
DRAFT STATUTORY INSTRUMENTS

2022 No. XXX

MERCHANT SHIPPING

SAFETY

The Merchant Shipping (High Speed Craft) Regulations 2022

Made - - - - *xxx 2022*

Coming into force in accordance with regulation 1(1)

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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), (3)(a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (n), (o), (p) and (q), (5), (6) and (7), 86(1)(a), (b), (c) and (d), 302(1) and 306A of that Act, and with the consent of the Treasury, makes the following Regulations.

In accordance with paragraph 13(1) of Schedule 8 to the European Union (Withdrawal) Act 2018(b) a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

PART 1

Preliminary

Citation, commencement, amendments and revocations

1.—(1) These Regulations may be cited as the Merchant Shipping (High Speed Craft) Regulations 2022 and come into force 21 days after the day on which they are made.

(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—

“Chapter X” means Chapter X in the Annex to the Convention (relating to safety measures for high speed craft)(c);

“Convention” means the International Convention for the Safety of Life at Sea, 1974(d);

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- (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 306A was inserted by the Deregulation Act 2015 (c. 20), section 106. There are other amendments but none is relevant.
 - (b) 2018 c. 16. Sub-paragraph (1)(a) was amended by the European Union (Withdrawal Agreement) Act 2020 (c. 1), Schedule 5, paragraphs 38 and 54(1) and (8).
 - (c) Chapter X in the Annex to the Convention (see the footnote to the definition of Convention in this regulation) was adopted by International Maritime Organization (IMO) Resolution MSC.36(63) at the conference on 24th May 1994 which came into force on 1st January 1996. Chapter X has been amended by IMO Resolution MSC.99(73). The amendment to Chapter X is 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/>).
 - (d) 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/awweb/pdfopener?md=1&did=79786>). The Convention was modified by its Protocol of 1978 (Cmnd. 8277) (<https://treaties.fco.gov.uk/awweb/pdfopener?md=1&did=68013>), which was replaced and abrogated by the Protocol of 1988 (Cm 5044) (<https://treaties.fco.gov.uk/awweb/pdfopener?md=1&did=69573>) with respect to the parties to the 1988 Protocol. The amendments to the Convention are available from the International Maritime Organization of 4

“craft” means ships and hovercraft;

“high speed craft” has the same meaning as in regulation 1.3 of Chapter X;

“High Speed Craft Code, 1994” has the same meaning as in regulation 1.1 of Chapter X(a);

“High Seed Craft Code, 2000” has the same meaning as in regulation 1.2 of Chapter X(b);

“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,

and, for the purposes of paragraph (b), “Convention country” means a country or territory which is either a country the Government of which is party to the Convention or a territory to which the Convention extends whether or not it is subject to the amendments to, or reservations in respect of, the Convention;

“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) 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;

“passenger” is a 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 craft” means a craft carrying more than 12 passengers;

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

(2) Where a high speed craft is managed by a person other than its owner (whether on behalf of the owner or some other person, or on that person’s own behalf), a reference in these Regulations to the owner must be construed as including a reference to that person.

(3) References to proceeding to sea or on a voyage over water include proceeding on or over land, so far as such proceeding is part of that voyage.

Application

3.—(1) Subject to paragraphs (2) and (3), these Regulations apply to a high speed craft which—

(a) is a United Kingdom high speed craft (wherever it may be) or a non-United Kingdom high speed craft while it is within United Kingdom waters;

(b) was constructed—

Albert Embankment, London SE1 7SR or found on the Foreign and Commonwealth Office treaties database (<https://treaties.fco.gov.uk/responsive/app/consolidatedSearch/>). Hard copies of the Command Papers are available for inspection free of charge but by appointment at the Parliamentary Archives, Houses of Parliament, London SW1A 0PW. The Parliamentary Archives catalogue numbers for the Command Papers are HL/PO/JO/10/11/2031/2878 (Cmnd 7874), HL/PO/JO/10/11/1959/2032 (Cmnd 8277) and HL/PO/JO/10/11/3156/2280 (Cm 5044).

- (a) The High Speed Craft Code, 1994 was adopted by International Maritime Organization (IMO) Resolution MSC.36(63) at the conference on 24th May 1994 which came into force on 1st January 1996. The Code has been amended by IMO Resolutions MSC.119(74), MSC.174(79), MSC.221(82), MSC.259(84), MSC.351(92), MSC.423(98) and MSC.438(99). The amendments to the Code 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/>). See footnote (c) for further information on the Convention.
- (b) The High Speed Craft Code, 2000 was adopted by International Maritime Organization (IMO) Resolution MSC.97(73) on 5th December 2000 and came into force on 1st July 2002. The Code has been amended by IMO Resolutions MSC.175(79), MSC.222(82), MSC.260(84), MSC.271(85), MSC.326(90), MSC.352(92), MSC.424(98) and MSC.439(99). The amendments to the Code 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/>). See footnote (c) for further information on the Convention.

- (i) on or after 1st January 1996; or
- (ii) before 1st January 1996 and to which repairs, alterations or modifications, or outfitting of a major character are made on or after 1st January 1996; and
- (c) is a high speed craft which is—
 - (i) a passenger craft which does not proceed in the course of its voyage more than 4 hours at operational speed from a place of refuge when fully laden,
 - (ii) a craft which is carrying passengers for hire or reward which is not a passenger craft and which does not proceed in the course of its voyage more than 4 hours at operational speed from a place of refuge when fully laden,
 - (iii) a cargo craft of 500 gross tonnage or more which does not proceed in the course of its voyage more than 8 hours at operational speed from a place of refuge when fully laden, or
 - (iv) a cargo craft of less than 500 gross tonnage which is carrying cargo for hire or reward and which does not proceed in the course of its voyage more than 8 hours at operational speed from a place of refuge when fully laden.
- (2) These Regulations do not apply to—
 - (a) craft of war and naval auxiliaries;
 - (b) craft owned or operated by a State and engaged only on governmental non-commercial service;
 - (c) craft not propelled by mechanical means;
 - (d) wooden craft of primitive build;
 - (e) pleasure craft;
 - (f) fishing craft;
 - (g) craft 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;
 - (h) a craft which has been examined, and in respect of which a certificate has been issued, in accordance with a Code of Practice referred to in regulations 4 or 5 of the Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) Regulations 1998(a);
 - (i) a craft which has been examined, and in respect of which a certificate has been issued, in accordance with a Code of Practice referred to in regulation 5 of the Merchant Shipping (Small Workboats and Pilot Boats) Regulations 1998(b);
 - (j) a high speed passenger craft engaged on a domestic voyage in sea areas B, C or D when—
 - (i) the displacement of that craft corresponding to the design waterline is less than 500m³; and
 - (ii) the maximum speed of that craft is less than 20 knots.
- (3) A non-United Kingdom high speed craft 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 could have prevented.
- (4) Where persons are on board a craft 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(a),

(a) S.I. 1998/2771, amended by S.I. 2000/482, 2005/2114, 2014/1614, 2016/353, 2018/242 and 2018/1221. The expression “Code of Practice” is defined in regulations 4(1A) and 5(2) respectively.

(b) S.I. 1998/1609, amended by S.I. 2016/354, 2018/1221 and 2020/673. There is another amendment which is not relevant. The expression “Code of Practice” is defined in regulation 3(1).

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

(5) In this regulation—

“cargo craft” means a high speed craft, other than a passenger craft, which is capable of maintaining the main functions and safety systems of unaffected spaces after damage in any one compartment on board;

“domestic voyage” means a voyage either—

(a) from a port in the United Kingdom to the same or another port within the United Kingdom; or

(b) from a port of another state to the same or another port within that state;

“gross tonnage” means gross tonnage determined in accordance with regulation 6 of the Merchant Shipping (Tonnage) Regulations 1997**(b)**;

“maximum speed” means the speed achieved at the maximum continuous propulsion power for which the craft is certified at maximum operational weight and in smooth water;

“non-United Kingdom high speed craft” means any high speed craft other than a United Kingdom high speed craft;

“operational speed” means 90 per cent of the maximum speed of which the craft is capable;

“place of refuge” means any naturally or artificially sheltered area which may be used as a shelter by craft under conditions likely to endanger its safety;

“pleasure craft” means—

(a) any craft which at the time it is being used is—

(i) in the case of a craft 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 craft or carrying any person, other than as a contribution to the direct expenses of the operation of the craft incurred during the voyage or excursion; or

(b) any craft 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 craft referred to in paragraphs (a) or (b), no other payments are made by or on behalf of users of the craft, 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 areas” means sea areas A, B, C or D as set out in Schedule 2.

Ambulatory reference

4.—(1) In these Regulations, any reference to Chapter X or the Code is to be construed—

(a) Regulation 33 of Chapter V in the Annex to the Convention places an obligation on the master to provide assistance to persons in distress at sea and this obligation is implemented in the Merchant Shipping (Safety of Navigation) Regulations 2020 (S.I. 2020/673).

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

- (a) as a reference to Chapter X or the Code as modified from time to time; and
 - (b) as, if Chapter X or the Code is replaced, a reference to the replacement.
- (2) For the purposes of paragraph (1), Chapter X or the Code is modified or replaced if the modification or replacement takes effect in accordance with Article VIII of the Convention.
- (3) A modification or replacement of Chapter X or the Code has effect at the time such modification or replacement comes into force in accordance with Article VIII of the Convention.
- (4) In this regulation, “the Code” means the High Speed Craft Code, 1994 or the High Speed Craft Code, 2000.

Exemptions

5.—(1) Subject to paragraph (3), the Secretary of State may exempt from any requirement of a provision of Chapter X a craft which does not normally engage on international voyages but is, in exceptional circumstances, required to undertake a single international voyage.

(2) Subject to paragraph (3), the Secretary of State may, in exceptional circumstances not provided for in paragraph (1), exempt from any requirement of a provision of Chapter X a craft or class of craft if satisfied that compliance with such requirement is either impracticable or unreasonable in the case of that craft or class of craft.

(3) An exemption under paragraph (1) or (2) may be granted subject to such safety requirements as the Secretary of State thinks fit to ensure the overall safety of the craft.

(4) An exemption granted under paragraph (1) or (2) may, on the giving of reasonable notice, be altered or cancelled.

(5) An exemption granted under paragraph (1) or (2), or an alteration or cancellation under paragraph (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 an exemption granted under paragraph (1) or (2), or an alteration or cancellation under paragraph (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) Where an exemption is granted subject to safety requirements, the exemption ceases to have effect if those requirements are not complied with.

Equivalentents

6.—(1) Where the provisions of Chapter X require that—

- (a) a particular fitting, material, appliance or apparatus be fitted on, or carried in, a craft;
- (b) any particular arrangement be made on, or in relation to, a craft; or
- (c) any particular provision be made in relation to a craft,

the Secretary of State may approve any other fitting, material, appliance, apparatus, arrangement or other provision if satisfied that it is at least as effective as that required by the provisions of Chapter X.

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

(3) Any approval given under paragraph (1), or a continuation, alteration or cancellation under paragraph (2), 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.
- (4) The requirement that the approval referred to in paragraph (1), or a continuation, alteration or cancellation in paragraph (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.

Approvals

7.—(1) Subject to paragraph (2), the Secretary of State, or any person authorised by the Secretary of State, may grant an approval in relation to a United Kingdom high speed craft for anything in Chapter X—

- (a) requiring the approval of the Secretary of State;
 - (b) required to be done to the satisfaction of the Secretary of State; or
 - (c) required to be acceptable to the Secretary of State^(a).
- (2) Equipment required by Chapter X and placed on board a United Kingdom high speed craft must be of a type that has been approved under the Merchant Shipping (Marine Equipment) Regulations 2016^(b).
- (3) 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.
- (4) 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.
- (5) An approval given under paragraph (1) may, on the giving of reasonable notice, be continued, altered or cancelled.

PART 2

Requirements for high speed craft

Requirements in relation to high speed craft

8.—(1) Subject to paragraphs (2) to (4), a high speed craft to which these Regulations apply must comply with each requirement applicable to that craft.

- (2) Subject to paragraphs (3) and (4), a high speed craft to which these Regulations apply which was—
- (a) constructed on or after 1st January 1996 but before 1st July 2002 must comply with the High Speed Craft Code 1994; or

(a) The circumstances in which the approval of the Secretary of State is required in relation to United Kingdom high speed craft are set out in Marine Guidance Note (MGN) []; this is available on www.gov.uk/topic/ships-cargoes/m-notices and in hard copy from the Maritime and Coastguard Agency (MCA) of Spring Place, 105 Commercial Road, Southampton SO15 1EG (telephone 020 3817 2000 and email infoline@mca.gov.uk).

(b) S.I. 2016/1025, amended by S.I. 2019/470, 2019/1304 and 2022/[]. There are other amendments but none are relevant.

- (b) constructed before 1st January 1996 and to which repairs, alterations or modifications, or outfitting related to such repairs, alterations or modifications, of a major character were carried out—
 - (i) on or after 1st January 1996; and
 - (ii) before 1st July 2002,

must comply with the High Speed Craft Code 1994 only to the extent that such repairs, alterations or modifications, or outfitting related to those repairs, alterations or modifications were carried out.

- (3) Subject to paragraph (4), a high speed craft to which these Regulations apply which was—
 - (a) constructed on or after 1st July 2002 must comply with the High Speed Craft Code 2000, or
 - (b) constructed before 1st July 2002 and to which repairs, alterations or modifications, or outfitting related to such repairs, alterations or modifications, of a major character were carried out on or after 1st July 2002, must comply with the High Speed Craft Code 2000 only to the extent that such repairs, alterations or modifications, or outfitting related to those repairs, alterations or modifications were carried out.
- (4) A high speed craft to which these Regulations apply must—
 - (a) comply with the requirements specified in Merchant Shipping Notice 1672 (M+F) Amendment 4(a) relevant to a high speed craft of its description;
 - (b) in so far as it relates to the equipment to which the Merchant Shipping (Marine Equipment) Regulations 2016 applies, comply with the requirements of those Regulations.

Requirements in relation to persons on board a high speed passenger craft

- 9.—(1) A person on board a high speed passenger craft who—
- (a) is drunk and disorderly; and
 - (b) has received a full refund, or an offer of a full refund, in respect of any fare paid by, or on behalf of, that person,

must, if so requested by the master or crew, leave the ship at any place in the United Kingdom at which that person can conveniently do so.

(2) A person who is on board a high speed passenger craft must not, after being warned by the master or crew, molest or continue to molest any passenger.

(3) A person who is on board a high speed passenger craft must not intentionally do or cause to be done anything in such a manner as to—

- (a) obstruct or damage any part of the machinery or equipment of that craft; or
- (b) obstruct, impede or molest the master or crew, or any of them in the navigation or management of the craft, or otherwise in the execution of their duty on or about the craft.

Risk assessment with reference to wash

10.—(1) A passage plan prepared in accordance with Chapter X must include a full risk assessment of the passage plan with respect to wash.

- (2) The risk assessment required by paragraph (1) must—
 - (a) be carried out in accordance with generally recognised procedures for risk assessment;
 - (b) identify—

(a) Merchant Shipping Notice 1672 (M+F) Amendment 4 was published on 18th December 2020 is available on www.gov.uk/topic/ships-cargoes/m-notices and in hard copy from the Maritime and Coastguard Agency (MCA) of Spring Place, 105 Commercial Road, Southampton SO15 1EG (telephone 020 3817 2000 and email infoline@mca.gov.uk).

- (i) any likely areas of potentially hazardous wash, taking into account possible operating conditions and the classification of wash as sub-critical, critical or super-critical; and
 - (ii) the operating restrictions necessary to reduce that potentially hazardous wash; and
 - (c) be documented in the operating manual required by Chapter X.
- (3) In this regulation—
- “wash” means the sweep of waves left behind by a moving craft, classified as sub-critical, critical or supercritical in terms of the depth Froude number $F_{nh} = V_s/\sqrt{(gh)}$ where F_{nh} describes the ratio of the vessel's speed to the wave propagation velocity in shallow water, V_s is the ship speed in metres per second, g is the acceleration due to gravity and h is the water depth in metres: for the purposes of classification “sub-critical” means $F_{nh} < 0.85$, “critical” means $F_{nh} = 0.85$ to 1.15 and “supercritical” means $F_{nh} > 1.15$.

Safety requirements for persons with reduced mobility

- 11.—(1) This regulation applies—
- (a) to a high speed craft used for public transport and engaged on a voyage, in whole or in part in sea areas classified in accordance with Merchant Shipping Notice 1747(M)(a), which begins and ends in a port in the United Kingdom; and
 - (b) to a United Kingdom high speed craft used for public transport and engaged on a voyage, in whole or in part in sea areas classified in accordance with Directive 2009/45/EC of the European Parliament and of the Council of 6 May 2009 on safety rules and standards for passenger ships(b), which begins and ends in ports within a Member State or begins and ends within an EEA State.
- (2) In complying with regulation 8, a high speed craft to which this regulation applies—
- (a) the keel of which was laid or which was at a similar stage of construction on or after 1st October 2004 must, where practicable, be constructed and equipped, and display signs, based on the guidelines in Annex III to Council Directive 2009/45/EC; and
 - (b) the keel of which was laid or which was at a similar stage of construction before 1st October 2004 must, if undergoing modification, be constructed and equipped as respects that modification, and display signs as respects that modification, based on the guidelines in Annex III to Council Directive 2009/45/EC so far as is practicable in economic terms.
- (3) In applying the guidelines in Annex III to Directive 2009/45/EC(c), the Secretary of State must follow the International Maritime Organization MSC/Circ 735(d), entitled ‘Recommendation on the design and operation of passenger ships to respond to elderly and disabled persons’ needs’.

High Speed Craft Safety Certificate

- 12.—(1) A high speed craft to which these Regulations apply is not permitted to operate unless there is in effect a High Speed Craft Safety Certificate.
- (2) The Certifying Authority may issue a High Speed Craft Safety Certificate in accordance with Chapter X.
- (3) In this regulation—

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- (a) Merchant Shipping Notice 1747(M) is available on <https://www.gov.uk/government/publications/msn-1747-sea-areas-council-directive-9818cc>, and 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).
 - (b) OJ L 163, 25.6.2009, p. 1.
 - (c) Annex III contains guidelines for safety requirements for passenger ships and high-speed passenger craft for persons with reduced mobility.
 - (d) The “Recommendation on the design and operation of passenger ships to respond to elderly and disabled persons’ needs” dated 24th June 1996 was approved by the Maritime Safety Committee of the International Maritime Organization. The Recommendation is available from the International Maritime Organization (IMO) of 4 Albert Embankment, London SE1 7SR or may be obtained in copy from the IMO or the Maritime and Coastguard Agency of Spring Place, 105 Commercial Road, Southampton SO15 1EG (telephone 020 3817 2000 and email infoline@mcga.gov.uk).

“Certifying Authority” means the Secretary of State or any person authorised by the Secretary of State.

Permit to operate

13.—(1) A Permit to Operate which is issued in respect of a passenger craft by the Secretary of State in accordance with Chapter X must specify the maximum number of passengers which that craft is allowed to carry on board.

(2) A Permit to Operate issued in accordance with paragraph (1) must set out, and be subject to, the operating restrictions identified in accordance with regulation 10.

(3) The owner and master of a passenger craft must ensure that the craft does not carry more than the maximum number of passengers specified in the Permit to Operate.

PART 3

Control and Enforcement

Offences in respect of which a sentence of imprisonment and/or a fine may be imposed

14.—(1) If a high speed craft 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 or Chapter X applicable to that craft, 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.

Offences in respect of which a fine may be imposed on summary conviction only

15.—(1) Any contravention of regulation 9 is an offence by the person in question.

(2) An offence under this regulation is punishable on summary conviction—

(a) in England and Wales by a fine; or

(b) in Scotland or Northern Ireland by a fine not exceeding the statutory maximum.

Detention

16.—(1) For the purposes of this regulation, any reference to “the Act” is a reference to the Merchant Shipping Act 1995.

(2) Any high speed craft which does not comply with the requirements of these Regulations or Chapter X applicable to that craft may be detained.

(3) Section 284 of the Act^(a) applies where a high speed craft is liable to be detained under this regulation as if—

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

- (a) references to detention of a ship under the Act were references to detention of the high speed craft in question under this regulation; and
 - (b) subsection (7) were omitted.
- (4) Where a high speed craft is liable to be detained under this regulation, the person detaining the high speed craft must serve on the master a detention notice which—
- (a) states the grounds of the detention; and
 - (b) requires the terms of the notice to be complied with until the high speed craft is released by any person mentioned in section 284(1) of the Act.
- (5) Subject to paragraph (6), section 96 (references of detention notices to arbitration)(a) and section 97 (compensation in connection with invalid detention of a ship) of the Act 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).
- (6) For the purposes of paragraph (5)—
- (a) section 96 of the Act applies as if—
 - (i) subsection (3) were omitted;
 - (ii) the words “as a dangerously unsafe ship” in subsection (5) were omitted;
 - (iii) subsection (11) were omitted; and
 - (b) sections 96 and 97 of the Act apply as if “the relevant inspector” means a person issuing the detention notice pursuant to this regulation.
- (7) Subject to paragraph (8), where a high speed craft other than a United Kingdom high speed craft is detained, the Secretary of State must immediately inform the craft’s flag administration in writing.
- (8) If it is not possible to inform the craft’s flag administration in accordance with paragraph (7), the Secretary of State must inform the Consul of the State of the flag administration, or in the absence of a Consul, the nearest diplomatic representative of the State of the flag administration.
- (9) For the purposes of paragraphs (7) and (8), “flag administration” in relation to a high speed craft means the administration of the State whose flag the craft is entitled to fly.

Review of these Regulations

- 17.—(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 [] 2027.
- (3) Subsequent reports must be published at intervals not exceeding 5 years.
- (4) Section 30(3) of the Small Business, Enterprise and Employment Act 2015(b) requires that a review carried out under this regulation must, so far as is reasonable, have regard to how the 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 provision referred to in paragraph (1)(a);
 - (b) assess the extent to which those objectives are achieved;

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

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

- (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

I consent to the making of these Regulations

Name
Lord Commissioner of Her Majesty’s Treasury

Date

SCHEDULE 1

Regulation 1

PART 1 Amendments

Hovercraft (General) Order 1972

1. The Hovercraft (General) Order 1972(**a**) is amended as follows.
2. In article 7A, for “the Merchant Shipping (High Speed Craft) Regulations 2004” substitute “the Merchant Shipping (High Speed Craft) Regulations 2022”.

[The Merchant Shipping (Cargo Ship Construction) Regulations 1997

3. The Merchant Shipping (Cargo Ship Construction) Regulations 1997(**b**) are amended as follows.
4. In regulation 4(c)(ii), for “the Merchant Shipping (High Speed Craft) Regulations 2004” substitute “the Merchant Shipping (High Speed Craft) Regulations 2022”.]

The Merchant Shipping and Fishing Vessels (Health and Safety at Work) Regulations 1997

5. The Merchant Shipping and Fishing Vessels (Health and Safety at Work) Regulations 1997(**c**) are amended as follows.

(a) S.I. 1972/674. Article 7A was inserted by S.I. 1996/3173 and amended by S.I. 2004/302; there are other amending instruments but none is relevant.

(b) [].

(c) S.I. 1997/2962. The definition of “sea-going” was inserted by S.I. 2014/1616; there are other amending instruments but none is relevant.

6. In regulation 2(2), in the definition of “sea-going”, in sub-paragraph (a)(iv), for “regulation 8 of the Merchant Shipping (High Speed Craft) Regulations 2004” substitute “regulation 13 of the Merchant Shipping (High Speed Craft) Regulations 2022”.

[The Merchant Shipping (Fire Protection: Small Ships) Regulations 1998

7. The Merchant Shipping (Fire Protection: Small Ships) Regulations 1998(a) are amended as follows.

8. In regulation 1(7)(b)(iii), for “the Merchant Shipping (High Speed Craft) Regulations 2004” substitute “the Merchant Shipping (High Speed Craft) Regulations 2022”.]

[The Merchant Shipping (Fire Protection: Large Ships) Regulations 1998

9. The Merchant Shipping (Fire Protection: Large Vessels) Regulations 1998(b) are amended as follows.

10. In regulation 1(7)(c)(ii), for “the Merchant Shipping (High Speed Craft) Regulations 2004” substitute “the Merchant Shipping (High Speed Craft) Regulations 2022”.]

[The Merchant Shipping (Radio Installations) Regulations 1998

11. The Merchant Shipping (Radio Installations) Regulations 1998(c) are amended as follows.

12. In regulation 3(2)(f), for “the Merchant Shipping (High Speed Craft) Regulations 2004” substitute “the Merchant Shipping (High Speed Craft) Regulations 2022”.]

[The Merchant Shipping (Passenger Ship Construction: Ships of Classes I, II and II(A)) Regulations 1998

13. The Merchant Shipping (Passenger Ship Construction: Ships of Classes I, II and II(A)) Regulations 1998(d) are amended as follows.

14. In regulation 3(4), for “the Merchant Shipping (High Speed Craft) Regulations 2004” substitute “the Merchant Shipping (High Speed Craft) Regulations 2022”.]

[The Merchant Shipping (Passenger Ship Construction: Ships of Classes III to VI(A)) Regulations 1998

15. The Merchant Shipping (Passenger Ship Construction: Ships of Classes III to VI(A)) Regulations 1998(e) are amended as follows.

16. In regulation 3, for “the Merchant Shipping (High Speed Craft) Regulations 2004” substitute “the Merchant Shipping (High Speed Craft) Regulations 2022”.]

The Merchant Shipping (Musters, Training and Decision Support Systems) Regulations 1999

17. The Merchant Shipping (Musters, Training and Decision Support Systems) Regulations 1999(f) are amended as follows.

(a) [].

(b) [].

(c) S.I. 1998/2070, amended by S.I. 2000/2687, 2004/302 and 2020/xxx; there are other amending instruments but none is relevant.

(d) [].

(e) [].

(f) S.I. 1999/2722, amended by S.I. 2004/302; there are other amendments but none is relevant.

18. In regulation 3(2)(e), for “the Merchant Shipping (High Speed Craft) Regulations 2004” substitute “the Merchant Shipping (High Speed Craft) Regulations 2022”.

The Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000

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

20. In regulation 4(2)(c)(i) and (g), for “the Merchant Shipping (High Speed Craft) Regulations 2004” substitute “the Merchant Shipping (High Speed Craft) Regulations 2022”.

The Merchant Shipping (Domestic Passenger Ships) (Safety Management Code) Regulations 2001

21. The Merchant Shipping (Domestic Passenger Ships) (Safety Management Code) Regulations 2001(b) are amended as follows.

22. In regulation 3(3), for “the Merchant Shipping (High Speed Craft) Regulations 2004” substitute “the Merchant Shipping (High Speed Craft) Regulations 2022”.

The Merchant Shipping (Passenger Ships) (Safety Code for UK Categorised Waters) Regulations 2010

23. The Merchant Shipping (Passenger Ships) (Safety Code for UK Categorised Waters) Regulations 2010(c) are amended as follows.

24. In regulation 3(2)(a), for “regulation 2(1) of the Merchant Shipping (High Speed Craft) Regulations 2004” substitute “[regulation 2(1) of] the Merchant Shipping (High Speed Craft) Regulations 2022”.

The Merchant Shipping (Maritime Labour Convention) (Medical Certification) Regulations 2010

25. The Merchant Shipping (Maritime Labour Convention) (Medical Certification) Regulations 2010(d) are amended as follows.

26. In regulation 2, in the definition of “sea-going”, in paragraph (d), for “regulation 8 of the Merchant Shipping (High Speed Craft) Regulations 2004” substitute “regulation 13 of the Merchant Shipping (High Speed Craft) Regulations 2022”.

The Merchant Shipping (Maritime Labour Convention) (Survey and Certification) Regulations 2013

27. In the Merchant Shipping (Maritime Labour Convention) (Survey and Certification) Regulations 2013(e) are amended as follows.

28. In regulation 2(1), in the definition of “sea-going”, in sub-paragraph (d), for “regulation 8 of the Merchant Shipping (High Speed Craft) Regulations 2004” substitute “regulation 13 of the Merchant Shipping (High Speed Craft) Regulations 2022”.

(a) S.I. 2000/2687, amended by S.I. 2004/302, 2004/2883, 2010/680, 2012/2636, 2018/53 and 2018/1221; there are other amending instruments but none is relevant.

(b) S.I. 2001/3209, amended by S.I. 2004/302; there are other amending instruments but none is relevant.

(c) S.I. 2010/680, to which there are amendments not relevant to these Regulations.

(d) S.I. 2010/737, amended by S.I. 2014/1614; there are other amendments but none is relevant.

(e) S.I. 2013/1785.

The Merchant Shipping (International Safety Management (ISM) Code) Regulations 2014

29. The Merchant Shipping (International Safety Management (ISM) Code) Regulations 2014(a) are amended as follows.

30. In regulation 2(1), in the definition of “high speed craft”, for “the Merchant Shipping (High Speed Craft) Regulations 2004” substitute “the Merchant Shipping (High Speed Craft) Regulations 2022”.

The Merchant Shipping (Maritime Labour Convention) (Minimum Requirements for Seafarers etc) Regulations 2014

31. The Merchant Shipping (Maritime Labour Convention) (Minimum Requirements for Seafarers etc) Regulations 2014(b) are amended as follows.

32. In regulation 2(1), in the definition of “sea-going”, in sub-paragraph (d), for “regulation 8 of the Merchant Shipping (High Speed Craft) Regulations 2004” substitute “regulation 13 of the Merchant Shipping (High Speed Craft) Regulations 2022”.

The Merchant Shipping (Maritime Labour Convention) (Recruitment and Placement) Regulations 2014

33. The Merchant Shipping (Maritime Labour Convention) (Recruitment and Placement) Regulations 2014(c) are amended as follows.

34. In regulation 2(1), in the definition of “sea-going”, in sub-paragraph (d), for “regulation 8 of the Merchant Shipping (High Speed Craft) Regulations 2004” substitute “regulation 13 of the Merchant Shipping (High Speed Craft) Regulations 2022”.

The Merchant Shipping (Survey and Certification) Regulations 2015

35. The Merchant Shipping (Survey and Certification) Regulations 2015(d) are amended as follows.

36. In regulation 5(2)(c), for “the Merchant Shipping (High Speed Craft) Regulations 2004” substitute “the Merchant Shipping (High Speed Craft) Regulations 2022”.

[The Merchant Shipping (Standards of Training, Certification and Watchkeeping) Regulations 2015

37. The Merchant Shipping (Standards of Training, Certification and Watchkeeping) Regulations 2015(e) are amended as follows.

38. In regulation 3(1), in the definition of “high speed craft”, for “the Merchant Shipping (High Speed Craft) Regulations 2004” substitute “the Merchant Shipping (High Speed Craft) Regulations 2022”.]

The Merchant Shipping (Maritime Labour Convention) (Hours of Work) Regulations 2018

39. The Merchant Shipping (Maritime Labour Convention) (Hours of Work) Regulations 2018(f) are amended as follows.

(a) S.I. 2014/1512.
(b) S.I. 2014/1613.
(c) S.I. 2014/1615.
(d) S.I. 2015/508.
(e) S.I. 2015/782, amended by S.I. 2018/68 and 2019/630.
(f) S.I. 2018/58.

40. In regulation 2(1), in the definition of “sea-going”, in sub-paragraph (d), for “regulation 8 of the Merchant Shipping (High Speed Craft) Regulations 2004” substitute “regulation 13 of the Merchant Shipping (High Speed Craft) Regulations 2022”.

The Merchant Shipping Fees Regulations 2018

41. The Merchant Shipping (Fees) Regulations 2018(a) are amended as follows.

42. 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), in Section I (construction and equipment)—

- (a) omit the entry for the Merchant Shipping (High Speed Craft) Regulations 2004;
- (b) at the end—
 - (i) in the first column, insert “The Merchant Shipping (High Speed Craft) Regulations 2022”;
 - (ii) in the second column, insert “2022/xxx”;
 - (iii) in the third column, insert “None”.

The Merchant Shipping (Prevention of Oil Pollution) Regulations 2019

43. The Merchant Shipping (Prevention of Oil Pollution) Regulations 2019(b) are amended as follows.

44. In regulation 29(4), in paragraph (b), for “regulation 6 of the Merchant Shipping (High Speed Craft) Regulations 2004” substitute “regulation 8 of the Merchant Shipping (High Speed Craft) Regulations 2022”.

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

45. The Merchant Shipping (Life-Saving Appliances and Arrangements) Regulations 2020(c) are amended as follows.

46. In regulation 4(2)(i), for “the Merchant Shipping (High Speed Craft) Regulations 2004” substitute “the Merchant Shipping (High Speed Craft) Regulations 2022”.

The Merchant Shipping (Safety of Navigation) Regulations 2020

47. The Merchant Shipping (Safety of Navigation) Regulations 2020(d) are amended as follows.

48. In—

- (a) regulation 5(3)(a), for “the Merchant Shipping (High Speed Craft) Regulations 2004” substitute “the Merchant Shipping (High Speed Craft) Regulations 2022”;
- (b) in the Schedule, in Part 2 (revocations), omit the entry relating to “The Merchant Shipping (High Speed Craft) Regulations 2004”.

(a) S.I. 2018/1104, to which there are amendments not relevant to these Regulations.
(b) S.I. 2019/42.
(c) S.I. 2020/501.
(d) S.I. 2020/673.

PART 2

Revocations

<i>Regulations revoked</i>	<i>References</i>	<i>Extent of revocation</i>
The Merchant Shipping (High Speed Craft) Regulations 2004(a)	S.I. 2004/302	The whole Regulations
The Merchant Shipping (Passenger Ships on Domestic Voyages) (Amendment) (No 2) Regulations 2004	S.I. 2004/2883	Regulation 4
The Merchant Shipping (Passenger Ships on Domestic Voyages) (Amendment) Regulations 2012	S.I. 2012/2636	Regulation 4
The Merchant Shipping (Maritime Labour Convention) (Consequential and Minor Amendments) Regulations 2014	S.I. 2014/1614	Definition of “sea-going” in regulation 13(2)(a)
The Merchant Shipping (Maritime Labour Convention) (Health and Safety) (Amendment) Regulations 2014	S.I. 2014/1616	Definition of “sea-going” in regulation 2(2)(f)
The Merchant Shipping (Marine Equipment) Regulations 2016(b)	S.I. 2016/1025	Paragraph 11 of Schedule 1
The Merchant Shipping (Miscellaneous Provisions) (Amendments etc) (EU Exit) Regulations 2018	S.I. 2018/1221	Regulation 3(5) and paragraph 19 of the Schedule

SCHEDULE 2

Regulation 3

Sea areas

<i>Sea area</i>	<i>Meaning</i>
A	A sea area outside of areas B, C and D.
B	A sea area, whose geographical coordinates are at no point more than 20 miles from the line of coast, corresponding to the medium tide height, but which is outside of areas C and D.
C	<p>A sea area, whose geographical coordinates are at any point no more than 5 miles from the line of coast, corresponding to the medium tide height, but outside of sea area D if any.</p> <p>Additionally, the probability of the significant wave height exceeding 2.5 metres shall be smaller than 10 % for a period of one year for all-year-round operation, or for a specific period for seasonal operation, such as summer period operation.</p>

(a) S.I. 2004/302, amended by S.I. 2004/2883, 2012/2636, 2016/1025 and 2018/1221; there are other amending instruments but none is relevant.

(b) S.I. 2016/1025, amended by S.I. 2019/470; there are other amending instruments but none is relevant.

D

A sea area, whose geographical coordinates are at any point no more than 3 miles from the line of coast, corresponding to the medium tide height.

Additionally, the probability of the significant wave height exceeding 1.5 metres shall be smaller than 10 % for a period of one year for all-year-round operation, or for a specific period for seasonal operation, such as summer period operation.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement outstanding amendments to Chapter X of the International Convention for the Safety of Life at Sea, 1974 (“SOLAS” or “the Convention”), which relates to the safety of high speed craft.

These Regulations revoke and replace the Merchant Shipping (High Speed Craft) Regulations 2004 (S.I. 2004/302) and apply, with certain limited exceptions, to United Kingdom high speed craft and to non-United Kingdom high speed craft when in United Kingdom waters (regulation 3).

These Regulations contain requirements relating to the safety of high speed craft and their equipment and arrangements.

These Regulations implement all amendments to Chapter X as at the date on which this instrument comes into force. All future amendments to the provisions of Chapter X, and the instruments referred to in them, will be automatically incorporated into these regulations by way of the ambulatory reference provision (regulation 4) using the power in section 306A of the Merchant Shipping Act 1995.

These Regulations provide for the granting of exemptions (regulation 5), the approval of equivalents (regulation 6) and approval of other matters (regulation 7).

Regulation 8 applies the technical requirements in Chapter X to high speed craft. Regulation 9 prescribes various requirements on persons on board high speed craft. Regulations 10 to 13 make provisions for discrete requirements relating to risk assessments in respect of wash, safety of persons with reduced mobility, permits to operate and high speed craft safety certificates.

Regulations 14 and 15 make provision for offences. Regulation 14 makes it an offence by the owner and master of a high speed craft for it to be used in contravention of any of the requirements of these Regulations. Regulation 15 makes it an offence by persons to contravene the requirements specified in regulation 9. Regulation 16 contains power to detain a ship in cases of non-compliance with these Regulations.

Regulation 17 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 be amended or revoked. A further instrument would be needed to amend or revoke the Regulations.

Schedule 1 to these Regulations makes consequential amendments to other instruments. Schedule 2 contains a definition of each sea area for the purpose of regulation 2 (interpretation).

High speed craft which comply with the requirements of Chapter X, and specifically the requirements set out in the High Speed Craft Codes, 1994 or 2000 (whichever is applicable), are

by virtue of regulation 3 of Chapter X deemed to have complied with the requirements of Chapters I to IV and regulations 18 to 20 of Chapter V of the Annex to SOLAS.

Marine Guidance Note (MGN) [] provides guidance on the requirements imposed by Chapter X and how the Secretary of State will exercise discretion where this is permitted by Chapter X. The MGN is available on www.gov.uk/topic/ships-cargoes/m-notices and in hard copy from the Maritime and Coastguard Agency (MCA) of Spring Place, 105 Commercial Road, Southampton SO15 1EG (telephone 020 3817 2000 and email infoline@mca.gov.uk) or on <https://www.gov.uk/government/organisations/maritime-and-coastguard-agency>.

Merchant Shipping Notice 1672 (M+F) and Merchant Shipping Notice 1747, which are referred to in these Regulations, are available on www.gov.uk/topic/ships-cargoes/m-notices and in hard copy from the Maritime and Coastguard Agency (MCA) of Spring Place, 105 Commercial Road, Southampton SO15 1EG (telephone 020 3817 2000 and email infoline@mca.gov.uk) or on <https://www.gov.uk/government/organisations/maritime-and-coastguard-agency>.

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/government/organisations/maritime-and-coastguard-agency>.

An impact assessment of the effect of this instrument has been produced and is published with the Explanatory Memorandum alongside the instrument on www.legislation.gov.uk.