



STATUTORY INSTRUMENTS.

S.I. No. 222 of 2022

MERCHANT SHIPPING (RADIO INSTALLATIONS SURVEY) RULES
2022

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I, HILDEGARDE NAUGHTON, Minister of State at the Department of Transport, in exercise of the powers conferred on me by section 15 (inserted by section 8(1) of the Merchant Shipping Act 2010 (No. 14 of 2010)) of the Merchant Shipping (Safety Convention) Act 1952 (No. 29 of 1952), (as adapted by the Transport, Tourism and Sport (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 2020 (S.I. No. 759 of 2020), after consultation with the Minister for the Environment, Climate and Communications hereby, make the following rules:

1. These Rules may be cited as the Merchant Shipping (Radio Installations Survey) Rules 2022.

2. In these Rules –

“anniversary date” means the day and the month of each year which will correspond to the date of expiry of a radio certificate;

“initial survey” means a complete inspection of the radio installations of a ship;

“minister” means Minister for Transport;

“nominated surveyor” means a suitably qualified surveyor nominated by the Minister to undertake the surveys required by these Rules on behalf of the Minister and may include a radio surveyor of the Department of Transport;

“panel of surveyors” means a list of nominated surveyors carrying out statutory radio surveys, prepared by the Marine Survey Office of the Department of Transport and published in a marine notice;

“radio certificate” means a cargo ship safety radio certificate;

“radio installation” means any radio installation provided on board a ship in compliance with the Radio Rules, including its associated antennae, inter-connecting circuits and, where appropriate, sources of electrical energy, and including those used in life-saving appliances;

“Radio Rules” means the Merchant Shipping (Radio) Rules 2018 (S.I. No. 452 of 2018);

“renewal survey” or “periodical survey” means an inspection of the radio installations of a ship;

“tons” means the gross register tonnage of a ship and the gross tonnage of a ship having alternative gross tonnages shall be taken to be the larger of those tonnages.

3. (1) Subject to paragraph (2), these Rules apply to sea-going ships registered in the State of 300 gross tons or over.

(2) These Rules do not apply to –

- (a) passenger ships,
- (b) ships not propelled by mechanical means,
- (c) warships of the State,
- (d) fishing vessels, or
- (e) pleasure craft.

4. (1) The owner of every ship to which these Rules apply, and in respect of which a radio certificate has not previously been issued, shall cause the same to undergo an initial survey by a radio surveyor of the Department of Transport. However, such a survey may be carried out by a nominated surveyor from the panel of surveyors with the permission of the Minister.

(2) The owner of every ship to which these Rules apply and in respect of which a radio certificate has been issued previously, shall cause the same to undergo a periodical survey by a nominated surveyor within three months before or after each anniversary date of the radio certificate and to undergo a renewal survey by a nominated surveyor on or before the expiry date of the radio certificate.

(3) Any application for a survey under paragraph (1) or (2) shall be accompanied by such information relating to the ship as the nominated surveyor may require for the purposes of the survey.

(4) Every application for the survey of a ship under this Rule shall be made by or on behalf of the owner of the ship to a nominated surveyor. Applications made to the Minister for a survey required by this Rule to be undertaken by a radio surveyor of the Department of Transport shall be accompanied by such fee as may be prescribed under section 5 of the Merchant Shipping (Safety Convention) Act 1952 (No. 29 of 1952).

(5) The nominated surveyor shall, upon receipt of an application, survey the ship and be satisfied that the radio installations:

- (a) comply with the requirements of the Radio Rules applicable to the ship, or are exempt from those requirements, and
- (b) are in all respects satisfactory for the service for which the ship is intended, having regard to the period for which a radio certificate in respect of the ship is to be issued.

(6) The nominated surveyor, if satisfied on the survey that he or she may properly do so, shall endorse the radio certificate, if a radio certificate has been previously issued, as appropriate to the type of survey that has been carried out and shall forward to the Minister a Declaration of Survey containing such particulars of the ship and its radio installations as are required by the Minister. The Minister shall issue a radio certificate in respect of a ship which has undergone an initial survey or a renewal survey.

5. (1) The owner or master of every ship in relation to which these Rules apply shall ensure that:

- (a) the condition of its radio installations is maintained so as to comply with the Radio Rules;
- (b) after any survey required by these Rules has been completed, no material change shall be made in its radio installations subject to such survey without the approval of the Minister; and
- (c) whenever an accident occurs to the ship or a defect is discovered either of which affects the efficiency or completeness of its radio installations, it shall be reported at the earliest opportunity to the Marine Survey Office whom shall cause investigations to be initiated to determine whether a survey by a nominated surveyor is necessary and shall in the event require such a survey to be carried out. If the ship is in a port outside the State, the master or owner shall, in addition, make such a report immediately to the appropriate authorities of the country in which the port is situated.

(2) The nominated surveyor shall ascertain from the appropriate authorities of the country in which the port is situated that the report referred to in paragraph (1)(c) has been made.

6. (1) In any case where a nominated surveyor determines that the condition of the radio installations does not correspond substantially with the particulars of the radio certificate or is such that the ship is not fit to proceed to sea without danger to the ship or persons on board, the nominated surveyor shall advise the owner or master of the corrective action which is required and shall notify the Minister.

(2) If such corrective action is not taken within such period (being a reasonable period) as the nominated surveyor may specify, the nominated surveyor shall, at the end of that time, immediately notify the Minister who may, on receipt of such notification, suspend the validity of the radio certificate issued in relation to the ship. The Minister shall give notice of any such suspension to the owner and to the nominated surveyor and the nominated surveyor shall notify the master.

(3) The master shall thereupon deliver up the certificate issued in relation to the ship to the nominated surveyor on demand and the owner shall on receipt of notice of suspension deliver up the duplicate certificate to the Minister.

(4) When a nominated surveyor is satisfied that corrective action has been taken, he or she shall notify the Minister and where the validity of the certificate has been suspended, the Minister shall –

- (a) restore the validity of the certificate,
- (b) give notice of such restoration to the owner, and
- (c) return the duplicate certificate to the owner.

(5) A nominated surveyor shall return the certificate issued in relation to a ship to the master.

(6) Where a ship is not within a port in the State and corrective action in accordance with paragraph (2) has not yet taken place, the nominated surveyor shall in addition immediately notify the appropriate authorities of the country in which the port is situated.

7. The Merchant Shipping (Radio Installations Survey) Rules 1983 (S.I. No. 313 of 1983) are revoked.

GIVEN under my hand,
4 May 2022

HILDEGARDE NAUGHTON,
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 Rules implement the provisions of the survey and certification regime of the International Convention for the Safety of Life at Sea, 1974 (SOLAS), in respect of radio installations surveys for merchant ships. The Rules revoke and replace the Merchant Shipping (Radio Installations Survey) Rules 1983 (S.I. No. 313 of 1983) and clarify that suitably qualified surveyors that have successfully gone through the Department's selection process and are placed on the panel of surveyors may undertake certain radio surveys on behalf of the Department on ships to which the Rules apply.

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