

**2019 No. 000**

**SUBJECT**

**The Merchant Shipping (Safety of Navigation) Regulations  
2019.**

|                               |         |             |
|-------------------------------|---------|-------------|
| <i>Made</i>                   | - - - - | <i>2018</i> |
| <i>Laid before Parliament</i> |         | <i>2018</i> |
| <i>Coming into force</i>      | - -     | <i>2018</i> |

The Secretary of State in exercise of the powers conferred by sections 77, 85(1) and (5) to (7), section 86(1) and (2)(a) and section 306A of the Merchant Shipping Act 1995<sup>(a)</sup>, and having consulted the persons referred to in section 86(4) of that Act makes the following Regulations.

**Citation and Commencement**

1.—(1) These Regulations may be cited as the Merchant Shipping (Safety of Navigation) Regulations 2019.

(2) These Regulations come into force [date] 2019.

**Interpretation**

2.—(1) In these Regulations—

“the Act” means the Merchant Shipping Act 1995;

“category “A”, “category B”, “category C” and “category D” as they relate to the categorisation of waters have the same meanings as in Merchant Shipping Notice 1837 (M) Amendment 2;

“Chapter V” means Chapter V of the annex to the SOLAS Convention;

“Convention” means the SOLAS Convention;

“Merchant Shipping Notice” means a notice described as such and issued by the Secretary of State and any reference to a particular Merchant Shipping Notice includes a reference to a Merchant Shipping Notice amending or replacing that Notice which is considered by the Secretary of State to be relevant from time to time;

“sea-going” means a ship which operates outside category A, B, C and D waters; and

“the SOLAS Convention” means the International Convention for the Safety of Life at Sea, 1974 as amended from time to time”.

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(a) 1995 c.21. Section 85 (1) and (3) were amended by section 8 of the Merchant Shipping and Maritime Security Act 1997 (c.28). Section 306A was inserted by section 106 of the Deregulation Act 2015 (c.20).

## Application

3.—(1) Subject to the following paragraphs and to the provisions of individual regulations in Chapter V, these Regulations apply to all United Kingdom ships wherever they may be and to all other ships while they are within United Kingdom waters.

(2) These Regulations do not apply to—

- (a) Warships, naval auxiliaries and ships which are owned or operated by a Contracting Government and used only on government non-commercial service;
- (b) ships navigating solely the Great Lakes of North America and their connecting and tributary waters as far east as the lower exit of the St. Lambert Lock at Montreal in the Province of Quebec, Canada;
- (c) ships to which the Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000 apply<sup>(a)</sup>;
- (d) ships to which the Merchant Shipping (Passenger Ships) (Safety Code for UK Categorised Waters) Regulations 2010<sup>(b)</sup> apply;
- (e) vessels to which the Merchant Shipping (Technical Requirements for Inland Waterway Vessels) Regulations 2010<sup>(c)</sup> apply.

(3) Regulations 18, 19 and 20 do not apply to ships to which the Merchant Shipping (High Speed Craft) Regulations 2004<sup>(d)</sup> apply

(4) Regulations 19 and 20 in Chapter V, paragraphs 1 to 3 and 7 and 8 of regulation 18 in Chapter V, in so far as they relate to systems and equipment, do not apply in relation to ships below 150 gross tons engaged on any voyage.

(5) Regulation 19 in Chapter V does not apply to—

- (a) United Kingdom ships which are neither passenger ships nor sea-going; or
- (b) fishing vessels.

(6) Paragraphs 2.11 to 2.1.6 and 2.1.9 and 2.1.9 of regulation 19 in Chapter, and regulations 24 to 28 in Chapter V do not apply to pleasure vessels below 150 gross tons on any voyage.

(7) Paragraph 2.2.3 of regulation 19 in Chapter V does not apply to a ship below 150 gross tons engaged on any voyage or to a ship below 500 gross tons not engaged on an international voyage.

(8) Paragraph 2.4 of regulation 19 in Chapter V does not apply to United Kingdom passenger ships which—

- (a) are not sea-going, or
- (b) are below 300 gross tons and not engaged on international voyage.

(9) Regulation 23 in Chapter V does not apply to—

- (a) ships below 150 gross tons engaged on any voyage;
- (b) ships below 500 gross tons not engaged on international voyages; or
- (c) fishing vessels,

unless they are engaged on a voyage during the course of which a pilot is likely to be employed.

(10) Regulations 24 to 26 in Chapter V do not apply to ships other than sea-going ships.

In this regulation—

“Contracting Government” means the Government of a State which has consented to be bound by the Convention;

“domestic voyage” means a voyage in sea areas from a port of a member State or EEA State to the same or another port of that member State or EEA State;

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(a) S.I.2000/2687, amended by S.I. 2002/1473, S.I.2004/302, S.I.2004/2883, S.I.2010/1680, S.I.2010/1075 and S.I.2012/2636.

(b) S.I.2010/680, amended by S.I.2010/1075 and S.I.2011/3056.

(c) S.I.2010/1075.

(d) 2004/302, amended by S.I. 2004/2883, S.I.2005/2114 and S.I. 2012/2636.

“international voyage” means a voyage from a country to which the Convention applies to a port outside that country, or conversely;

“gross tons” means gross tonnage ascertained under regulation 12(1) of the Merchant Shipping (Tonnage) Regulations 1997(a);

“passenger ship” means a ship carrying more than 12 passengers, and for the purposes of this definition a passenger is every person other than:

- (a) the master and the members of the crew or other persons employed or engaged in any capacity on board a ship on the business of that ship,
- (b) a child under one year of age, and
- (c) persons who are on board the ship by reason of force majeure or in consequence of the obligation laid upon the master to carry shipwrecked or other persons;

“pleasure vessel” means—

- (d) any vessel which at the time it is being used is—
  - (i) (aa) in the case of a vessel wholly owned by an individual or individuals, used only for the sport or pleasure of the owner or the immediate family or friends of the owner; or
  - (bb) in the case of a vessel owned by a body corporate, used only for sport or pleasure and on which the persons on board are employees or officers of the body corporate, or their immediate family or friends; and
  - (ii) on a voyage or excursion which is one for which the owner does not receive money for or in connection with operating the vessel or carrying any person, other than as a contribution to the direct expenses of the operation of the vessel incurred during the voyage or excursion; or
- (e) any vessel wholly owned by or on behalf of a members’ club formed for the purpose of sport or pleasure which, at the time it is being used, is used only for the sport or pleasure of members of that club or their immediate family, and for the use of which any charges levied are paid into club funds and applied for the general use of the club;

where, in the case of any vessel referred to in paragraphs (a) or (b), no other payments are made by or on behalf of users of the vessel, other than by the owner; and in this definition “immediate family” means, in relation to an individual, the spouse or civil partner of the individual, and a relative of the individual or the individual’s spouse or civil partner; and “relative” means brother, sister, ancestor or lineal descendant.

#### **Ambulatory reference**

**4.—**(1) The references in these Regulations to the Convention and to Chapter V have effect as follows—

- (a) the references to the Convention and to Chapter V and to the provisions of individual regulations in Chapter V are to be construed as references to that convention and that chapter and those regulations as modified from time to time pursuant to Article VIII of the Convention;
- (b) references to regulations and to paragraphs of Chapter V are to be construed as references to those provisions as they exist at the date these Regulations are made or, if a regulation or a paragraph is modified or replaced, to that provision or paragraph as so modified or replaced;
- (c) a modification referred to in paragraph (a) has effect at the time that the modification comes into force in accordance with paragraph (b)(vi)(2) of Article VIII of the Convention;

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(a) S.I.1997/1510, amended by S.I./1998.

- (d) no modification affects any [obligations], rights or liabilities arising before the day on which the modification has effect.

(2) A modification may have effect subject to any provision that may be specified in a Merchant Shipping Notice from time to time.

### **Safety of navigation requirements**

5.—(1) Subject to paragraph (3), a ship to which these Regulations apply must comply with such of the requirements referred to in paragraph (2) as apply in relation to a ship of its description.

(2) The requirements are those referred to in the following regulations or paragraphs of regulations in Chapter V—

paragraph 3 of regulation 7,  
paragraph 7 of regulation 10,  
paragraph 7 of regulation 11,  
paragraphs 3 and 4 of regulation 14,  
paragraphs 2 and 3 of regulation 17,  
paragraphs 1 to 3 and 7 to 9 of regulation 18,  
regulation 19,  
paragraphs 2 and 4 to 7 regulation 19-1,  
paragraphs 1 and 2 of regulation 20,  
regulations 21 to 30,  
paragraphs 1 and 4 of regulation 31,  
paragraphs 1, 2, 4 and 5 of regulation 32,  
paragraphs 1, 2 and 6 of regulation 33,  
regulation 34, and  
regulation 34-1.

(3) A ship to which these Regulations apply must alternatively or additionally (as the case may be) comply with such of the requirements, if any as are specified in a Merchant Shipping Notice which applies in relation to a ship of its description and which relates to all or any of the purposes set out in section 85(1) of the Act.

(4) Where a requirement referred to in paragraph (2) is set out in a provision to which there is a footnote, and it is clear from the wording and the context that the content of the footnote, or of a document referred to in the footnote, is intended to form part of the requirement, then such content must be treated as part of the requirement; and for these purposes a “footnote” is a note identified as such in the text of Chapter V.

(5) Nothing in regulations 24 to 26 in Chapter V relating to the use of track or control systems must override special rules made by an appropriate authority for roadsteads, harbours, rivers, lakes or inland waterways connected with the high seas and navigable by sea-going ships; and for these purposes an “appropriate authority” means any person empowered by law to make the special rules.

### **Exemptions and permission for equivalents**

6.—(1) The following paragraphs of this regulation are subject to regulation 7.

(2) The Secretary of State may grant exemptions from all or any of the provisions set out in regulations 15, 17 to 19 (except paragraph 2.1.7 of regulation 19), 20, 22 and 24 to 28 in Chapter V for ships without mechanical means of propulsion on such terms (if any) as may be specified.

(3) In the circumstances set out in paragraph (4) the Secretary of State may in an individual case—

- (a) grant exemptions from all or any of the provisions of these Regulations (as may be specified in the exemption) on such terms (if any) as may be specified, or
  - (b) permit any fitting, material, appliance or apparatus, or type thereof, to be fitted or carried in a ship, or permit other provision to be made in the ship, in the place of any particular fitting, material, appliance or apparatus, or type thereof, or provision, which is required under these Regulations, if the Secretary of State is satisfied by trial or otherwise that it is at least as effective for the purpose for which the requirement in the Regulations is set.
- (4) The circumstances referred to in paragraph (3) are that the Secretary of State is satisfied that the ship is engaged on a voyage where the maximum distance of the ship from the shore, the length and nature of the voyage, the absence of general navigational hazards, and other conditions affecting safety are such as to render the full application of Chapter V unreasonable or unnecessary, and the Secretary of State has taken into account the effect such an exemption or permission may have upon the safety of other ships.
- (5) The Secretary of State may grant exemptions for classes of ships or individual ships from the requirements of regulation 18, 19, 19-1 or 20 in Chapter V, on such terms (if any) as may be specified.
- (6) The Secretary of State may grant exemptions from the requirements of regulation 22 in Chapter V for ships of unconventional design, on such terms (if any) as may be specified.
- (7) The Secretary of State may, on such terms (if any) as may be specified, grant exemptions from the requirements of paragraphs 1 and 2 of regulation 26 in Chapter V for ships which regularly engage on voyages of less than 24 hours duration and on which the checks and tests required by those paragraphs are carried out at least once every week.
- (8) The Secretary of State may, on giving reasonable notice, alter or cancel any exemption granted under this regulation or any permission given under paragraph (3)(b).
- (9) An exemption granted under this regulation, permission given under paragraph (3)(b), or an alteration or cancellation under paragraph (8), must—
- (a) be in writing,
  - (b) specify the date on which it takes effect, and
  - (c) in the case of an exemption, specify the terms (if any) on which it is given.

In this regulation “length ” means the distance between the foreside of the foremost fixed permanent structure and the afterside of the aftermost fixed permanent structure; and “fixed permanent structure” includes any portion of the hull which is capable of being detached, but which is fixed in place during the normal operation of the vessel. It does not include functional arrangements such as safety rails, bowsprits, pulpits, stemhead fittings, rudders, steering gear, outdrives, outboard motors, propulsion machinery, diving platforms, boarding platforms, rubbing strips and fenders, other than where such functional arrangements are designed to replace any part of the hull that has been removed.

### **Restrictions on the granting of exemptions**

7. An exemption must not be granted under regulation 6 unless the Secretary of State is satisfied that—

- (a) compliance with such provision is either impracticable or unreasonable for the class of ship or individual ship concerned, and
- (b) the exemption is subject to such conditions and limitations as will provide a level of safety which is at least equivalent to that provided by the provision or provisions from which exemption is being granted.

### **Approvals**

8.—(1) Where a regulation in Chapter V refers to anything requiring—

- (a) the approval of the Administration,

- (b) to be done to the satisfaction of the Administration, or
- (c) to be acceptable to the Administration,

the Secretary of State, or a person authorised by the Secretary of State, may grant an approval for that thing as respects a United Kingdom ship in accordance with the provisions of Chapter V.

(2) The Secretary of State, or a person authorised by the Secretary of State, may on giving reasonable notice cancel or alter the terms of any approval given under this regulation by the Secretary of State or the authorised person respectively.

(3) An approval given under paragraph (1) and an alteration or cancellation under paragraph (2) must—

- (a) be in writing,
- (b) specify the date on which it takes effect, and
- (c) in the case of an approval, specify the conditions (if any) on which it is given.

### **Offences and penalties**

9.—(1) The persons specified in paragraph (2) who fail to comply with any requirement of regulation 5(1) of these Regulations commit an offence.

(2) The persons referred to in paragraph (1) are —

- (a) in relation to regulations 11 (paragraph 7), 28, 31 (paragraph 1), 33 (paragraphs 1 and 2) and 34 (paragraphs 1 and 2), the master of the ship in question;
- (b) in relation to regulations 24 (paragraphs 1 to 3) 25 and 26 (paragraph 3.2), the master of the ship in question and any other person directed to undertake the task;
- (c) in relation to regulations 17 (paragraphs 2 and 3), 18 (paragraphs 1,2,3,7,8 and 9), 19, 19-1 (paragraphs 4, to 7), 20 (paragraph 1), 21 (paragraphs 1 and 2), 26 (paragraphs 1, 2 and 3.1), 27, 29, and 30, the owner and master of the ship in question;
- (d) in relation to regulations 7 (paragraph 3), 10 (paragraph 7), and 23, the owner, master and any other person for the time being responsible for the ship in question; and
- (e) in relation to regulation 34-1, the owner, charterer, the company operating the ship or any other person who acts to prevent or restrict the master from taking or executing the decision.

(3) Subject to paragraph (4), an offence under paragraph (1) is punishable on summary conviction—

- (i) in England and Wales by a fine; or
- (ii) in Scotland or Northern Ireland by a fine not exceeding the statutory maximum; or

on conviction on indictment by a fine or (in the case of an individual) by imprisonment not exceeding two years, or both.

(4) A contravention of regulation 17 (paragraphs 2 and 3) and regulation 26 (paragraph 3.1) is punishable on conviction on indictment or summary conviction—

- (a) in England and Wales by a fine; or
- (b) in Scotland or Northern Ireland by a fine not exceeding the statutory maximum.

(5) A contravention of regulation 18 (paragraph 9), 21 (paragraphs 1 and 2), 22, 27 and 29 is punishable on summary conviction—

- (a) in England and Wales by a fine; or
- (b) in Scotland or Northern Ireland by a fine not exceeding the statutory maximum.

(6) It is a defence for a person charged with an offence under these Regulations that the person took all reasonable steps to avoid commission of the offence.

(7) In any proceedings for an offence under these Regulations consisting of a failure to comply with a duty or requirement to do something so far as is reasonably practicable, it is for the person

charged to prove that it was not reasonably practicable to do more than was in fact done to satisfy the duty or requirement.

## **Detention**

**10.**—(1) In any case where a ship does not comply with the requirements of these Regulations the ship is liable to be detained.

(2) Section 284(a) of the Act (detention of a ship) applies where a ship is liable to be detained under this regulation as if—

- (a) references to the detention of a ship under the Act were references to detention of the ship in question under this regulation, and
- (b) subsection (7) was omitted.

(3) An officer detaining the ship must serve on the master of the ship a detention notice which—

- (a) states the reason for the detention; and
- (b) requires the ship to comply with the terms of the detention notice until it is released by a competent authority.

(4) Where a ship is detained which is not a United Kingdom ship, the Secretary of State must immediately inform, in writing—

- (a) the ship's flag State administration; or, if this is not possible,
- (b) the Consul of the State of the flag administration; or, in the Consul's absence,
- (c) the nearest diplomatic representative of the State of the flag administration.

(5) The written information referred to in paragraph (4) must set out all the circumstances of the decision to detain the ship.

(6) Where paragraph (4) applies the Secretary of State must also notify all relevant—

- (a) nominated surveyors; or
- (b) recognised organisations;

responsible for the issue of classification certificates or statutory certificates.

(7) In this regulation "competent authority" means any officer mentioned in section 284(1) of the Act.

## **Arbitration**

**11.**—(1) Any question as to whether any of the matters specified in relation to a ship in a detention notice served under regulation 10(3) constituted a valid basis for the officer's opinion must, if the master or shipowner so requires by a notice given to the officer within 21 days from the service of the detention notice, be referred to a single arbitrator appointed by agreement between the parties for that question to be decided by the arbitrator.

(2) Where a notice is given by the master or shipowner in accordance with paragraph (1), the giving of the notice does not suspend the operation of the detention notice unless, on the application of the person requiring the reference, the arbitrator so directs.

(3) The arbitrator must have regard to any matter not specified in the detention notice which appears to the arbitrator to be relevant as to whether the ship was or was not liable to be detained.

(4) Where the arbitrator decides, as respects a matter to which the reference relates, that in all the circumstances the matter did not constitute a valid basis for the officer's opinion, the arbitrator must—

- (a) cancel the detention notice; or

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(a) Section 284 was amended by section 9 of and paragraph 5(6)(a) of Schedule 1 of the Merchant Shipping and Maritime Security Act 1997.

- (b) affirm it with such modifications as the arbitrator may in the circumstances think fit.
- (5) In any case other than one described in paragraph (4) the arbitrator must affirm the detention notice in its original form.
- (6) The decision of the arbitrator must include a finding whether there was or was not a valid basis for the detention of the ship.
- (7) To be qualified for appointment as an arbitrator under this regulation a person must be—
  - (a) a person holding a certificate of competency as a master mariner or as a marine engineer officer class 1, or a person holding a certificate equivalent to any such certificate;
  - (b) a naval architect;
  - (c) a person falling within paragraph (8); or
  - (d) a person with special experience of shipping matters or of activities carried on in ports.
- (8) For the purposes of paragraph (7)(c) a person falls within this subsection if that person—
  - (a) satisfies the judicial appointment eligibility condition on a 7 year basis within the meaning of section 50 of the Tribunals, Courts and Enforcement Act 2007<sup>(a)</sup>;
  - (b) is an advocate or solicitor in Scotland of at least 7 years' standing; or
  - (c) is a member of the bar of Northern Ireland or solicitor of the Court of Judicature of Northern Ireland of at least 7 years' standing.
- (9) In the application of this regulation to Scotland any reference to an arbitrator is to be construed as a reference to an arbiter, and the reference in paragraph (1) to a single arbitrator appointed by agreement between the parties is to be construed as a reference to a single arbiter so appointed or, in default of agreement, appointed by the sheriff.

#### **Compensation for unjustified detention**

- 12.—**(1) If on a reference under regulation 10 relating to a detention notice, the arbitrator decides that the shipowner has proved—
- (a) that the matter complained of did not constitute a valid basis for the officer's opinion; and
  - (b) that there were no reasonable grounds for the issue of the detention notice;
- the arbitrator must award the shipowner such compensation in respect of any loss suffered in consequence of the detention of the ship as the arbitrator thinks fit.
- (2) Any compensation awarded under this regulation is payable by the Secretary of State.
- (3) In the application of this regulation to Scotland any reference to an arbitrator is to be construed as a reference to an arbiter.

#### **Revocations and consequential amendments**

- 13.—**(1) The following instruments are revoked—
- (a) The Merchant Shipping (Safety of Navigation) Regulations 2002<sup>(b)</sup>, and
  - (b) The Merchant Shipping (Safety of Navigation) (Amendment) Regulations 2011<sup>(c)</sup>.
- (2) The Schedule (consequential amendments) has effect.

#### **Review**

- 14.—**(1) The Secretary of State must from time to time—
- (a) carry out a review of regulatory provision contained in regulations 2 to 12, and
  - (b) publish a report setting out the conclusions of the review.

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<sup>(a)</sup> 2007 c.15.  
<sup>(b)</sup> S.I. 2002/1473.  
<sup>(c)</sup> S.I. 2011/2978.



(2) The first report must be published before [date] 2025.

(3) Subsequent reports must be published at intervals not exceeding 5 years.

(4) Section 30(3) of the Small Business, Enterprise and Employment Act 2015<sup>(a)</sup> requires that a review carried out under this regulation must, so far as is reasonable, have regard to how Chapter V (which is implemented by means of regulations 2 to 8) is implemented in other Contracting States.

(5) Section 30(4) of the Small Business, Enterprise and Employment Act 2015 requires that a report published under this regulation must, in particular—

- (a) set out the objectives intended to be achieved by the regulatory provision referred to in paragraph (1)(a);
- (b) assess the extent to which those objectives are achieved;
- (c) assess whether those objectives remain appropriate, and
- (d) if those objectives remain appropriate, assess the extent to which they could be achieved in another way which involves less onerous regulatory provision.

(6) In this regulation, “regulatory provision” has the same meaning as in sections 28 to 32 of the Small Business, Enterprise and Employment Act 2015 (see section 32 of that Act).

Signed by authority of the Secretary of State

Date

*Name*  
Minister of Secretary of State  
Department

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<sup>(a)</sup> 2015 c.26. Section 30(3) was amended by the Enterprise Act 2016(c.12), section 19.

## SCHEDULE

### Consequential amendments

1. The Merchant Shipping (Official Log Books) Regulations 1981(a) are amended as follows.

In regulation 1(2), in the definition of “the Safety of Navigation Regulations” for “the Merchant Shipping (Safety of Navigation) Regulations 2002” substitute “the Merchant Shipping (Safety of Navigation) Regulations 2017”.
2. The Merchant Shipping (Official Log Books) (Fishing Vessels) Regulations 1981(b) are amended as follows.

In regulation 1(2), in the definition of the Safety of Navigation Regulations for “the Merchant Shipping (Safety of Navigation) Regulations 2002” substitute “the Merchant Shipping (Safety of Navigation) Regulations 2017”.
3. The Merchant Shipping (Small Workboats and Pilot Boats) Regulations 1998(c) are amended as follows.

In the Schedule for references to “The Merchant Shipping (Safety of Navigation) Regulations 2002, S.I. 2002/1473” and to the amending instruments substitute “The Merchant Shipping (Safety of Navigation) Regulations 2017, S.I. 2017/XXXX”.
4. The Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) Regulations 1998(d) are amended as follows.

In Schedules 1 and 2 for references to “The Merchant Shipping (Safety of Navigation) Regulations 2002, S.I. 2002/1473” and to the amending instruments substitute “The Merchant Shipping (Safety of Navigation) Regulations 2017, S.I. 2017/XXXX”.
5. The Merchant Shipping (Bridge Visibility) (Small Passenger Ships) Regulations 2005(e) are amended as follows.

For regulation 3(3) substitute

“(2) These Regulations do not apply to a ship to which regulation 22 of Chapter V of the annex to the International Convention for the Safety of Life at Sea, 1974 is applied by regulation 5 of the Merchant Shipping (Safety of Navigation) Regulations 2017.”
6. [The Merchant Shipping Fees Regulations 2018]
7. The Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Work at Height) Regulations 2010(f) are amended as follows.

In regulation 5(3)(e) for “the Merchant Shipping (Safety of Navigation) Regulations 2002” substitute “the Merchant Shipping (Safety of Navigation) Regulations 2017”.

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(a) S.I.1981/569.  
(b) S.I.1981/570, regulation 1(2) was substituted by S.I. 1991/2145.  
(c) S.I.1998/1609.  
(d) S.I.1998/2771, Schedule 1 and Schedule 2 were substituted by S.I. 206/353.  
(e) S.I. 2005/2286.  
(f) S.I.2010/332.

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations give effect to the provisions of Chapter V of the International Convention for the Safety of Life at Sea 1974 as amended (“SOLAS Convention”). Some types of ships are required to comply with the provisions of the Convention through other instruments.

The Regulations require ships to comply with various provisions of Chapter V. References in the Regulations to the SOLAS Convention and to Chapter V and to the provisions of individual regulations in Chapter V are ambulatory and are to be construed as references to that Convention and that Chapter and those regulations as amended from time to time (*regulation 4*).

The Regulations provide for the granting of exemptions and permission for equivalents and the granting of approvals (*regulations 6 to 8*).

The Regulations also provide for contravention of the various requirements to be offences and subject to criminal penalties (*regulation 9*). In cases of non compliance a ship may be detained (*regulation 10*). The matters used to justify the decision to detain a ship may be referred to arbitration (*regulation 11*) if not justified compensation may be awarded (*regulation 12*).

The Secretary of State must review the operation and effect of these Regulations and publish a report within five years after they come into force and within every five years after that (*regulation 14*). Following a review it will fall to the Secretary of State to consider whether the Regulations should remain as they are, or be revoked or be amended. A further instrument would be needed to revoke the Regulations or to amend them.

Copies of the SOLAS Convention, can be obtained from the International Maritime Organization at 4 Albert Embankment, London SE1 7SR, [www.imo.org/publications](http://www.imo.org/publications).

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A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is published with the Explanatory Memorandum alongside this instrument on [www.legislation.gov.uk](http://www.legislation.gov.uk).