

Basic principles

The promulgation of the Merchant Shipping (National Small Vessel Safety) Regulations, 2007, brought into effect a new regime for small vessels on inland waters and form part of the greater regulatory regime, which covers maritime matters specifically in this case, the Merchant Shipping Act, 1951.

[Small vessels being "commercial" vessels (*"commercial" meaning vessels used for purposes other than sport and recreation and requiring licensing under section 68 of the Merchant Shipping Act, 1951*) under 25 gross tons and recreational vessels under 100 gross tons.]

The current set of small vessel regulations covers both recreational and licensed vessels in a single instrument, although some distinctions are made between the two throughout the text so care should be taken to read isolated text carefully and in context.

On tidal waters and sea areas the regime has already applied for four years. On inland waters not previously regulated the safety regulations partially apply as of August 2007, however regarding the certification of skippers, the marking and certification of certain vessels, there is a period of 12 months to complete this process. In addition, vessels used in these inland waters need only comply with the design and construction requirements within two years unless considered unsafe.

Inland waters means all waters accessible to the public and includes the waters contained within ports, fishing harbours, lagoons, rivers, dams, wetlands and lakes.

The latest regulations also replace the previous regulations, which applied to vessels under 3 metres and now applies to all vessels.

1. Safety certification, vessel numbering and annual seaworthy inspections are required for all commercial vessels and pleasure vessels powered by engines of more than 15HP as well as pleasure sailing vessels of 9m or more.
2. Skippers of all commercial vessels and pleasure motor vessels of more than 15HP and pleasure sailing vessels of 9m or more are required to hold a suitably endorsed certificate of competence.
3. The fitting of sufficient buoyancy (or the carriage of a liferaft) is given a high priority.
4. It is also a requirement to carry and use personal flotation devices (lifejackets and buoyancy aids).
5. Kill switches are now required to be worn by the operator when vessels >15HP and ≤9m are underway. (Not applicable when transiting the surf zone).
6. Skippers are required to leave appropriate voyage information behind at the launch site.
7. Sobriety of the vessel skipper or operator is enforced and has the same limitations as for motor vehicles.
8. Vessels are categorised according to the area of operation and equipment levels are prescribed for each category.
9. There are certain minimum requirements regarding construction, however these are not intended to control the boat building industry. Passenger vessels are an exception where all vessels have to be built under SAMSA survey.
10. It is now an offence to sell a vessel which does not comply with the construction requirements (e.g. buoyancy) unless accompanied by a letter or certificate detailing the deficiencies.
11. National rules are now in force regarding the collision rules and ski-ing.
12. Jet skis are now regulated like every other vessel, and if under 3m must operate in the area designated by local authorities.