

## Annex B: Application of the recast Merchant Shipping (Safety of Navigation) Regulations

Application of Existing Regulations		Application of Recast Regulations		Comments on Application
4(2)	These Regulations do not apply to—	3(2)	These Regulations do not apply to—	
4(2)(a)	warships or naval auxiliaries;	3(2)(a)	warships, naval auxiliaries and other ships owned or operated by a Contracting Government and used only on government non-commercial service	The requirement for UK Government owned/operated ships used only on government non-commercial service to comply with the Regulations, which is gold-plating, is removed by the recast Regulations. Application is now aligned with SOLAS V/1.1.1 creating a level playing field for these ships.
4(2)(b)	ships, other than United Kingdom ships, which are owned or operated by an EEA State and used only on government non-commercial service			
4(2)(c)	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,	3(2)(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;	No change. This replicates the exemption outlined in SOLAS V/1.1.2.
		3(2)(c)	passenger ships to which the Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000 apply;	Requirements for these ships in relation to SOLAS Chapter V are contained within the Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000. These ships are removed from the scope of the recast Regulations to prevent duplicate legislation.
4(2)(d)	passenger ships to which the Merchant Shipping (Passenger Ships) (Safety Code for UK Categorised Waters) Regulations 2010 apply, or	3(2)(d)	passenger ships to which the Merchant Shipping (Passenger Ships) (Safety Code for UK Categorised Waters) Regulations 2010 apply;	No change. In accordance with SOLAS V/1.2 the UK Administration can determine the extent to which SOLAS Chapter V applies to these ships, whose requirements are set out in the Merchant Shipping (Passenger Ships) (Safety Code for

		UK Categorised Waters) Regulations 2010
4(2)(e)	vessels to which the Merchant Shipping (Technical Requirements for Inland Waterway Vessels) Regulations 2010 apply.	3(2)(e) vessels to which the Merchant Shipping (Technical Requirements for Inland Waterway Vessels) Regulations 2010 apply.
		No change. In accordance with SOLAS V/1.2 the UK Administration can determine the extent to which SOLAS Chapter V applies to these ships, whose requirements are set out in the Merchant Shipping (Technical Requirements for Inland Waterway Vessels) Regulations 2010

Application of Existing Regulations		Application of Recast Regulations	Comments on Application
4(2A)	Subject to paragraph (2B), these Regulations do not apply to ships, other than United Kingdom ships, which are owned or operated by a Contracting Government and used only on government non-commercial service.		The requirement for UK Government owned/operated ships used only on government non-commercial service to comply with SOLAS V/19.2.4 (AIS), which is gold-plating, is removed by the recast Regulations.
4(2B)	The requirement in regulation 5, so far as it relates to paragraph 2.4 of regulation 19 in Chapter V, shall apply to ships which are owned or operated by a Contracting Government and used only on government non-commercial service.		The requirement for UK Government owned/operated ships used only on government non-commercial service to comply with SOLAS V/19.2.4 (AIS), which is gold-plating, is removed by the recast Regulations.
4(3)	In their operation in relation to systems and equipment regulated by regulations 19 and 20 in Chapter V, paragraphs 1 to 3 and 7 and 8 of regulation 18 in Chapter V do not apply in relation to ships below 150 tons engaged on any voyage.	3(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.	No change. In accordance with SOLAS V/1.4 the UK Administration can determine the extent to which regulations 18, 19 and 20 of SOLAS Chapter V apply to ships below 150 gross tons engaged on any voyage.
4(4)	Regulation 19 in Chapter V does not apply to—	3(5) Regulation 19 in Chapter V does not apply to—	

4(4)(a)	United Kingdom ships of Class V;		The requirements for Class V ships are contained within The Merchant Shipping (Passenger Ship Construction: Ships of Classes III to VI(A)) Regulations 1998 and The Merchant Shipping (Life-Saving Appliances for Passenger Ships of Classes III to VI(A)) Regulations 1999.
4(4)(b)	United Kingdom ships which are neither passenger ships nor sea-going;	3(5)(a) United Kingdom ships which are neither passenger ships nor sea-going;	No change. In accordance with SOLAS V/1.2 the UK Administration can determine the extent to which SOLAS Chapter V applies to these ships.
4(4)(c)	new ships of Class A, B, C or D;		Requirements for these ships in relation to SOLAS Chapter V are contained within the Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000. These ships are removed from the scope of the recast Regulations to prevent duplicate legislation.
<b>Application of Existing Regulations</b>		<b>Application of Recast Regulations</b>	<b>Comments on Application</b>
4(4)(d)	fishing vessels; or	3(5)(b) fishing vessels;	No change. In accordance with SOLAS V/1.4.3 the UK Administration can determine the extent to which regulation 19 of SOLAS Chapter V applies to these ships. Legislation covering the requirements for fishing vessels is accessible from GOV.UK.
4(4)(e)	high-speed craft to which the Merchant Shipping (High Speed Craft) Regulations 2004 apply.	3(3) ships to which the high-speed craft to which the Merchant Shipping (High Speed Craft) Regulations 2004 apply.	No change. The Merchant Shipping (High Speed Craft) Regulations 2004 implement SOLAS Chapter X – Safety measures for high-speed craft, which incorporates the requirements of SOLAS V/19. Therefore, these ships are removed from the scope of the recast Regulations to prevent duplicate legislation.
4(5)	Subject to paragraph 5(A), Regulation 19 in Chapter V shall cease to apply on the relevant date		This paragraph has not been replicated in the recast Regulations as the transitional dates referred to have passed. Furthermore Reg

	to existing ships of Class A, B, C or D, of 24 metres or over in length; and in this paragraph, "the relevant date" means the date specified in relation to each description of ship referred to in the table in regulation 4(1) of the Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000		3(2)(c) removes from the scope of application passenger ships to which the Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000 apply.
4(5A)	Paragraph (5) shall not apply to existing ships of Class A, B, C or D of 300 gross tonnage or more in so far as that paragraph relates to paragraph 2.4 of regulation 19 in Chapter V.		This paragraph is no-longer relevant as the referenced paragraph will not be replicated in the recast Regulations.
4(6)	Paragraphs 2.1.1 to 2.1.6 and 2.1.8 and 2.1.9 of regulation 19 in Chapter V, and regulations 24 to 28 in Chapter V, do not apply to pleasure vessels below 150 tons engaged on any voyage.	3(6)	Paragraphs 2.1.1 to 2.1.6 and 2.1.8 and 2.1.9 of regulation 19 in Chapter V, and regulations 24 to 28 in Chapter V, do not apply to pleasure vessels below 150 gross tons engaged on any voyage.
			No change. In accordance with SOLAS V/1.4 the UK Administration can determine the extent to which regulations 19 and 24 to 28 of SOLAS Chapter V apply to ships below 150 gross tons engaged on any voyage.

Application of Existing Regulations		Application of Recast Regulations		Comments on Application
4(6A)	Paragraph 2.4.3 of Regulation 19 in Chapter V does not apply to a ship of 300 gross tonnage or more built before 1st July 2002 on a domestic voyage.			This paragraph has not been replicated in the recast Regulations as it is in direct conflict with the requirements of (i) SOLAS V/19.2.4 and 19.2.4.3; and (ii) Directive 2009/17/EC.
4(7)	Paragraph 2.4 of regulation 19 in Chapter V does not apply to United Kingdom passenger ships which—	3(8)	Paragraph 2.4 of regulation 19 in Chapter V does not apply to United Kingdom passenger ships which—	No change. In accordance with SOLAS V/1.2 and SOLAS V/1.4.2, the UK Administration can determine the extent to which

4(7)(a)	are not sea-going, or	3(8)(a)	are not sea-going, or	regulation 19 of SOLAS Chapter V applies to these ships.
4(7)(b)	are below 300 gross tons and not engaged on international voyage.	3(8)(b)	are below 300 gross tons and not engaged on international voyage.	
4(9)	Regulation 23 in Chapter V does not apply to—	3(9)	Regulation 23 in Chapter V does not apply to—	No change. In accordance with SOLAS V/1.4, the UK Administration can determine the extent to which regulation 23 of SOLAS Chapter V applies to these ships.
4(9)(a)	ships below 150 gross tons engaged on any voyage;	3(9)(a)	ships below 150 gross tons engaged on any voyage;	
4(9)(b)	ships below 500 gross tons not engaged on international voyages; or	3(9)(b)	ships below 500 gross tons not engaged on international voyages; or	
4(9)(c)	fishing vessels,	3(9)(c)	fishing vessels,	
4(9)	unless they are engaged on a voyage during the course of which a pilot is likely to be employed.	3(9)	unless they are engaged on a voyage during the course of which a pilot is likely to be employed.	
4(10)	Regulations 24 to 26 in Chapter V do not apply to ships other than sea-going ships.	3(10)	Regulations 24 to 26 in Chapter V do not apply to ships other than sea-going ships.	No change. In accordance with SOLAS V/1.2, the UK Administration can determine the extent to which SOLAS Chapter V apply to these ships.