

2020 No. 000

MERCHANT SHIPPING

SAFETY

The Merchant Shipping (Life-Saving Appliances and Arrangements) Regulations 2020

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The Secretary of State, after consulting the persons referred to in section 86(4) of the Merchant Shipping Act 1995(a), and in exercise of the powers conferred by sections 85(1), (1A), (1B), (3)(a), (c), (d), (e), (f), (g), (h), (l), (m), (n), (o), (p) and (q), and (5) to (7), 86(1)(a), (b), (c) and (d), section 302(1) and 306A of that Act, and with the consent of the Treasury(b), makes the following Regulations.

(a) 1995 c. 21; sections 85 and 86 were amended by the Merchant Shipping and Maritime Security Act 1997 (c. 28), sections 8 and 29(2) and Schedule 7. Section 85 was amended by the British Overseas Territories Act 2002 (c. 8), section 2(3). Section 306(A) was inserted by the Deregulation Act 2015 (c. 20), section 106. There are other amending instruments but none is relevant.

(b) The consent of the Treasury is required to make these Regulations under section 302(1) of the Merchant Shipping Act 1995.

PART 1

PRELIMINARY

Citation, commencement, amendments and revocations

1.—(1) These Regulations may be cited as the Merchant Shipping (Life-Saving Appliances and Arrangements) Regulations 2020 and come into force on [DATE].

(2) The amendments listed in Part 1 of Schedule 1 have effect.

(3) The Regulations listed in the first column of the Table in Part 2 of Schedule 1 are revoked to the extent specified in the third column of that Table.

Interpretation

2.—(1) In these Regulations—

“cargo ship” means a ship which is not a passenger ship, pleasure vessel or fishing vessel;

“Category A, B, C or D waters” means the waters specified as such in Merchant Shipping Notice 1837(M) Amendment 2(a), as amended or replaced as the Secretary of State considers to be relevant from time to time;

“Chapter III” means Chapter III of the Convention (relating to life-saving appliances and arrangements)(b);

“Convention” means the International Convention for the Safety of Life at Sea, 1974 (SOLAS)(c) and its amendments in force on [DATE](d);

“Convention country” means a country or territory which is either—

(a) a country the Government of which is party to the Convention; or

(b) a territory to which the Convention extends whether or not it is subject to the amendments to, or reservations in respect of, the Convention;

“fishing vessel” means a ship used for catching fish, whales, seals, walrus or other living resources of the sea;

“IMO” means the International Maritime Organization;

“international voyage” means a voyage between—

(a) a port in the United Kingdom and a port outside the United Kingdom; or

(b) a port in a Convention country (other than the United Kingdom) and a port in any other country or territory (whether a Convention country or not) which is outside the United Kingdom;

(a) Merchant Shipping Notice 1837(M) Amendment 2 is available in hard copy from the Maritime and Coastguard Agency of Spring Place, 105 Commercial Road, Southampton SO15 1EG (telephone 020 3817 2000 and email infoline@mca.gov.uk) and on <https://www.gov.uk>.

(b) References to Chapter III in these Regulations may be updated from time to time by way of the ambulatory reference provision in regulation 5. Chapter III was incorporated into the Convention by IMO Resolution MSC.47(66) and has been amended by IMO Resolutions MSC.91(72), MSC.134(76), MSC.152(78), MSC.170(79), MSC.201(81), MSC.216(82), MSC.218(82), MSC.256(84), MSC.272(85), MSC.293(87), MSC.317(89), MSC.320(89), MSC.325(90), MSC.338(91), MSC.350(92), MSC.368(93), MSC.404(96), MSC.421(98) and MSC.425(98). The amendments to Chapter III are available from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or found on the Foreign and Commonwealth Office treaties database (<https://treaties.fco.gov.uk/responsive/app/consolidatedSearch/>).

(c) Cmnd. 7874. The Convention may be obtained in copy from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or found on the Foreign and Commonwealth Office treaties database (<https://treaties.fco.gov.uk/responsive/app/consolidatedSearch/>).

(d) The Convention was modified by its Protocol of 1978, which was replaced and abrogated by the Protocol of 1988 with respect to the parties to the 1988 Protocol. The amendments to the Convention are available from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or found on the Foreign and Commonwealth Office treaties database (<https://treaties.fco.gov.uk/responsive/app/consolidatedSearch/>).

“LSA Code” means the International Life-Saving Appliance Code adopted by the Maritime Safety Committee of the IMO in IMO Resolution MSC.48(66)(a) and made mandatory by IMO Resolution MSC.47(66)(b);

“Merchant Shipping Notice” means a notice described as such and issued by the Maritime and Coastguard Agency (an executive agency of the Department for Transport);

“mile” means a nautical mile of 1,852 metres;

“new ship” means a ship the keel of which is laid, or which is at a similar stage of construction, on or after 1st July 1998 (and in such case “at a similar stage of construction” has the meaning given to it in paragraph 2(a));

“non-United Kingdom ship” means any ship other than a United Kingdom ship within the meaning of section 85(2) of the Merchant Shipping Act 1995;

“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; and
- (b) a child under one year of age;

“passenger ship” is a ship which carries more than twelve passengers;

“pleasure vessel” means—

- (a) any vessel which at the time it is being used is—
 - (i) in the case of a vessel wholly owned by—
 - (aa) 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) 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
- (b) 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;

“sea” includes any estuary or arm of the sea and in the United Kingdom does not include Category A, B, C or D waters;

“similar stage of construction” means the stage at which—

- (a) construction identifiable with a specific ship begins; and

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- (a) IMO Resolution MSC.48(66) has been amended by IMO Resolutions MSC.207(81), MSC.218(82), MSC.272(85), MSC.293(87), MSC.320(89) and MSC.368(93). The amendments are available from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or found on the Foreign and Commonwealth Office treaties database (<http://treaties.fco.gov.uk/docs/pdf/1968/TS0058.pdf>).
 - (b) IMO Resolution MSC.47(66) is available from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or found on the Foreign and Commonwealth Office treaties database (<http://treaties.fco.gov.uk/docs/pdf/1968/TS0058.pdf>). This Resolution makes the LSA Code mandatory by amending Chapter III. References to the LSA Code may be updated from time to time by way of the ambulatory reference provision in regulation 5.

- (b) assembly of that ship has commenced comprising at least 50 tons or one per cent of the estimated mass of all structural material, whichever is less.

(2) For the purpose of the interpretation of Chapter III (as referred to in these Regulations), the following provisions of Chapter III have effect—

- (a) regulation 1.2 (definition of “a similar stage of construction”);
- (b) regulation 1.3.1 (definition of “ships constructed”);
- (c) regulation 1.3.2 (definition of “all ships”); and
- (d) regulation 3 (definitions).

(3) For the purpose of the interpretation of Chapter III (as referred to in these Regulations), a cargo ship, whenever built and which is converted to a passenger ship, is to be treated as a passenger ship constructed on the date on which such a conversion commences.

(4) For the purpose of paragraph (3), “constructed” is to be construed in accordance with the definition in regulation 1.3.1 of Chapter III.

(5) Any reference in these Regulations to a Merchant Shipping Notice includes a reference to any document amending or replacing that notice which is considered by the Secretary of State to be relevant from time to time and is specified in a Merchant Shipping Notice.

Classification of ships

3. For the purposes of these Regulations, ships are arranged in Classes as set out in Schedule 2.

General application

4.—(1) Subject to paragraph (2), these Regulations apply to—

- (a) United Kingdom ships (wherever they may be); and
- (b) non-United Kingdom ships while they are within United Kingdom waters.

(2) These Regulations do not apply to—

- (a) ships of war, naval auxiliaries or other ships owned or operated by a contracting government and engaged only on governmental non-commercial service;
- (b) wooden ships of primitive build;
- (c) pleasure vessels of less than 13.7 metres in length;
- (d) fishing vessels;
- (e) ships solely navigating the Great Lakes of North America and the River St Lawrence as far east as a straight line drawn from Cap des Rosiers to West Point, Anticosti Island and, on the north side of Anticosti Island, the 63rd meridian;
- (f) non-United Kingdom ships which are pleasure vessels of any size.

(3) A non-United Kingdom ship flying the flag of a State which is not a party to the Convention is not subject to these Regulations if it would not have been in United Kingdom waters but for stress of weather or any other circumstances which neither the master nor the owner or the charterer (if any) could have prevented.

(4) Where persons are on board a ship as a consequence of—

- (a) the circumstances described in paragraph (3); or
- (b) an obligation laid upon the master to carry shipwrecked or other persons,

those persons are not to be taken into account for the purpose of determining the application to that ship of any provision of these Regulations.

(5) For the purpose of paragraph (2)(a), “contracting government” means the government of a State which is a party to the Convention.

Ambulatory reference

5.—(1) In these Regulations, any reference to Chapter III (which may include within it a reference to the LSA Code) or the LSA Code is to be construed—

- (a) as a reference to Chapter III or the LSA Code as modified from time to time; and
- (b) if Chapter III or the LSA Code, or a provision in Chapter III or the LSA Code, is replaced, as a reference to the replacement.

(2) For the purposes of paragraph (1), Chapter III and the LSA Code are modified or replaced if the modification or replacement takes effect in accordance with Article VIII of the Convention.

Approval and replacement of life-saving appliances and arrangements

6.—(1) In the case of ships engaged on international voyages to which Part 4 applies, and subject to paragraphs (6) and (7), life-saving appliances required by Chapter III by virtue of Part 4, and placed on board a United Kingdom ship, must be of a type that has been approved under the Merchant Shipping (Marine Equipment) Regulations 2016(a).

(2) In the case of ships engaged on international voyages to which Part 2 applies, and ships engaged on non-international voyages to which Parts 3 or 5 apply, life-saving appliances required by Merchant Shipping Notice (MSN) 1676 (Amendment 1) by virtue of Parts 2, 3 or 5, must be of a type that has been approved under the Merchant Shipping (Marine Equipment) Regulations 2016.

(3) In the case of ships on international voyages to which Part 4 applies, and subject to paragraph (6), life-saving arrangements required by Chapter III by virtue of Part 4, and which are on board a United Kingdom ship, must be approved by the Secretary of State.

(4) In the case of ships engaged on international voyages to which Part 2 applies, and ships engaged on non-international voyages to which Parts 3 or 5 apply, life-saving arrangements required by Merchant Shipping Notice (MSN) 1676 (Amendment 1) by virtue of Parts 2, 3 or 5, must be approved by the Secretary of State.

(5) The Secretary of State may give approval to novel life-saving appliances or arrangements on United Kingdom ships where such—

- (a) life-saving appliances provide safety standards at least equivalent to—
 - (i) in the case of ships engaged on international voyages, the requirements of Chapter III and the LSA Code; or
 - (ii) in the case of ships engaged on international voyages and ships engaged on non-international voyages, the requirements of Merchant Shipping Notice (MSN) 1676 (Amendment 1); and
- (b) life-saving arrangements have—
 - (i) in the case of ships engaged on international voyages, successfully undergone an engineering analysis in accordance with regulation 38.3 of Chapter III (elements of engineering analysis); or
 - (ii) in the case of ships engaged on international voyages, and in the case of ships engaged on non-international voyages, successfully complied with the engineering analysis required by Merchant Shipping Notice (MSN) 1676 (Amendment 1).

(6) Before accepting life-saving appliances and arrangements required by Chapter III that have not previously been approved by the Secretary of State, the Secretary of State must be satisfied that such life-saving appliances and arrangements comply with the requirements of Chapter III and the LSA Code(b).

(a) S.I. 2016/1025. There is another amending instrument which is not relevant.

(b) Annex 1 and 2, as appropriate, of Merchant Shipping Notice (MSN) 1874 (M+F) Amendment 2 (“MSN 1874 Amendment 2”) list the life-saving appliances and arrangements that the Secretary of State considers comply with Chapter III. MSN 1874 Amendment 2 is available in hard copy from the Maritime and Coastguard Agency of Spring Place, 105 Commercial Road, Southampton SO15 1EG (telephone 020 3817 2000 and email infoline@mcga.gov.uk) and on <https://www.gov.uk>.

(7) Before accepting life-saving appliances required by Chapter III but for which detailed specifications are not included in the LSA Code, the Secretary of State must be satisfied that such life-saving appliances still comply with Chapter III(a).

(8) Any approval given under paragraphs (2), (3), (4) or (5) must—

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

(9) The requirement that the approval referred to in paragraphs (2), (3), (4) or (5) be in writing is satisfied where the text of the approval is—

- (a) transmitted by electronic means;
- (b) received in legible form; and
- (c) capable of being used for subsequent reference.

(10) An approval given under paragraphs (2), (3), (4) or (5) may, on the giving of reasonable notice, be continued, altered or cancelled.

(11) Subject to paragraphs (12) and (13), any item of life-saving equipment marked with an expiry date—

- (a) ceases to be approved for the purposes of these Regulations on the expiry date; and
- (b) must be replaced on or after the expiry date.

(12) The emergency pack of an inflatable liferaft which is inspected at the time of servicing of the liferaft may be retained if there is more than six months remaining before the expiry date.

(13) All lifeboat on-load release mechanisms that do not comply with paragraphs 4.4.7.6.4 to 4.4.7.6.6 of the LSA Code must be replaced with equipment that so complies.

Equivalentents

7.—(1) Where these Regulations require that—

- (a) a particular life-saving appliance or type of life-saving appliance (which may include any fitting, material or apparatus) be fitted on, or carried in, a ship;
- (b) any particular life-saving arrangement be made on, or in relation to, a ship; or
- (c) any particular provision be made in relation to a ship,

the Secretary of State may approve any other life-saving appliance, life-saving arrangement or other provision if satisfied that it is at least as effective as that required by these Regulations.

(2) Any approval given under paragraph (1) must—

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

(3) The requirement that the approval referred to in paragraph (1) be in writing is satisfied where the text of the approval is—

- (a) transmitted by electronic means;
- (b) received in legible form; and
- (c) capable of being used for subsequent reference.

(4) An approval given under paragraph (1) may, on the giving of reasonable notice, be continued, altered or cancelled.

(a) Annex 2 of Merchant Shipping Notice (MSN) 1874 (M+F) Amendment 2 (“MSN 1874 Amendment 2”) lists the life-saving appliances that the Secretary of State considers meet this requirement. MSN 1874 Amendment 2 is available in hard copy from the Maritime and Coastguard Agency of Spring Place, 105 Commercial Road, Southampton SO15 1EG (telephone 020 3817 2000 and email infoline@mcga.gov.uk) and on <https://www.gov.uk>.

Exemptions

8.—(1) Subject to paragraph (3), for a ship or a class of ship to which Part 2, 3 or 5 applies, the Secretary of State may exempt that ship or class of ship from all or any of the provisions of these Regulations if satisfied that compliance with such provision is either impracticable or unreasonable in the case of that ship or class of ship.

(2) Subject to paragraph (3), for a ship or class of ship to which Part 4 applies, the Secretary of State may exempt from any of the provisions of these Regulations—

- (a) a ship or class of ship which, during a voyage, does not proceed more than 20 miles from the nearest land, and where the Secretary of State is satisfied that the sheltered nature and conditions of such a voyage makes it unreasonable or unnecessary to apply the provisions of these Regulations;
- (b) a ship employed in special trades for the carriage of large numbers of special trade passengers (such as the pilgrim trade) where—
 - (i) the Secretary of State is satisfied that it is impracticable to enforce compliance with the requirements of these Regulations; and
 - (ii) the ship complies with—
 - (aa) the rules annexed to the Special Trade Passenger Ships Agreement, 1971(a); and
 - (bb) the rules annexed to the Protocol on Space Requirements for Special Trade Passenger Ships, 1973(b);
- (c) a ship which does not normally engage on international voyages but is, in exceptional circumstances, required to undertake a single international voyage;
- (d) a ship which embodies features of a novel kind if research into the development of those features and their incorporation in ships engaged on international voyages may be seriously impeded if the ship had to comply with the requirements of these Regulations.

(3) An exemption under paragraph (1) or (2) may be—

- (a) granted subject to such safety requirements as the Secretary of State thinks fit to ensure the overall safety of the ship; and
- (b) on the giving of reasonable notice, altered or cancelled.

(4) An exemption granted under paragraph (1) or (2), or an alteration or cancellation under paragraph (3), must—

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

(5) The requirement that the exemption granted under paragraph (1) or (2) be in writing is satisfied where the text of the approval is—

- (a) transmitted by electronic means;
- (b) received in legible form; and
- (c) capable of being used for subsequent reference.

(6) Where an exemption is granted subject to safety requirements, the exemption ceases to have effect if those requirements are not complied with.

(7) Any exemption granted by the Secretary of State under regulation 85 of the Merchant Shipping (Life-Saving Appliances For Ships Other Than Ships of Classes III to VI(A))

(a) The Special Trade Passenger Ships Agreement, 1971 is available from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or found on the Foreign and Commonwealth Office treaties database (<http://foto.archivalware.co.uk/data/Library2/pdf/1980-TS0007.pdf>).

(b) The rules annexed to the Protocol on Space Requirements for Special Trade Passenger Ships, 1973 is available from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or found on the Foreign and Commonwealth Office treaties database (<http://foto.archivalware.co.uk/data/Library2/pdf/1980-TS0007.pdf>).

Regulations 1999(a) which is valid immediately before the day on which these Regulations come into force—

- (a) has effect on and after that date as if it were issued under these Regulations; and
- (b) subject to the provisions of these Regulations, continues to be valid until the expiry of that exemption.

PART 2

REQUIREMENTS FOR SHIPS CONSTRUCTED BEFORE 1st JULY 1998 AND ENGAGED ON INTERNATIONAL VOYAGES

Application

9. Part 2 applies to ships of Classes I, II, VII, VII(A), VII(T), VIII, VIII(T), IX, XI and XII, the keels of which were laid, or which were at a similar stage of construction, before 1st July 1998, and engaged on international voyages.

Compliance by ships constructed before 1st July 1998

10.—(1) A ship to which Part 2 applies must comply with the requirements applicable to that ship prescribed by Merchant Shipping Notice (MSN) 1676 (Amendment 1).

(2) Except for ships of Classes XI and XII, a ship to which Part 2 applies must comply with a provision of Part B of Chapter III that applies to it(b).

(3) For the purposes of paragraph (1), where there is a conflict between the requirements of Merchant Shipping Notice (MSN) 1676 (Amendment 1) and Part B of Chapter III, the requirements of Chapter III take precedence.

Replacement of life-saving appliances and arrangements

11.—(1) Subject to paragraphs (3) and (4), where—

- (a) life-saving appliances or arrangements are replaced on a ship to which this Part applies; or
- (b) the ship undergoes repairs, alterations or modifications of a major character which involves replacement of, or any addition to, its life-saving appliances or arrangements,

the replacement or additional life-saving appliances or arrangements must, so far as is reasonably practicable, comply with the requirements of Part B of Chapter III.

(2) Any life-saving appliance or arrangement complying with the requirements of Part B of Chapter III is not required to comply with any requirements of Merchant Shipping Notice (MSN) 1676 (Amendment 1) which would otherwise apply.

(3) Where—

- (a) a survival craft (other than an inflatable liferaft) is replaced but its launching appliance is not; or
- (b) a launching appliance for a survival craft (other than an inflatable liferaft) is replaced but the survival craft is not,

the survival craft or the launching appliance (as the case may be) must be of the same type as that replaced.

(a) S.I. 1999/2721. The Regulations were amended by S.I. 2000/2558, S.I. 2000/2687, S.I. 2001/2642 and S.I. 2004/2259.

(b) Ships constructed before 1st July 1998 are subject to certain specified requirements of Part B of Chapter III, including all provisions that apply to “all ships”. The expression “all ships” is defined in Chapter III and includes all references to “all passenger ships” (including “all ro-ro passenger ships”) and “all cargo ships”.

(4) For the purposes of paragraph (3), a “survival craft” means a craft capable of sustaining the lives of persons in distress from the time of abandoning the ship.

PART 3

REQUIREMENTS FOR SHIPS CONSTRUCTED BEFORE 1st JULY 1998 AND ENGAGED ON NON-INTERNATIONAL VOYAGES

Application

12. Part 3 applies to ships of Classes II(A), VII(A), VIII(A), VIII(A)(T), IX, IX(A), IX(A)(T), XI and XII, the keels of which were laid, or which were at a similar stage of construction, before 1st July 1998, and not engaged on international voyages.

Compliance by ships constructed before 1st July 1998

13. A ship to which Part 3 applies must comply with the requirements applicable to that ship prescribed by Merchant Shipping Notice (MSN) 1676 (Amendment 1).

PART 4

REQUIREMENTS FOR NEW SHIPS ENGAGED ON INTERNATIONAL VOYAGES

Application

14. Part 4 applies to new ships of Classes I, II, VII, VII(T), VIII, VIII(T), IX, XI and XII and which are engaged on international voyages.

Compliance by new ships of Classes I, II, VII, VII(T) VIII, VIII(T) and IX engaged on international voyages

15. A new ship of Classes I, II, VII, VII(T), VIII, VIII(T) or IX, and to which a provision of Part B of Chapter III applies, must comply with that provision.

Compliance by new ships of Classes XI and XII engaged on international voyages

16. A new ship of Classes XI or XII, when engaged on an international voyage, must comply with the requirements applicable to that ship prescribed by Merchant Shipping Notice (MSN) 1676 (Amendment 1).

Alternative design and arrangements for new ships

17. —(1) Life-saving appliances and arrangements for new ships to which this Part applies, may deviate from the requirements of Part B of Chapter III, provided that the alternative design and arrangements meet the intent of the requirements in Part B of Chapter III and provide an equivalent level of safety.

(2) In relation to a ship to which paragraph (1) applies—

- (a) an alternative design or arrangement must be subjected to an engineering analysis in accordance with regulation 38.3 of Chapter III (elements of engineering analysis); and
- (b) a copy of the engineering analysis must be provided by the owner to the Secretary of State.

(3) The alternative design or arrangement and the engineering analysis mentioned in paragraph (2) must be approved by the Secretary of State.

(4) Where the assumptions and operational restrictions that were stipulated in the alternative design or arrangement mentioned in paragraph (2) are changed—

- (a) a further engineering analysis must be carried out which takes into account the changed assumptions and operational restrictions; and
- (b) where the alternative design or arrangement requires amendment, this must be approved by the Secretary of State, if satisfied that such alternative design or arrangement is at least as effective as that required by these Regulations.

(5) An approval given under paragraph (3) or (4) must—

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

(6) The requirement that the approval referred to in paragraph (3) or (4) be in writing is satisfied where the text of the approval is—

- (a) transmitted by electronic means;
- (b) received in legible form; and
- (c) capable of being used for subsequent reference.

(7) A copy of an approval given under paragraph (3) or (4) and confirming that the alternative design or arrangement complies with Chapter III, must be carried on board the ship.

(8) An approval given under paragraph (3) or (4) may, on the giving of reasonable notice, be continued, altered or cancelled.

PART 5

REQUIREMENTS FOR NEW SHIPS ENGAGED ON NON-INTERNATIONAL VOYAGES AND NEW SHIPS ENGAGED ON INTERNATIONAL VOYAGES TO WHICH PART B OF CHAPTER III DOES NOT APPLY

Application

18. Part 5 applies to ships of—

- (a) Classes II(A), VIII(A), VIII(A)(T), IX, IX(A), IX(A)(T), XI and XII which are not engaged on international voyages; and
- (b) Classes I, II, VII, VII(T), VIII, VIII(T) or IX which are engaged on international voyages but to which Part B of Chapter III does not apply,

the keels of which were laid or which were at a similar stage of construction, on or after 1st July 1998.

Compliance by ships constructed on or after 1st July 1998

19. A ship to which Part 5 applies must comply with the requirements applicable to that ship prescribed by Merchant Shipping Notice (MSN) 1676 (Amendment 1).

PART 6

CONTROL AND ENFORCEMENT

Offences and penalties

20.—(1) If a ship proceeds or attempts to proceed to sea or on any voyage, or arrives within United Kingdom waters, in breach of any of the requirements of these Regulations, the owner and the master are each guilty of an offence in respect of each case of non-compliance.

(2) An offence under paragraph (1) is punishable—

(a) 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

(b) on conviction on indictment by imprisonment for a term not exceeding two years, or a fine, or both.

(3) It is a defence for a person charged with an offence under this regulation to prove that the person charged took all reasonable steps to avoid the commission of the offence.

Detention

21.—(1) Any ship which does not comply with the requirements of these Regulations may be detained until it complies.

(2) Section 284 of the Merchant Shipping Act 1995(a) (enforcing detention of ship) applies where a ship is liable to be detained under this regulation as if—

(a) references to detention of a ship under that Act were references to detention of the ship in question under this regulation; and

(b) subsection (7) were omitted.

(3) The provisions of sections 96 (references of detention notices to arbitration)(b) and 97 (compensation in connection with invalid detention of a ship) of the Merchant Shipping Act 1995 (except section 96(3) and the words “as a dangerously unsafe ship” in section 96(5)) apply in relation to a detention notice issued pursuant to this regulation as they apply in relation to detention notices issued pursuant to section 95 (power to detain dangerously unsafe ship), and in such application “the relevant inspector” means a person issuing the detention notice.

Review of the Regulations

22.—(1) The Secretary of State must from time to time—

(a) carry out a review of the regulatory provisions contained in these Regulations; and

(b) publish a report setting out the conclusions of the review.

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

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

(4) Section 30(3) of the Small Business, Enterprise and Employment Act 2015(c) requires that a review carried out under this regulation must, so far as is reasonable, have regard to how the

(a) 1995 c. 21. Section 284 was amended by Schedule 1 to the Merchant Shipping and Maritime Security Act 1997 (c. 28), and also by Schedule 4 to S.I. 2015/664.

(b) Section 96(7) was amended by Part 1 of Schedule 10 to the Tribunals, Courts and Enforcement Act 2007 (2007 c. 15) and by Schedule 11 to the Constitutional Reform Act 2005 (2005 c. 4). Section 96(10) was repealed by Schedule 4 to the Arbitration Act 1996 (1996 c.23).

(c) 2015 c. 26. Section 30(3) was amended by sections 19 of the Enterprise Act 2016 (c. 12) and Schedule 8 to the European Union (Withdrawal) Act 2018 (c. 16).

obligations under the Convention are implemented in other countries which are subject to the obligations.

(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 provisions 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 for Transport

Name
Parliamentary Under Secretary of State
Department for Transport

Date

We consent to the making of these Regulations

Name
Name
Two of the Lords Commissioners of Her Majesty’s Treasury

Date

SCHEDULE 1

Regulation 1

Part 1: Amendments

Merchant Shipping (Small Workboats and Pilot Boats) Regulations 1998

1. The Merchant Shipping (Small Workboats and Pilot Boats) Regulations 1998^(a) are amended as follows.

2. In the Schedule, for the fifth entry in the table—

- (a) in the first column, substitute “The Merchant Shipping (Life-Saving Appliances and Arrangements) Regulations 2020”;
- (b) in the second column, substitute “2020/XXXX”;
- (c) in the third column, omit the text.

^(a) S.I. 1998/1609. There are amending instruments but none is relevant.

Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) Regulations 1998

3. The Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) Regulations 1998(a) are amended as follows.

4. In Schedule 1 (large vessels), for the seventh entry in the table—
 - (a) in the first column substitute “The Merchant Shipping (Life-Saving Appliances and Arrangements) Regulations 2020”;
 - (b) in the second column substitute “2020/XXXX”;
 - (c) in the third column, omit the text.
5. In Schedule 2 (small vessels), for the fourth entry in the table—
 - (a) in the first column, substitute “The Merchant Shipping (Life-Saving Appliances and Arrangements) Regulations 2020”;
 - (b) in the second column, substitute “2020/XXXX”;
 - (c) in the third column, omit the text.

Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000

6. The Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000(b) are amended as follows.

7. Omit regulation 5(1)(c).
8. In the Schedule, omit paragraph 3.

Civil Partnership Act 2004 (Amendments to Subordinate Legislation) Order 2005

9. The Civil Partnership Act 2004 (Amendments to Subordinate Legislation) Order 2005(c) is amended as follows.

10. In Schedule 15, omit the fifteenth entry in the table.

Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Work at Height) Regulations 2010

11. The Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Work at Height) Regulations 2010(d) are amended as follows.

12. In regulation 5(3)(c), for “Merchant Shipping (Life-Saving Appliances For Ships Other Than Ships Of Classes III To VI(A)) Regulations 1999” substitute “Merchant Shipping (Life-Saving Appliances and Arrangements) Regulations 2020”.

Merchant Shipping (Marine Equipment) Regulations 2016

13. The Merchant Shipping (Marine Equipment) Regulations 2016 are amended as follows.
14. In the Schedule, omit paragraph 6.

Merchant Shipping (Fees) Regulations 2018

15. The Merchant Shipping (Fees) Regulations 2018(e) are amended as follows.

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- (a) S.I. 1998/2771. There are amending instruments but none is relevant.
 - (b) S.I. 2000/2687. There are amending instruments but none is relevant.
 - (c) S.I. 2005/2114. There are amending instruments but none is relevant.
 - (d) S.I. 2010/332.
 - (e) S.I. 2018/1104. There is an amending instrument which is not relevant.

16. In Schedule 1 (fees under the Merchant Shipping Act 1995), in the table in paragraph 5 (fees for inspections, etc) of Part 1 (surveys, inspections and applications for exemption), for the third entry in Section E (fire and life-saving)—

- (a) in the first column, substitute “The Merchant Shipping (Life-Saving Appliances and Arrangements) Regulations 2020”;
- (b) in the second column, substitute “2020/XXXX”;
- (c) in the third column, omit the text.

Part 2: Revocations

<i>Regulations revoked</i>	<i>References</i>	<i>Extent of revocation</i>
The Merchant Shipping (Life-Saving Appliances For Ships Of Classes Other Than Ships Of Classes III to VI(A)) Regulations 1999	S.I. 1999/2721	The whole Regulations
The Merchant Shipping (Life-Saving Appliances For Ships Of Classes Other Than Ships Of Classes III to VI(A)) (Amendment) Regulations 2000	S.I. 2000/2558	The whole Regulations
The Merchant Shipping (Life-Saving Appliances) (Amendment) Regulations 2001	S.I. 2001/2642	Regulation 6
The Merchant Shipping (Life-Saving Appliances For Ships Of Classes Other Than Ships Of Classes III to VI(A)) (Amendment) Regulations 2004	S.I. 2004/2259	The whole Regulations

SCHEDULE 2

Regulation 3

Classification of Ships

Passenger ships

Description of class of ship

Class I	ships engaged on voyages any of which are long international voyages;
Class II	ships engaged only on short international voyages;
Class II(A)	ships engaged on voyages of any kind other than international voyages, which are not— <ul style="list-style-type: none"> (i) ships of Classes III to VI(A) as defined in the Merchant Shipping (Passenger Ship Construction: Ships of Classes III to VI(A)) Regulations 1998(a); (ii) ships of Classes A, B, C or D as defined in the Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000;
Class III	Ships engaged only on voyages in the course of which they are at no time more than 70 miles by sea from their point of

(a) S.I. 1998/2514.

departure nor more than 18 miles from the coast of the United Kingdom, and which are at sea only in favourable weather and during restricted periods.

Class IV	Ships engaged only on voyages in Category A, B, C or D waters.
Class V	Ships engaged only on voyages in Category A, B, C or D waters.
Class VI	Ships engaged only on voyages with not more than 250 passengers on board, to sea, or in Category A, B, C or D waters, in all cases in favourable weather and during restricted periods, in the course of which the ships are at no time more than 15 miles, exclusive of any Category A, B, C or D waters, from their point of departure nor more than three miles from land.
Class VI(A)	Ships carrying not more than 50 passengers for a distance of not more than six miles on voyages to or from isolated communities on the islands or coast of the United Kingdom, and which do not proceed for a distance of more than three miles from land.
Non-passenger ships	Description of class of ship
Class VII	ships (other than ships of Classes I, VII(A), VII(T), XI and XII) engaged on voyages any of which are long international voyages;
Class VII(A)	ships employed as fish processing or canning factory ships, and ships engaged in the carriage of persons employed in the fish processing or canning industries;
Class VII(T)	tankers engaged on voyages any of which are long international voyages;
Class VIII	ships (other than ships of Classes II, VIII(T), IX, XI and XII) engaged only on short international voyages;
Class VIII(A)	ships (other than ships of Classes II(A) to VI(A) inclusive, VIII(A)(T), IX, IX(A), IX(A)(T), XI and XII) engaged only on voyages which are not international voyages;
Class VIII(T)	tankers engaged on voyages any of which are short international voyages;
Class VIII(A)(T)	tankers engaged only on voyages which are not international voyages;
Class IX	tugs and tenders (other than ships of Classes II, II(A), III, VI and VI(A)) which proceed to sea but are not engaged on long international voyages;
Class IX(A)	ships (other than ships of Classes IV to VI inclusive) which do not proceed to sea;
Class IX(A)(T)	tankers which do not proceed to sea;
Class XI	sailing ships (other than fishing vessels and ships of Class XII) which proceed to sea;
Class XII	pleasure vessels of 13.7 metres in length or over.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace the Merchant Shipping (Life-Saving Appliances For Ships Other Than Ships Of Classes III To VI(A)) Regulations 1999 (S.I. 1999/2721) and those Regulations that amend them. The Regulations apply, with certain limited exceptions, to United Kingdom ships and to non-United Kingdom ships in United Kingdom waters, including ships from countries which are not parties to the International Convention on the Safety of Life at Sea, 1974 (“SOLAS” or “the Convention”). They apply to passenger ships of Classes I, II and II(A), and to non-passenger ships of Classes VII, VII(A), VII(T), VIII, VIII(T), VIII(A), VIII(A)(T), IX, IX(A), IX(A)(T), XI and XII. These classes of ship are defined in Schedule 2.

The Regulations contain requirements for the carriage of life-saving appliances and arrangements for existing and new ships and which may be on international or non-international voyages. They deal separately with ships constructed before 1st July 1998 (Parts 2 and 3) and ships constructed on or after 1st July 1998 (Parts 4 and 5).

The Regulations also implement all amendments to Chapter III of SOLAS (life-saving appliances and arrangements), including amendments to the International Life-Saving Appliances Code (“the LSA Code”), as at the date of the instrument. All future amendments to the provisions of Part B of Chapter III and the LSA Code will be automatically incorporated into the Regulations by way of ambulatory reference (regulation 5).

The Regulations provide for the approval of life-saving appliances and arrangements (regulation 6), the approval of equivalents (regulation 7), the granting of exemptions (regulation 8) and the approval of alternative design and arrangements for new ships on international voyages (regulation 17).

The detail of the requirements for ships constructed before 1st July 1998 (whether engaged on international or non-international voyages) is contained in Merchant Shipping Notice (MSN) 1676 (Amendment 1), which is given statutory force by these Regulations (regulations 10, 13, 16 and 19). The provisions relating to “all ships” in Part B of Chapter III also apply to ships constructed before 1st July 1998 (regulation 10).

The detail of the requirements for new passenger ships and new cargo ships engaged on international voyages and to which SOLAS applies, is contained in Part B of Chapter III of SOLAS (regulation 15). Separate provision is also made in regulation 16 for ships of Class XI (sailing ships (other than fishing vessels and ships of Class XII) which proceed to sea) and Class XII (pleasure vessels of 13.7 metres in length or over) engaged on international voyages (and to which SOLAS does not apply); the detail of the requirements applicable to them is contained in Merchant Shipping Notice (MSN) 1676 (Amendment 1) (regulation 16).

The detail of the requirements for new ships engaged on non-international voyages, and for new ships engaged on international voyages but to which SOLAS does not apply due to the size of the ship (regulation 18), is contained in Merchant Shipping Notice (MSN) 1676 (Amendment 1) (regulation 19).

The Regulations also provide that where any ship proceeds or attempts to proceed to sea in breach of the requirements of the Regulations, this is an offence by the owner and master (regulation 20). In cases of non-compliance with the Regulations, a ship may also be detained (regulation 21).

Regulation 22 requires the Secretary of State to review the operation and effect of these Regulations and publish a report before [DATE] and at intervals not exceeding five years after that. Following a review, it will fall to the Secretary of State to consider whether the Regulations should remain as they are, or to be amended or revoked. A further instrument would be needed to amend or revoke the Regulations.

Merchant Shipping Notice (MSN) 1676 (Amendment 1) also provides guidance on how the Secretary of State will exercise discretion where Chapter III or the LSA Code permits this.

All Merchant Shipping Notices referred to in these Regulations are available from the Maritime and Coastguard Agency (MCA) of Spring Place, 105 Commercial Road, Southampton SO15 1EG (telephone 020 3817 2000 and email infoline@mcga.gov.uk) and on <https://www.gov.uk>.

The Convention and its Protocol of 1988 may be obtained in copy from the International Maritime Organization (IMO), 4 Albert Embankment, London SE1 7SR and both are available on the Foreign and Commonwealth Office (FCO) treaties database (<https://treaties.fco.gov.uk/responsive/app/consolidatedSearch/>). The text of the IMO Resolutions amending the Convention and Protocol may be obtained from the IMO or found in Marine Information Note XXX(M), or on the FCO treaties database (<https://treaties.fco.gov.uk/responsive/app/consolidatedSearch/>).

Future amendments to the Convention and to the Protocol may be obtained in copy from the IMO and, after coming into force in the United Kingdom, found on the Foreign and Commonwealth Office (FCO) treaties database (<https://treaties.fco.gov.uk/responsive/app/consolidatedSearch/>). Until such publication is made on the FCO treaties database, an amendment will be available from the MCA and on <https://www.gov.uk>. An amendment will be publicised in advance of its in-force date by means of a Parliamentary Statement to both Houses of Parliament and by way of a Marine Guidance Note, which will be available in copy from the MCA and on <https://www.gov.uk>.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.

An Explanatory Memorandum is published alongside the instrument on www.legislation.gov.uk.