bay	Inside Dooniver Point	In favourable weather only, within a line from Blacksod Point to Kinfinalta Point
Broadhaven Bay	Within a line from Shanaghy Point to Fox Point	In favourable weather only, from Gubacashel to Brandy Point
Sruwaddacon Bay	No smooth waters	East of 009° 50' West
Clare Island		Within a line from Roonagh Head to Clare Island East Harbour and Achillbeg Island to Clare Island
Killala Bay	Inside Rinnaun Point	Within 3 miles from Ross Point in favourable weather and daylight only
Sligo Harbour	Inside Metal Man Rocks. On Lough Gill	Within a line from Raghy Point to Black Rock Point
Ballyshannon	Inside the bar	Within a line from Aughrus Point to Kildone Point in favourable weather and daylight only
Donegal	Inside the bar	Within a line from Doorin Point to Kildone Point in favourable weather and daylight only
Killybegs	No smooth waters	Inside a line joining Rotton Island to Port Roslin
Teelin		Within a distance of 3 miles from Dundawoona Point in favourable weather and daylight only

Burtonport	No smooth waters	Within an area bounded by lines from Ranagh Point to Wyon Point and Rinnagey to Rough Island
Sheephaven Bay	No smooth waters	In summer: South of 55°12'N In winter: No partially smooth waters
Mulroy Bay	Within a line from Dundooan Point and Inbeverbeg Bay	In favourable weather only, within a line from Melmore Head and Ballyhoorisky Point
Lough Swilly	Within a line from Buncrana to Muckarnish Point	Within a line from Dunree Head to Portsalon
Lough Foyle	Inside a line joining Greencastle and Magilligan Point	No partially smooth waters

The outer limits of the smooth water areas specified in column (2) of this Schedule shall be taken to be the corresponding inner limits of the partially smooth water areas specified in column (3) of this Schedule. Unless otherwise indicated these limits apply at all times of the year.

In this Schedule—

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

“summer” means the months of April to October, inclusive;

“winter” means the months of November to March, inclusive.

GIVEN under my hand,
13 June 2023

JACK CHAMBERS,
Minister of State at the Department of Transport

EXPLANATORY NOTE

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

These Regulations implement Regulation 14 of Chapter V of the Convention for Safety of Life at Sea and set out the obligations for shipowners and masters of a ship in relation to the safe manning of a ship and associated watchkeeping requirements. The Regulations revoke and replace the Merchant Shipping (Safe Manning, Hours of Work and Watchkeeping) Regulations 1998 (S.I. No. 551 of 1998) and its amending Regulations.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
BÓTHAR BHAILE UÍ BHEOLÁIN,
CILL MHAIGHNEANN,
BAILE ÁTHA CLIATH 8,
D08 XAO6

Tel: 046 942 3100
r-phost: publications@opw.ie

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