
STATUTORY INSTRUMENTS

2021 No.

MERCHANT SHIPPING

**The Merchant Shipping (High Speed Offshore Service Craft)
Regulations 2021**

Made - - - - []
Laid before Parliament []
Coming into force - - [] 2021

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 85(1), (3), (5), (6) and (7) and 86(1) of the Merchant Shipping Act 1995(a).

The Secretary of State has consulted the persons referred to in section 86(4) of that Act.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Merchant Shipping (High Speed Offshore Service Craft) Regulations 2021.

(2) These Regulations come into force on [] 2021.

(3) These Regulations extend to England and Wales, Scotland and Northern Ireland.

Definitions

2. In these Regulations—

“HS-OSC” has the meaning given in regulation 3;

“Merchant Shipping Notice” means a notice described as such, issued by the Secretary of State, and 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.

Application

3.—(1) These Regulations apply to High Speed Offshore Service Craft (“HS-OSC”).

(2) An HS-OSC is a craft which—

(a) is either a United Kingdom high speed craft, or any other high speed craft in United Kingdom waters,

(b) is operating—

(i) at sea, or

(ii) in Category A, B, C or D waters,

(c) is of less than 500 tons gross tonnage,

- (d) is engaged in an operation to transport the following persons from one place to another, including any part of that operation where they are not on board—
 - (i) at least one industrial personnel, and
 - (ii) no more than 12 persons who are not industrial personnel or the master or crew,
- (e) is not, during that operation, carrying more than 60 persons on board at any point in time, whoever those persons are, and
- (f) is not—
 - (i) a pleasure vessel,
 - (ii) a warship, naval auxiliary or another craft owned or operated by a State and used, for the time being, only on government non-commercial service,
 - (iii) propelled other than by mechanical means,
 - (iv) a wooden craft of primitive build,
 - (v) a fishing vessel, or
 - (vi) engaged in a voyage from a port in one State to a port in another State.

(3) In this regulation—

“Category A, B, C or D waters” means waters specified as such in Merchant Shipping Notice 1837 (M) Amendment 2(a);

“craft” means ships and hovercraft;

“gross tonnage” has the meaning given by regulation 6 of the Merchant Shipping Tonnage Regulations 1997(b);

“high speed craft” has the same meaning as in the Merchant Shipping (High Speed Craft) Regulations 2004(c) (see regulation 2 of those Regulations);

“industrial personnel” means persons who are transported or accommodated on board for the purpose of offshore industrial activities performed on board other ships or on offshore facilities;

“offshore industrial activities” means the construction, maintenance, decommissioning, operation or servicing of offshore facilities related to the exploration and exploitation of resources by the renewable or hydrocarbon energy sectors, aquaculture, ocean mining or similar activities;

“pleasure vessel” has the same meaning as in the Merchant Shipping (Survey and Certification) Regulations 2015(d) (see regulation 3(1) of those Regulations);

“United Kingdom high speed craft” means a high speed craft which is a United Kingdom ship or hovercraft registered in the United Kingdom.

Compliance and exemptions

4.—(1) An HS-OSC must comply with the HS-OSC Code, subject to paragraph (3).

(2) The HS-OSC Code is the Secretary of State’s Code for High Speed Offshore Service Craft (of less than 500GT carrying up to 60 persons), published on [], version [](e), and includes any document amending or replacing it which is considered by the Secretary of State to be relevant from time to time and is specified in a Merchant Shipping Notice.

(3) Paragraph (1) does not apply to an HS-OSC to the extent that the Secretary of State has granted an exemption in accordance with the following paragraphs.

(4) The Secretary of State may exempt an HS-OSC or a class of HS-OSC from any of the provisions of the documents mentioned in paragraphs (1) and (2).

(a) A copy of this notice may be seen at <https://www.gov.uk/government/publications/msn-1837-m-amendment-2-categorisation-of-waters> or obtained by writing to the Maritime & Coastguard Agency, [].

(b) S.I. 1997/1510, to which there are amendments not relevant to these Regulations.

(c) S.I. 2004/302, amended by S.I. 2005/2114, 2012/2636. There are other amendments but none is relevant.

(d) S.I. 2015/508, amended by S.I. 2018/53. There are other amendments but none is relevant.

(e) A copy of this Code may be seen at [].

(5) Before granting the exemption the Secretary of State must be satisfied that the exemption, including any conditions relating to it, will not result in a level of safety which is, overall, lower than that described in the documents mentioned in paragraphs (1) and (2).

(6) The exemption may be of limited or permanent duration.

(7) The exemption is subject to any conditions which the Secretary of State considers appropriate.

(8) The exemption must—

- (a) be set out in writing,
- (b) explain the extent of the exemption,
- (c) describe the HS-OSC or class of HS-OSC which are exempted,
- (d) set out the date on which it takes effect,
- (e) set out any expiry date, and
- (f) set out any conditions.

(9) The Secretary of State may cancel or vary an exemption at any time by giving reasonable notice in writing.

(10) Before varying an exemption, the Secretary of State must be satisfied that it will continue to provide the level of safety mentioned in paragraph (5).

Offences, penalties and detention

5.—(1) The owner, master and any manager of an HS-OSC each commits an offence where there is a contravention of regulation 4 in respect of that HS-OSC.

(2) In paragraph (1)—

- (a) “manager” means a person managing the HS-OSC whether on behalf of the owner or some other person;
- (b) “owner” includes any part owner.

(3) It is a defence for any person charged under paragraph (1) to show that they took all reasonable steps to ensure compliance with regulation 4.

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

- (a) on summary conviction in England and Wales by a fine;
- (b) on summary conviction in Scotland or Northern Ireland by a fine not exceeding the statutory maximum;
- (c) on conviction on indictment, by imprisonment for a term not exceeding two years or by a fine, or by both.

(5) An HS-OSC which does not comply with regulation 4 is liable to be detained and section 284 of the Merchant Shipping Act 1995^(a) applies, subject as follows.

(6) Each reference to a ship in section 284 is to be read as if it were to an HS-OSC.

(7) Section 284(1) is to be read as if the reference to this Act were a reference to regulation 5(5) of these Regulations.

(8) Section 284(6) is to be read as if the reference to this Act, in both places it occurs, were a reference to regulation 5(5) of these Regulations.

Survey and certification

6.—(1) The Merchant Shipping (Survey and Certification) Regulations 2015^(b) are amended as follows.

(2) In regulation 3, in paragraph (1) at the appropriate places insert—

(a) 1995 c. 21.

(b) S.I. 2015/508, amended by S.I. 2018/53, 2018/1221.

““HSC Code” means the International Code of Safety for High-Speed Craft (2000), 2008 Edition(a);”;

““HS-OSC” means a craft to which the Merchant Shipping (High Speed Offshore Service Craft) Regulations 2021 apply (see regulation 3 of those Regulations);”;

““HS-OSC Code” means the Secretary of State’s Code for High Speed Offshore Service Craft (of less than 500GT carrying up to 60 persons), published on [], version [], and includes any document amending or replacing it which is considered by the Secretary of State to be relevant from time to time and which is specified in a Merchant Shipping Notice;”;

““HSC Code Safety Certificate for Offshore Service Craft” means the certificate of that name issued pursuant to regulation 13A;”.

(3) After regulation 9, insert—

“ Surveys of HS-OSC

9A.—(1) An HS-OSC is subject to the following surveys of its structure, safety equipment, radio installations and other equipment—

- (a) before the HS-OSC is put in service or before the HSC Code Safety Certificate for Offshore Service Craft is issued for the first time, an initial survey;
- (b) at the intervals specified in the HS-OSC Code, a renewal survey;
- (c) within three months before or after each anniversary date of a HSC Code Safety Certificate for Offshore Service Craft, a periodical survey; and
- (d) an additional survey as the occasion arises.

(2) This regulation does not apply to an HS-OSC which is not a United Kingdom ship which is, or is to be, certified with a certificate of a particular name or description which is equivalent to an HSC Code Safety Certificate for Offshore Service Craft and which is specified as such in a Merchant Shipping Notice.”.

(4) In regulation 11—

- (a) the existing text becomes paragraph (1);
- (b) in that paragraph, at the end insert “, subject to paragraph (2)”; and
- (c) after paragraph (1), insert—

“(2) References in regulations 9A and 10 to surveys or inspections of a particular description which are required to be carried out on an HS-OSC are to the surveys or inspections, as the case may be, of those descriptions as set out in the HSC Code, with any additions or exceptions as set out in the HS-OSC Code.”.

(5) After regulation 13, insert—

“Issue of certificates to HS-OSC

13A.—(1) When an initial survey or a renewal survey to meet the requirements set out in these Regulations has been satisfactorily completed in respect of an HS-OSC, the Certifying Authority must issue an HSC Code Safety Certificate for Offshore Service Craft.

(2) This regulation does not apply to an HS-OSC which is not a United Kingdom ship which is, or is to be, certified with a certificate of a particular name or description which is equivalent to an HSC Code Safety Certificate for Offshore Service Craft and which is specified as such in a Merchant Shipping Notice.”.

(6) In regulation 15—

- (a) in paragraph (1)—

(a) A copy of this Code may be seen at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/282657/msis34_hsc_code_2000_2008_itos_rev1.01-full-2.pdf.

- (i) in the words before sub-paragraph (a), after “Convention Certificate” insert “or HSC Code Safety Certificate for Offshore Service Craft”;
 - (ii) in sub-paragraph (b), for “or Cargo Ship Safety Certificate” substitute “, Cargo Ship Safety Certificate or HSC Code Safety Certificate for Offshore Service Craft”;
 - (b) in paragraph (2), in the words before sub-paragraph (a), after “Convention Certificate” insert “or HSC Code Safety Certificate for Offshore Service Craft”;
 - (c) in paragraph (3), in the words before sub-paragraph (a), after “Convention Certificate” substitute “or HSC Code Safety Certificate for Offshore Service Craft”;
 - (d) in paragraph (4)—
 - (i) in the words before sub-paragraph (a), for “to 9” substitute “to 9A”;
 - (ii) in sub-paragraph (b), for “to 9” substitute “to 9A”;
 - (iii) in sub-paragraph (c), for “to 9” substitute “to 9A”;
 - (e) in paragraph (6)—
 - (i) in the words before sub-paragraph (a), after “Convention Certificate” insert “, a HSC Code Safety Certificate for Offshore Service Craft”;
 - (ii) in sub-paragraph (b), for “to 9” substitute “to 9A”.
- (7) In regulation 16, in paragraph (1), after “regulation 13” insert “, 13A”.
- (8) In regulation 17—
- (a) in paragraph (1), after “Safety Certificate” insert “or HSC Code Safety Certificate for Offshore Service Craft”;
 - (b) in paragraph (2)—
 - (i) for “to 9” substitute “to 9A”;
 - (ii) after “Convention Certificate” insert “or an HSC Code Safety Certificate for Offshore Service Craft”;
 - (c) in paragraph (3)—
 - (i) for “to 9” substitute “to 9A”;
 - (ii) after “Convention Certificate” insert “or HSC Code Safety Certificate for Offshore Service Craft”;
 - (d) in paragraph (4), after “Convention Certificate” insert “or HSC Code Safety Certificate for Offshore Service Craft”;
 - (e) in paragraph (5), after “Convention Certificate” insert “or HSC Code Safety Certificate for Offshore Service Craft”.
- (9) In regulation 22, after “Convention Certificate” insert “, HSC Code Safety Certificate for Offshore Service Craft or equivalent certificate described in regulation 23(5B)(b)”.
- (10) In regulation 23, after paragraph (5) insert—
- “(5A) No United Kingdom HS-OSC may proceed to sea unless it has been surveyed and there is in force an HSC Code Safety Certificate for Offshore Service Craft.
 - (5B) No HS-OSC which is not a United Kingdom HS-OSC may operate in United Kingdom waters unless it has been surveyed and there is in force—
 - (a) an HSC Code Safety Certificate for Offshore Service Craft, or
 - (b) a certificate of a particular name or description which is equivalent to an HSC Code Safety Certificate for Offshore Service Craft and which is specified as such in a Merchant Shipping Notice.”.
- (11) After regulation 25 insert—

“Limit on the number of persons on HS-OSC

25A. The owner and master of a HS-OSC must ensure that there is not on board a greater number of persons than that stated on the ship’s HSC Code Safety Certificate for Offshore Service Craft or equivalent certificate described in regulation 23(5B)(b).”.

(12) In regulation 26—

- (a) in paragraph (1), for “to 9” substitute “to 9A”;
- (b) in paragraph (2), for “to (5)” substitute “to (5B)”;
- (c) in paragraph (5), after “regulation 25” insert “or 25A”.

Review

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

- (a) carry out a review of the regulatory provision contained in these Regulations; and
- (b) publish a report setting out the conclusions of the review.

(2) The first report must be published before [] 2026.

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

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

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

(5) 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).

Consequential amendment

8. In the Merchant Shipping (High-Speed Craft) Regulations 2004(b), in regulation 3(2) at the end insert—

- “(i) a craft to which the Merchant Shipping (High-speed Offshore Service Craft) Regulations 2021 apply.”.

Signatory text

Address
Date

Name
Parliamentary Under Secretary of State
Department

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision about standards for High Speed Offshore Service Craft.

(a) 2015 c. 26.

(b) S.I. 2004/302, amended by S.I. 2012/2636. There are other amendments but none is relevant.

Regulation 3 sets out the application of these regulations, and defines High Speed Offshore Service Craft.

Regulation 4 provides that those craft must comply with the Secretary of State's Code for High Speed Offshore Service Craft, and makes provision about exemptions.

Regulation 5 sets out provisions about offences, penalties and detention.

Regulation 6 amends the Merchant Shipping (Survey and Certification) Regulations 2015 (S.I. 2015/508) to provide for survey and certification for United Kingdom High Speed Offshore Service Craft.

Regulations 7 and 8 contain a review provision and a consequential amendment respectively.

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