

Marine Notice No. 56 of 2012

Notice to all owners, masters and users of pleasure and recreational craft, and other vessels operating in Irish waters.

Alcohol and Drugs

This Marine Notice is addressed to pleasure and recreational craft owners, masters and users, as well as persons operating vessels in Irish waters generally. The purpose of this Marine Notice is to remind the public of the law in relation to being under the influence of alcohol and/or drugs when operating or being on board recreational craft or any vessel in Irish waters or on board vessels or objects being towed by recreational craft. The 2010 Annual Report of the Marine Casualty Investigation Board has highlighted the dangers inherent in excessive alcohol consumption whilst on board or operating a vessel.

Pleasure and Recreational Craft

The Pleasure Craft (Personal Flotation Devices and Operation) (Safety) Regulations 2005 [S.I. No. 921 of 2005], as amended, The Pleasure Craft (Personal Flotation Devices and Operation) (Safety) (Amendment) Regulations 2012 [S.I. No. 349 of 2012], apply to pleasure craft being operated in Irish waters. Pleasure craft includes personal watercraft (jet skis) and fast power craft.

1. While operating a pleasure craft, it is against the law to be under the influence of alcohol or drugs or any combination of drugs or of drugs and alcohol to such an extent as to be incapable of having proper control of the craft.
2. While being towed by or on board a vessel or object of any kind (e.g. donut) being towed by a pleasure craft, it is against the law to consume or be under the influence of alcohol or drugs or any combination of drugs or of drugs and alcohol.
3. While on board a pleasure craft it is against the law to consume alcohol or drugs in circumstances which could:
 - Affect the safety of others on board or others using Irish waters
 - Create a disturbance on board or be a nuisance to others using Irish waters.
4. It is a requirement for the master or owner of a pleasure craft to take all reasonable steps to ensure that persons comply with the regulations.
5. Where an authorised officer has reasonable grounds for believing that a person is committing or has committed an offence under the regulations, he or she may serve a fixed payment notice in the prescribed form on the person in question. Payment of €150 may be made during the period of 21 days from the date of the notice in lieu of prosecution. Failure to pay the €150 within the 21 days will lead to

the institution of prosecution proceedings and, on summary conviction, to a fine not exceeding €5,000 or to imprisonment for a term not exceeding 6 months, or to both.

Operation of vessels generally in Irish waters

The Maritime Safety Act 2005 (No. 11 of 2005) contains a range of provisions relating to the prohibition on operating a vessel in Irish waters while under the influence of alcohol or drugs, including as follows:

1. A person in command or in charge or another member of the crew of a vessel in Irish waters (or an Irish ship in waters anywhere) must not operate or control or attempt to operate or control the vessel or carry out any task or duty in relation to the operation or control of the vessel while he or she is under the influence of alcohol or a drug or any combination of drugs, or drugs and alcohol to such an extent as to be incapable of properly controlling or operating the vessel or carrying out the task or duty (Section 28).
2. A person on board a vessel in Irish waters (or an Irish ship in waters anywhere) must not consume alcohol or take a drug or any combination of drugs or drugs and alcohol while on board the vessel in circumstances which could affect the safety of persons or create a disturbance or serious nuisance on board the vessel or affect the safety of other persons using Irish waters or constitute a nuisance to such persons (Section 30).
3. Failure to comply with the above requirements is an offence and the person is liable on summary conviction to a fine not exceeding €5,000 or to imprisonment for a term not exceeding 3 months or both.
4. If a person in command or in charge or another member of the crew of a vessel is, while on duty, under the influence of alcohol or a drug or any combination of drugs or drugs and alcohol to such an extent that his or her ability to discharge his or her duties is impaired, he or she commits an offence and is liable on summary conviction to a fine not exceeding €5,000 (Section 29).
5. A person on board a vessel in Irish waters (or on an Irish ship in waters anywhere) who through any deliberate or reckless action or by reason of being under the influence of alcohol or a drug or any combination of drugs or drugs and alcohol puts at risk or endangers the safety, security or seaworthiness of the vessel or the lives or safety of persons on board commits an offence and is liable on summary conviction to a fine not exceeding €5,000 or to imprisonment for a term not exceeding 6 months or both, or on conviction on indictment, to a fine not exceeding €100,000 or to imprisonment for a term not exceeding 2 years or both (Section 32).

Director General,
Maritime Safety Directorate,
Department of Transport, Tourism and Sport,
Leeson Lane, Dublin 2, Ireland.

02/10/2012

| |
|--|
| <p>For any technical assistance in relation to this Marine Notice, please contact: The Marine Survey Office, Leeson Lane, Dublin 2, tel: +353-(0)1-678 3400. For general enquiries, please contact the Maritime Safety Policy Division, tel: +353-(0)1-678 3418. Written enquiries concerning Marine Notices should be addressed to: Maritime Safety Directorate, Department of Transport, Tourism and Sport, Leeson Lane, Dublin 2, Ireland. email: marinenotices@dtas.ie or visit us at: www.dttas.ie</p> |
|--|