



STATUTORY INSTRUMENTS.

S.I. No. 466 of 2022



MERCHANT SHIPPING (LIFE-SAVING APPLIANCES) (AMENDMENT)
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 82 of the Merchant Shipping Act 2010 (No. 14 of 2010) (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), hereby make the following rules:

1. These Rules may be cited as the Merchant Shipping (Life-Saving Appliances) (Amendment) Rules 2022.

2. In these Rules “Principal Rules” means the Merchant Shipping (Life-Saving Appliances) Rules 2018 (S.I. No. 438 of 2018).

3. Rule 2(1) of the Principal Rules is amended –

- (a) by inserting before the definition of “all ships” the following:
 - “ ‘a 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 less;”, and
- (b) by inserting after the definition of “recovery time” the following:
 - “ ‘Requirements for maintenance, thorough examination, operational testing, overhaul and repair’ means the Requirements for maintenance, thorough examination, operational testing, overhaul and repair of lifeboats and rescue boats, launching appliances and release gear, adopted by the Maritime Safety Committee of the IMO by resolution MSC.402(96), as may be amended by the IMO, provided that such amendments are adopted, brought into force and take effect in accordance with the provisions of article VIII of the present Safety Convention concerning the amendment procedures applicable to the annex other than chapter I;”, and
- (c) by substituting for the definition of “Safety Convention” the following:
 - “ ‘Safety Convention’ means the International Convention for the Safety of Life at Sea signed in London on behalf of the Government on 1 November 1974 together with the Protocol to

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 23rd September, 2022.*

the International Convention for the Safety of Life at Sea signed in London on behalf of the Government on 17 February 1978 and the Protocol to the International Convention for the Safety of Life at Sea signed in London on behalf of the Government on 11 November 1988 and any amendments made to it up to and including those adopted by the 99th session of the Maritime Safety Committee of the International Maritime Organisation held between 16 and 25 May 2018 and which have entered into force in respect of the State pursuant to Article VIII prior to the passing of the Merchant Shipping (Investigation of Marine Casualties) (Amendment) Act 2022;”.

4. Rule 3 of the Principal Rules is amended –

(a) in paragraph (4) –

(i) by substituting for subparagraph (a) the following:

“(a) ensure that, subject to subparagraph (b), the requirements which are applicable under chapter III of the Safety Convention, in force prior to 1 July 1998, to new or existing ships, as prescribed by that chapter are complied with,” and

(ii) in subparagraph (b), by substituting “replaced, and” for “replaced.”, and

(iii) by inserting after subparagraph (b) the following:

“(bb) ensure that the requirements of Rules 31(3) and 38(3)(i) are complied with.”, and

(iv) in subparagraph (c), by substituting “subparagraph (b)” for “paragraph 4(b)”, and

(b) by substituting for paragraph (5) the following:

“(5) For the purpose of these Rules, a cargo ship, whenever built, which is converted to a passenger ship shall be treated as a passenger ship constructed on the date on which such a conversion commences.”.

5. The Principal Rules are amended by inserting after Rule 18 the following:

“Recovery of persons from the water

18A (1) All ships shall have ship-specific plans and procedures for recovery of persons from the water, taking into account the IMO Guidelines for the development of plans and procedures for recovery of persons from the water in MSC.1/Circ.1447 in its updated version. The plans and procedures shall identify the equipment intended to be used for recovery purposes and measures to be taken to minimize the risk to shipboard personnel involved in recovery operations.

(2) Ro-ro passenger ships which comply with Rule 27(5) shall be deemed to comply with this Rule.”.

6. Rule 20 of the Principal Rules is amended –

(a) in paragraph (2) –

(i) by substituting for subparagraphs (b) and (c) the following:

“(b) On a ship engaged on a voyage where passengers are scheduled to be on board for more than 24 hours, musters of newly-embarked passengers shall take place prior to or immediately upon departure. Passengers shall be instructed in the use of the lifejackets and the action to take in an emergency.

(c) Whenever new passengers embark, a passenger safety briefing shall be given immediately before departure or immediately after departure. The briefing shall include the instructions required by Rule 9(2) and (4) and shall be made by means of an announcement in one or more languages likely to be understood by the passengers. The announcement shall be made on the ship's public address system or by other equivalent means likely to be heard at least by the passengers who have not yet heard it during the voyage. The briefing may be included in the muster required by subparagraph (b). Information cards or posters or video programmes displayed on ships video displays may be used to supplement the briefing but may not be used to replace the announcement.”, and

(b) in paragraph (3), by inserting after subparagraph (b) the following:

“(bb) Crew members with enclosed space entry or rescue responsibilities shall participate in an enclosed space entry and rescue drill, to be held on board the ship, at least once every two months.”, and

(c) in paragraph (4), by inserting after subparagraph (c) the following:

“Enclosed space entry and rescue drills

(d) (i) Enclosed space entry and rescue drills shall be planned and conducted in a safe manner, taking into account, as appropriate, the guidance provided in the Revised Recommendations for entering enclosed spaces aboard ships adopted by the IMO in resolution A.1050(27), in its updated version.

(ii) Each enclosed space entry and rescue drill shall include:

- (I) checking and use of personal protective equipment required for entry;
 - (II) checking and use of communication equipment and procedures;
 - (III) checking and use of instruments for measuring the atmosphere in enclosed spaces;
 - (IV) checking and use of rescue equipment and procedures; and
 - (V) instructions in first aid and resuscitation techniques.”, and
- (d) in paragraph (5)(b) –
- (i) in clause (iii), by substituting “conditions;” for “conditions; and”,
 - (ii) in clause (iv), by substituting “appliances; and” for “appliances.”, and
 - (iii) by inserting after clause (iv) the following:

“(v) risks associated with enclosed spaces and onboard procedures for safe entry into such spaces which shall take into account, as appropriate, the guidance provided in Revised Recommendations for entering enclosed spaces aboard ships adopted by the IMO by resolution A.1050(27), in its updated version.”, and
- (e) in paragraph (6), by substituting “fire drills, enclosed space entry and rescue drills,” for “fire drills,”.

7. Rule 21 of the Principal Rules is amended –

- (a) in paragraph (3), by substituting for subparagraph (a) the following:

“(a) Maintenance, testing and inspections of life-saving appliances shall be carried out in a manner having due regard to ensuring reliability of such appliances.”, and
- (b) by substituting for paragraph (11) the following:

“(11) Maintenance, thorough examination, operational testing, overhaul and repair of lifeboats, rescue boats and fast rescue boats, launching appliances and release gear:

 - (a) Launching appliances shall be:

- (i) subject to a thorough examination at the annual surveys required by Safety Convention regulations I/7 or I/8, as applicable; and
 - (ii) upon completion of the examination referred to in clause (i), subjected to a dynamic test of the winch brake at maximum lowering speed. The load to be applied shall be the mass of the survival craft or rescue boat without persons on board, except that, at intervals of at least once every five years, the test shall be carried out with a proof load equal to 1.1 times the weight of the survival craft or rescue boat and its full complement of persons and equipment.
- (b) Lifeboat and rescue boat release gear, including fast rescue boat release gear and free-fall lifeboat release systems, shall be:
 - (i) subject to a thorough examination and operational test during the annual surveys required by Safety Convention regulations I/7 and I/8;
 - (ii) operationally tested under a load of 1.1 times the total mass of the boat when loaded with its full complement of persons and equipment whenever the release gear is overhauled. Such overhauling and operational test shall be carried out at least once every five years; and
 - (iii) notwithstanding clause (ii), the operational testing of free-fall lifeboat release systems shall be performed either by free fall launch with only the operating crew on board or by a test without launching the lifeboat carried out based on Requirements for maintenance, thorough examination, operational testing, overhaul and repair.
- (c) Davit-launched liferaft automatic release hooks shall be:
 - (i) subject to a thorough examination and operational test during the annual surveys required by Safety Convention regulations I/7 and I/8; and
 - (ii) operationally tested under a load of 1.1 times the total mass of the liferaft when loaded with its full complement of persons and equipment whenever the automatic release hook is overhauled. Such overhauling and operational test shall be carried out at least once every five years.

- (d) Lifeboats and rescue boats, including fast rescue boats, shall be subject to a thorough examination and operational test during the annual surveys required by Safety Convention regulations I/7 and I/8.
- (e) The thorough examination, operational testing and overhaul required by subparagraphs (a) to (d) and the maintenance and repair of equipment specified in subparagraphs (a) to (d) shall be carried out in accordance with the Requirements for maintenance, thorough examination, operational testing, overhaul and repair and the instructions for onboard maintenance as required by Rule 37.
- (f) The thorough examinations, overhauls and operational tests, carried out at intervals of at least once every five years, specified in subparagraphs (a) to (c) shall be carried out in the presence of a surveyor of ships:
 - (i) by certified personnel from a service provider authorised by the Marine Survey Office of the Department of Transport;
 - or
 - (ii) notwithstanding clause (i) and having regard to IMO resolution MSC.402(96) in its updated version, with the prior approval of the Marine Survey Office of the Department of Transport, by a service provider authorised by another Safety Convention contracting government or by a recognised organisation.”.

8. Rule 31 of the Principal Rules is amended by inserting after paragraph (2) the following:

“(3) Damage control drills shall be conducted as required by Safety Convention regulation II-1/19-1.”.

9. Rule 38(3) of the Principal Rules is amended –

- (a) in subparagraph (g), by substituting “fires;” for “fires; and”,
- (b) in subparagraph (h), by substituting “installations; and” for “installations.”, and
- (c) by inserting after subparagraph (h) the following:
 - “(i) in the case of a passenger ship, damage control for flooding emergencies.”.

10. Rule 39 of the Principal Rules is amended in paragraph (2) by substituting “Part 2” for “part B” in subparagraph (a) and (b).

GIVEN under my hand,
21 September 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 amend the Merchant Shipping (Life-Saving Appliances) Rules 2018 (S.I. No. 438 of 2018) to give effect to amendments to the International Convention for the Safety of Life at Sea (SOLAS) 1974 insofar as they relate to Chapter III, which deals with life-saving appliances and arrangements.

The Rules address amendments up to and including those adopted at the 98th session of the Maritime Safety Committee of the International Maritime Organization in June 2017 relating to such matters as drills, muster lists, plans and procedures for recovery of persons from the water and maintenance and inspection of life-saving appliances.

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