

2002 No. 1473

**MERCHANT SHIPPING
SAFETY**

**The Merchant Shipping (Safety of Navigation) Regulations
2002**

<i>Made</i> - - - - -	<i>31st May 2002</i>
<i>Laid before Parliament</i>	<i>31st May 2002</i>
<i>Coming into force</i> - -	<i>1st July 2002</i>

The Secretary of State, after consulting the persons referred to in section 86(4) of the Merchant Shipping Act 1995(a), in exercise of the powers conferred upon him by sections 77, 85(1)(a) and (b), (3) and (5) to (7) and section 86(1) and (2)(a) of that Act, hereby makes the following Regulations—

Citation and commencement

1. These Regulations may be cited as the Merchant Shipping (Safety of Navigation) Regulations 2002 and shall come into force on 1st July 2002.

Interpretation

2.—(1) In these Regulations—

“the Act” means the Merchant Shipping Act 1995;

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

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

“EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993(b);

“EEA State” means a State which is a Contracting Party to the EEA Agreement;

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

“existing ship” means a ship which is not a new ship;

“IMO” means the International Maritime Organization;

“length” in relation to a registered ship means registered length, and in relation to an unregistered ship means the length from the fore part of the stem to the aft side of the head of the stern post or, if no stern post is fitted to take the rudder, to the fore side of the rudder stock at the point where the rudder passes out of the hull;

(a) 1995 c. 21; sections 85 and 86 were amended by the Merchant Shipping and Maritime Security Act 1997 (c. 28), section 8. Sections 85 and 86 apply to hovercraft by virtue of the Hovercraft (Application of Enactments) Order 1989 (S.I. 1989/1350), to which Order there are amendments not relevant to these Regulations.

(b) Cmnd. 2073 and Cmnd. 2183.

“MCA” means the Maritime and Coastguard Agency, an executive agency of the Department for Transport, Local Government and the Regions;

“MCA’s 2002 SOLAS V publication” means the MCA publication entitled “Safety of Navigation, Implementing SOLAS Chapter V, 2002”, published May 2002, including its Annexes;

“Merchant Shipping Notice” means a Notice described as such and issued by the MCA;

“new ship” means a ship the keel of which is laid or which is at a similar stage of construction on or after 1 July 1998; and for the purposes of this definition, 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% of the estimated mass of all structural material, whichever is less;

“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—

- (a) any vessel which is—
 - (i) wholly owned by an individual or individuals and used only for the sport or pleasure of the owner or the immediate family or friends of the owner, or
 - (ii) owned by a body corporate and used only for sport or pleasure of employees or officers of the body corporate, or their immediate family or friends,

and is on a voyage or excursion which is one for which the owner is not paid 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

- (b) any vessel which is 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;

and no payments other than those mentioned above 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 husband or the wife of the individual, and a brother, sister, ancestor or lineal descendant of that individual or that individual’s husband or wife;

“sea-going” means going beyond the limits of waters of categories A, B, C and D, as categorised in Annex 1 to the MCA’s 2002 SOLAS V publication;

“the SOLAS Convention” means the International Convention for the Safety of Life at Sea, 1974(a) as amended in accordance with its Protocol of 1988(b) and the resolution of the Maritime Safety Committee of the IMO published by the IMO as Resolution MSC.99(73) of December 2000; and

“tons” means gross tonnage and a reference to tons—

- (a) in relation to a ship having alternative gross tonnages under paragraph 13 of Schedule 5 of the Merchant Shipping (Tonnages) Regulations 1982(c), permitted to be used pursuant to regulation 12(1) of the Merchant Shipping (Tonnages) Regulations 1997(d), is a reference to the larger of those tonnages, and

(a) Cmnd. 7874.

(b) Cm. 4420.

(c) S.I. 1982/841, to which there are amendments not relevant to these Regulations.

(d) S.I. 1997/1510.

- (b) in relation to a ship having its tonnage determined both under Part II and regulation 12(1) of those 1997 Regulations is a reference to its gross tonnage as determined under regulation 12(1).

(2) For the purposes of these Regulations, ships shall be arranged in Classes as set out in Annex 1 to the MCA's 2002 SOLAS V publication.

(3) A rigidly constructed composite unit of a pushing vessel and associated pushed vessel, when designed as a dedicated and integrated tug and barge combination, shall be regarded as a single ship for the purposes of these Regulations.

(4) Where, by virtue of these Regulations, a regulation in Chapter V applies to a hovercraft, a reference to a "ship" or "master" in that regulation in Chapter V shall be construed as including a reference to a "hovercraft" or "captain" respectively.

Repeals and revocations, and consequential amendments

3.—(1) Schedule 1 (repeals and revocations) shall have effect.

(2) Schedule 2 (consequential amendments) shall have effect.

Application

4.—(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 or naval auxiliaries;
- (b) ships, other than United Kingdom ships, which are owned or operated by a Contracting Government and used only on government non-commercial service; or
- (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) 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.

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

- (a) United Kingdom ships of Class V;
- (b) United Kingdom ships which are neither passenger ships nor sea-going;
- (c) new ships of Class A, B, C or D;
- (d) fishing vessels; or
- (e) high-speed craft to which the Merchant Shipping (High-Speed Craft) Regulations 1996(a) apply.

(5) Regulation 19 in Chapter V shall cease to apply on the relevant date 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(b).

(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.

(7) 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 tons and not engaged on international voyages.

(a) S.I. 1996/3188.

(b) S.I. 2000/2687.

(8) Regulations 22 and 34 in Chapter V apply in addition to hovercraft registered in the United Kingdom, wherever they may be, and to other hovercraft while they are within United Kingdom waters.

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

- (a) ships below 150 tons engaged on any voyage;
- (b) ships below 500 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.

Safety of navigation requirements

5.—(1) Subject to paragraphs (3) and (4), a ship to which these Regulations apply shall 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 which are set out in the MCA's 2002 SOLAS V publication—

- paragraph 3 of regulation 7,
- paragraph 7 of regulation 10,
- paragraph 7 of regulation 11,
- paragraphs 2 and 3 of regulation 17,
- paragraphs 1 to 3 and 7 and 8 of regulation 18,
- regulation 19,
- paragraph 1 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 and 2 of regulation 33, and
- regulation 34.

(3) A ship to which these Regulations apply shall alternatively or additionally (as the case may be) comply with such of the requirements referred to in paragraph (4) as apply in relation to a ship of its description.

(4) The requirements referred to in paragraph (3) shall—

- (a) relate to amendments from time to time of regulations in Chapter V,
- (b) be specified in a Merchant Shipping Notice, amending or replacing the MCA's 2002 SOLAS V publication, which is considered by the Secretary of State to be relevant from time to time,
- (c) be specified in that Merchant Shipping Notice as alternative or additional requirements which apply in relation to a ship of its description, and
- (d) relate to all or any of the purposes set out in section 85(1) of the Act.

(5) Where a requirement referred to in paragraph (2) or (3) 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 shall be treated as part of the requirement; and for these purposes a "footnote" is a note marked with an asterisk in the text of Chapter V.

(6) Nothing in regulations 24 to 26 in Chapter V relating to the use of an automatic pilot shall 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.

Supplementary provisions on safety of navigation requirements

6. Schedule 3 (supplementary provisions) shall have effect.

Exemptions and permission for equivalents

7.—(1) The following paragraphs of this regulation are subject to regulation 8.

(2) The Secretary of State may grant exemptions from all or any of the provisions set out in regulations 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 he may specify.

(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 he may specify, 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 he 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 he 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 or 20 in Chapter V, on such terms (if any) as he may specify.

(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 he may specify.

(7) The Secretary of State may, on such terms (if any) as he may specify, 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), and an alteration or cancellation under paragraph (8), shall—

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

Restrictions on the granting of exemptions

8. The Secretary of State shall not grant an exemption under regulation 7 unless he 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

9.—(1) Where a regulation in Chapter V refers to any thing 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 him, may grant an approval for that thing as

respects a United Kingdom ship in accordance with the provisions of Chapter V set out in the MCA's 2002 SOLAS V publication, or in any subsequent Merchant Shipping Notice amending or replacing that publication which is considered by the Secretary of State to be relevant from time to time.

(2) The Secretary of State, or a person authorised by him, 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) shall—

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

Offences and penalties

10. Schedule 4 (offences and penalties) shall have effect.

Detention

11. In any case where a ship does not comply with the requirements of these Regulations, the ship shall be liable to be detained and section 284(1) to (6) and (8) of the Act^(a) (which relates to the detention of a ship) shall have effect in relation to that ship, as if for the words “this Act”, wherever they appear, there were substituted the words “the Merchant Shipping (Safety of Navigation) Regulations 2002”.

Signed by authority of the Secretary of State
for Transport

31st May 2002

John Spellar
Minister of State
Department for Transport

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

REPEALS AND REVOCATIONS

- 1.—(1) Subsections (1) to (4) of section 91 of the Act are hereby repealed.
- (2) In subsection (7) of section 91 of the Act, the definition of “tropical storm” and the words “and the master of a ship” to the end shall be omitted.
2. The following Regulations are hereby revoked—
- (a) the Merchant Shipping (Automatic Pilot and Testing of Steering Gear) Regulations 1981(a);
 - (b) the Merchant Shipping (Passenger Ships of Classes IV, V, VI, & VI(A)-Bridge Visibility) Regulations 1992(b);
 - (c) the Merchant Shipping (Navigational Equipment) Regulations 1993(c);
 - (d) the Merchant Shipping (Mandatory Ship Reporting) Regulations 1996(d);
 - (e) the Merchant Shipping (Navigational Warnings) Regulations 1996(e);
 - (f) the Merchant Shipping (Mandatory Ships’ Routeing) Regulations 1997(f);
 - (g) the Merchant Shipping (Master’s Discretion) Regulations 1997(g);
 - (h) the Merchant Shipping (Navigation Bridge Visibility) Regulations 1998(h);
 - (i) the Merchant Shipping (Co-operation with Search and Rescue Services) Regulations 1998(i);
 - (j) the Merchant Shipping (Carriage of Nautical Publications) Regulations 1998(j); and
 - (k) the Merchant Shipping (Pilot Transfer Arrangements) Regulations 1999(k).
3. In regulation 1(2) of the Merchant Shipping (Official Log Books) Regulations 1981(l), the definitions of “the Pilot Ladders and Hoists Regulations” and “the Steering Gear Regulations” shall be omitted.
4. In regulation 1(2) of the Merchant Shipping (Official Log Books) (Fishing Vessels) Regulations 1981(m), the definitions of “the Pilot Ladders and Hoists Regulations” and “the Steering Gear Regulations” shall be omitted.
5. Regulations 3 to 8 of the Merchant Shipping (Distress Messages) Regulations 1998(n) are hereby revoked.
6. In Schedules 1 and 2 to the Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) Regulations 1998(o), the entries relating to the Merchant Shipping (Navigational Equipment) Regulations 1993 are hereby revoked.
7. Regulation 38 of the Merchant Shipping (Life-Saving Appliances for Ships Other Than Ships of Classes III to VI(A)) Regulations 1999(p) is hereby revoked.
8. In regulation 5(1) of the Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000(q), “(g) the Merchant Shipping (Navigational Equipment) Regulations 1993” is hereby revoked.

SCHEDULE 2

CONSEQUENTIAL AMENDMENTS

1. In section 91(5) of the Act, for “by the said rules for indicating that a message is about to be sent under this section” substitute “under safety regulations relating to dangers to navigation, which indicates that a message is about to be sent under those regulations”.
- 2.—(1) The Merchant Shipping (Official Log Books) Regulations 1981 are amended as follows.

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- (a) S.I. 1981/571.
 - (b) S.I. 1992/2357, amended by S.I. 1998/1419.
 - (c) S.I. 1993/69, amended by S.I. 1999/1957 and 2000/2687.
 - (d) S.I. 1996/1749.
 - (e) S.I. 1996/1815, amended by S.I. 2000/2687.
 - (f) S.I. 1997/1341.
 - (g) S.I. 1997/2886.
 - (h) S.I. 1998/1419.
 - (i) S.I. 1998/1692.
 - (j) S.I. 1998/2647.
 - (k) S.I. 1999/17.
 - (l) S.I. 1981/569, amended by S.I. 1999/2145.
 - (m) S.I. 1981/570, to which there are amendments not relevant to these Regulations.
 - (n) S.I. 1998/1691.
 - (o) S.I. 1998/2771, to which there are amendments not relevant to these Regulations.
 - (p) S.I. 1999/2721.
 - (q) S.I. 2000/2687.

- (2) In regulation 1(2), after the definition of “the Repatriation Regulations” insert—
 ““the Safety of Navigation Regulations” means the Merchant Shipping (Safety of Navigation) Regulations 2002(a);”.
- (3) In the Schedule, substitute “regulation 5(2) of the Safety of Navigation Regulations”—
 (a) in paragraph 24, for “regulation 8(6)(d) of the Pilot Ladders and Hoists Regulations”,
 and
 (b) in paragraph 25, for “regulation 6(6) of the Steering Gear Regulations”.
- 3.—(1) The Merchant Shipping (Official Log Books) (Fishing Vessels) Regulations 1981 are amended as follows.
- (2) In regulation 1(2), after the definition of “the Repatriation Regulations” insert—
 ““the Safety of Navigation Regulations” means the Merchant Shipping (Safety of Navigation) Regulations 2002(b);”.
- (3) In the Schedule, substitute “regulation 5(2) of the Safety of Navigation Regulations”—
 (a) in paragraph 20, for “regulation 8(6)(d) of the Pilot Ladders and Hoists Regulations”,
 and
 (b) in paragraph 21, for “regulation 6(6) of the Steering Gear Regulations”.
- 4.—(1) Regulation 1(2) of the Merchant Shipping (Survey and Certification) Regulations 1995(c) is amended as follows.
- (2) In the definition of “1974 SOLAS Convention”, after “its Protocol of 1988” insert “and the resolution of the Maritime Safety Committee of the International Maritime Organization published by that Organization as Resolution MSC.99(73) of December 2000”.
- (3) For the definition of “radio-navigational equipment” substitute—
 ““radio-navigational equipment” means the equipment required under regulation 5(2) of the Merchant Shipping (Safety of Navigation) Regulations 2002(d) and paragraphs 2.3.2, 2.3.3, 2.5.5, 2.7 and 2.8.1 of regulation 19 of Chapter V of the Annex to the 1974 SOLAS Convention;”;
5. In Schedules 1 and 2 to the Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) Regulations 1998, at the end insert—

“The Merchant Shipping (Safety of Navigation) Regulations 2002(e)	2002/1473”	
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6. In regulation 5(1) of the Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000, at the end insert—
 “(i) the Merchant Shipping (Safety of Navigation) Regulations 2002(f)”.

SCHEDULE 3

Regulation 6

SUPPLEMENTARY PROVISIONS ON SAFETY OF NAVIGATION REQUIREMENTS

- 1.—(1) In this Schedule—
 “Admiralty List of Radio Signals” means the publication of that name published by the United Kingdom National Hydrographer in force at the date of these Regulations, and any amendment, correction or replacement which—
 (a) the Secretary of State considers relevant from time to time, and which is specified in a Merchant Shipping Notice, and
 (b) relates to all or any of the purposes set out in section 85(1) of the Act;
 “owner” includes any person or organisation, including the manager or bareboat charterer, who has assumed responsibility for the operation of the ship from the owner;

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- (a) S.I. 2002/1473.
 (b) S.I. 2002/1473.
 (c) S.I. 1995/1210; the relevant amending instrument is S.I. 2000/1334.
 (d) S.I. 2002/1473.
 (e) S.I. 2002/1473.
 (f) S.I. 2002/1473.

“Passenger Ship Safety Certificate” means the certificate of that name issued by the MCA, or in the case of a ship which is not a United Kingdom ship, the certificate of that name issued by the Administration of the ship concerned in accordance with the SOLAS Convention;

“relevant Admiralty publications” means the following publications of the Admiralty—

- (a) Admiralty charts, and
- (b) Sailing Directions,

and any amendment, correction or replacement which—

- (i) the Secretary of State considers relevant from time to time, and which is specified in a Merchant Shipping Notice, and

- (ii) relates to all or any of the purposes set out in section 85(1) of the Act;

“search and rescue service” means the search and rescue services responsible for the initiation and co-ordination of all maritime search and rescue activity required to provide assistance to persons in distress at sea.

(2) In this Schedule, a reference to a numbered regulation is to the regulation of that number in Chapter V.

Regulation 7

2.—(1) For the purposes of paragraph 3 of regulation 7—

- (a) “appropriate search and rescue services” means, in relation to a ship, the search and rescue service responsible for the initiation and co-ordination of all search and rescue activity for the area of operation of the ship, as specified in Merchant Shipping Notice MSN 1761 or in any subsequent Merchant Shipping Notice amending or replacing that Notice which is considered by the Secretary of State to be relevant from time to time;

- (b) the guidelines developed by the IMO are the IMO Guidelines for Preparing Plans for Co-operation between Search and Rescue Services and Passenger Ships^(a), or those specified in any subsequent Merchant Shipping Notice amending or replacing the MCA’s 2002 SOLAS V publication which is considered by the Secretary of State to be relevant from time to time.

(2) The owner of a ship to which that paragraph applies shall prepare the plan referred to in that paragraph, as respects the steps to be taken by those on board the ship for co-operating with the appropriate search and rescue services, and shall consult the appropriate search and rescue services in preparing the plan.

(3) The owner shall submit the plan to those services for approval.

(4) Those services may reject the plan, or approve it with or without modifications.

(5) Where the plan is approved, the approval shall be in writing and shall specify the date on which it takes effect and the conditions (if any) subject to which it is given.

(6) A ship to which paragraph 3 of regulation 7 applies shall carry on board a plan which has been so approved.

Regulation 10

3. For the purposes of paragraph 7 of regulation 10, the “mandatory ships’ routeing system” and “relevant provisions” with which ships must comply are the routeing system and special routeing requirements which have been adopted by the IMO in accordance with the requirements of regulation 10 for mandatory use by ships or certain categories of ships, and which are set out in the relevant Admiralty publications as “Mandatory Ships’ Routeing System”.

Regulation 11

4.—(1) For the purposes of paragraph 7 of regulation 11—

- (a) “adopted ship reporting system” means any ship reporting system that has been established by a Government or Governments after it has been adopted by the IMO as complying with all the requirements of regulation 11 in Chapter V, and which is set out in Volume 6 of the Admiralty List of Radio Signals and annotated therein as “Mandatory System under SOLAS Regulation V/11-1”;

(a) S.I. 2002/1473.

(b) the “appropriate authority” means the authority specified in the adopted ship reporting system.

(2) In relation to a United Kingdom ship, the adopted reporting system with which the master must comply is any adopted reporting system which applies in relation to his ship.

(3) In relation to a ship which is not a United Kingdom ship, the adopted reporting system with which the master must comply while in United Kingdom waters is any United Kingdom adopted reporting system which applies in relation to his ship.

Regulation 21

5. For the purposes of regulation 21, the International Code of Signals which ships are required to carry is the document published by the IMO as “International Code of Signals” in 1987 and includes all amendments now in force and any amendment, correction or replacement of that Code which—

- (a) the Secretary of State considers relevant from time to time, and which is specified in a Merchant Shipping Notice, and
- (b) relates to all or any of the purposes set out in section 85(1) of the Act.

Regulation 23

6. For the purposes of regulation 23, the owner of a ship to which that regulation applies shall ensure that—

- (a) the ship is provided with the equipment, and has the procedures in place, which comply with the pilot transfer arrangements in that regulation, and
- (b) suitable positions are available on each side of the ship to enable the master to comply with the requirements in that regulation.

7. For the purposes of regulation 23, the master of a ship to which that regulation applies shall ensure that—

- (a) all pilot transfer arrangements meet the requirements in that regulation,
- (b) all pilot transfer equipment is properly maintained, stowed and regularly inspected in accordance with that regulation,
- (c) the rigging and testing of equipment for pilot transfer, and the procedures in place for such transfers, comply with that regulation, and
- (d) each pilot ladder is used only for the embarkation and disembarkation of pilots and by officials and other persons authorised by the master on arrival at or departure from a port.

8. For the purposes of paragraph 2.2 of regulation 23—

- (a) the master of the ship shall nominate an officer of the ship to be the responsible officer, and
- (b) the responsible officer shall (in addition to the duties expressly allocated to him by that paragraph) ensure that personnel engaged in rigging and operating any mechanical equipment are instructed in the safe procedures to be adopted and that the equipment is tested prior to use.

Regulations 24 to 26

9. For the purposes of regulations 24 to 26—

- (a) in relation to paragraph 3 of regulation 24, the responsible officer shall be the officer in charge of the navigational watch or, if there is no such officer, the master,
- (b) the details specified in paragraph 6 of regulation 26 shall be recorded in the ship’s official log book, and
- (c) the owner of a ship to which regulation 26 applies shall ensure that the simple operating instructions and block diagram required by paragraph 3.1 of that regulation are provided.

Regulation 30

10. For the purposes of paragraph 2 of regulation 30, the list of all limitations on the operation of a passenger ship, together with any necessary explanations, shall be set out in a document appended to the ship’s Passenger Ship Safety Certificate.

Regulation 31

11.—(1) For the purposes of paragraph 1 of regulation 31, the competent authorities are the authorities listed in the Guidance Notes to regulation 32 which are set out in the MCA's 2002 SOLAS V publication, or in any subsequent Merchant Shipping Notice amending or replacing that publication which is considered by the Secretary of State to be relevant from time to time.

(2) For the purposes of paragraph 4 of regulation 31, the Radio Regulations with which ships are required to comply are the Radio Regulations annexed to, or regarded as being annexed to, the International Telecommunication Convention 1992(a) and includes all amendments now in force and any amendment or replacement which is considered by the Secretary of State to be relevant from time to time and is specified in any subsequent Merchant Shipping Notice.

Regulation 33

12.—(1) For the purposes of paragraph 1 of regulation 33—

- (a) a "distress alert" means a signal of distress from a ship or information from any source that a ship or hovercraft is, or persons on or from a ship or hovercraft are, in distress at sea;
- (b) the search and rescue service which the master must inform (in either instance referred to) is the search and rescue service for the area within which the persons in distress at sea are located; and
- (c) the recommendation of the IMO which the master must take into account is set out in the manual specified in the Guidance Notes to regulation 33 in the MCA's 2002 SOLAS V publication, or in any subsequent Merchant Shipping Notice amending or replacing that publication which is considered by the Secretary of State to be relevant from time to time.

(2) A master of a ship in distress, or the search and rescue services concerned, may requisition a ship in the circumstances set out in paragraph 2 of regulation 33.

(3) A master shall be released from a duty imposed in paragraph 1 of regulation 33 in the circumstances set out in paragraph 3 of regulation 33, and from the duty imposed in paragraph 1 or 2 (as the case may be) of that regulation in the circumstances set out in paragraph 4 of that regulation.

(4) Compliance by a master of a ship with the requirements of regulation 33 shall not affect his right, or the right of any other person, to salvage.

SCHEDULE 4

Regulation 10

OFFENCES AND PENALTIES

1. In this Schedule—

- (a) a reference to a numbered regulation is to the regulation of that number in Chapter V, and
- (b) "owner" includes any person or organisation, including the manager or bareboat charterer, who has assumed responsibility for the operation of the ship from the owner.

Offences and penalties

2. If a ship, to which paragraph 3 of regulation 7 applies, proceeds or attempts to proceed on any voyage or excursion without complying with the requirement to carry on board a plan approved in accordance with paragraph 2 of Schedule 3 to these Regulations, the owner of the ship shall be guilty of an offence, punishable on summary conviction by a fine not exceeding the statutory maximum and on conviction on indictment by imprisonment for a term not exceeding two years or a fine, or both.

3. Any contravention of paragraph 7 of regulation 10 in respect of a ship shall be an offence by the owner, the master of the ship and any other person for the time being responsible for the conduct of the ship, punishable on summary conviction by a fine not exceeding the statutory maximum and on conviction on indictment by imprisonment for a term not exceeding two years or a fine, or both.

4. Any contravention of paragraph 7 of regulation 11 in respect of a ship shall be an offence by the master of the ship, and punishable on summary conviction by a fine not exceeding the statutory maximum and on conviction on indictment by imprisonment for a term not exceeding two years or a fine, or both.

(a) Maritime Safety Committee Circular 1000.

5. Any contravention of paragraph 2 or 3 of regulation 17 shall be an offence by the owner and the master of the ship, punishable on summary conviction by a fine not exceeding the statutory maximum and on conviction on indictment by imprisonment for a term not exceeding two years or a fine, or both.

6. If a ship, to which regulation 19 or paragraph 1 of regulation 20 applies, proceeds or attempts to proceed on any voyage or excursion without complying with a requirement in—

(a) regulation 19, or paragraph 1 of regulation 20, respectively, or

(b) paragraph 1, 2, 3, 7 or 8 of regulation 18,

the owner and the master shall each be guilty of an offence, punishable on summary conviction by a fine not exceeding the statutory maximum and on conviction on indictment by imprisonment for a term not exceeding two years or a fine, or both.

7. If a ship, to which regulation 21 applies, proceeds or attempts to proceed on any voyage or excursion without complying with a requirement in that regulation, the owner and master shall each be guilty of an offence punishable on summary conviction by a maximum fine of an amount not exceeding level 4 on the standard scale.

8. If a ship, to which paragraph 1 or 2 of regulation 22 applies, proceeds or attempts to proceed on any voyage or excursion without complying with paragraph 1 or 2 respectively, the owner and master shall each be guilty of an offence punishable on summary conviction by a maximum fine of an amount not exceeding level 5 on the standard scale.

9. In relation to a requirement in regulation 23 with which the owner, master or responsible officer of a ship is, under paragraph 6, 7 or 8 respectively of Schedule 3 to these Regulations, obliged to ensure compliance, any contravention in respect of the ship shall be an offence by that person punishable on summary conviction by a fine not exceeding the statutory maximum and on conviction on indictment by imprisonment for a term not exceeding two years or a fine, or both.

10. In relation to paragraph 4 of regulation 24, and paragraphs 1 and 2 of regulation 26, any person who is directed to do so but fails to carry out a check or test required under any of those paragraphs shall be guilty of an offence punishable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment by imprisonment for a term not exceeding two years or a fine, or both.

11. In relation to the requirement in paragraph 3.1 of regulation 26 with which the owner of a ship is, under paragraph 9(c) of Schedule 3 to these Regulations, obliged to ensure compliance, any contravention in respect of the ship shall be an offence by the owner, punishable on summary conviction by a fine not exceeding the statutory maximum and on conviction on indictment by imprisonment for a term not exceeding two years or a fine, or both.

12. A contravention of any other requirement in regulation 24, 25 or 26 in respect of a ship shall be an offence by the master of the ship, punishable on summary conviction by a fine not exceeding the statutory maximum and on conviction on indictment by imprisonment for a term not exceeding two years or a fine, or both.

13. If a ship, to which regulation 27 applies, proceeds or attempts to proceed to sea or on any voyage or excursion without complying with that regulation, the owner and the master shall each be guilty of an offence, punishable on summary conviction by a maximum fine of an amount not exceeding level 4 on the standard scale.

14. Any contravention of regulation 28 in respect of a ship shall be an offence by the master of the ship, punishable on summary conviction by a maximum fine of an amount not exceeding level 5 on the standard scale.

15. Any contravention of regulation 29 in respect of a ship shall be an offence by the owner and the master of the ship, punishable on summary conviction by a maximum fine of an amount not exceeding level 4 on the standard scale.

16. Any contravention of regulation 30 in respect of a ship shall be an offence by the owner of the ship, punishable on summary conviction by a fine not exceeding the statutory maximum and on conviction on indictment by imprisonment for a term not exceeding two years or a fine, or both.

17. Any contravention of paragraph 1 of regulation 31 in respect of a ship shall be an offence by the master of the ship, punishable on summary conviction by a maximum fine of an amount not exceeding level 2 on the standard scale.

18. Any contravention of paragraph 1 or 2 of regulation 33 in respect of a ship shall be an offence by the master of the ship, punishable on summary conviction by a fine not exceeding the statutory maximum and on conviction on indictment by imprisonment for a term not exceeding two years or a fine, or both.

19. If a ship, to which paragraphs 1 and 2 of regulation 34 apply, proceeds or attempts to proceed to sea without complying with a requirement in either of those paragraphs, the master shall be guilty of an offence, punishable on summary conviction by a fine not exceeding the statutory maximum and on conviction on indictment by imprisonment for a term not exceeding two years or a fine, or both.

20. Any contravention of paragraph 3 of regulation 34 in respect of a ship shall be an offence by the person concerned, punishable on summary conviction by a fine not exceeding the statutory maximum and on conviction on indictment by imprisonment for a term not exceeding two years or a fine, or both.

Defences

21. In relation to paragraph 7 of regulation 10 in Chapter V, it shall be a defence to show that there were compelling reasons not to use a particular mandatory ships' routing system and that such reasons were recorded in the ship's log-book at the time.

22. In relation to any other offence under these Regulations, it shall be a defence for a person charged under these Regulations to show that he took all reasonable steps to avoid the commission of the offence.

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 (SOLAS) as amended in accordance with its Protocol of 1988 and by IMO resolution MSC.99(73).

The Regulations revoke a number of sets of Regulations and replace them with provision for ships to comply with various provisions in Chapter V. They also repeal provisions in the Merchant Shipping Act 1995, so as to avoid duplication of provision. Some consequential amendments of other Regulations and of section 91(5) of the 1995 Act are also made. (Regulation 3 and Schedules 1 and 2). Supplementary provision on the safety of navigation requirements is made by regulation 6 and Schedule 3.

The Regulations provide for the granting of exemptions and permission for equivalents (regulations 7 and 8), and the granting of approvals (regulation 9).

The Regulations also provide for contravention of various requirements to be offences, and subject to criminal penalties (regulation 10 and Schedule 4). In cases of non-compliance a ship may be detained (regulation 11).

A Regulatory Impact Assessment has been prepared and copies can be obtained from the Maritime and Coastguard Agency, Spring Place, 105 Commercial Road, Southampton, SO15 1EG. A copy has been placed in the Library of each House of Parliament.

Merchant Shipping Notices can be obtained from Marl Marketing (Scotland), Unit 6, Blooms Grove Industrial Estate, Norton Street, Nottingham NG7 3JG (telephone 0115 901 3336; fax 0115 901 3334; e-mail orders mca@promo-solution.com). They may also be accessed via the MCA's website <http://www.mcga.gov.uk>.

The MCA publication "Safety of Navigation—Implementing SOLAS V, 2002" can be obtained from The Stationery Office. A copy will also be available on the MCA's Website, which the MCA intends to keep up to date with any amendments.

Copies of the SOLAS Convention and its Protocols and amendments, and of IMO resolutions, may be obtained from the IMO at 4 Albert Embankment, London SE1 7SR.

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SAFETY**

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