

2024 No.0000

MERCHANT SHIPPING

The Merchant Shipping (Special Measures to Enhance Maritime Safety) Regulations 2024

Made - - - - - ***
Laid before Parliament ***
Coming into force ***

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SCHEDULE — Amendment of regulations

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), (c), (d), (o), (p) and (q), (5) to (7) and 86(1)(a), (b), (c) and (d), 302(1) and 306A of that Act and article 2 of the Merchant Shipping (Control of Pollution) (SOLAS) Order 1998(b), and with the consent of the Treasury, 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 306A was inserted by the Deregulation Act 2015 (c. 20), section 106. There are other amendments but none is relevant.
(b) S.I. 1998/1500.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Merchant Shipping (Special Measures to Enhance Maritime Safety) Regulations 2024 and come into force on [].

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

Amendment of regulations

2. The amendments listed in the Schedule have effect.

Interpretation

3. In these Regulations—

“the 2015 Regulations” means the Merchant Shipping (Survey and Certification) Regulations 2015(a);

“cargo ship” means any ship which is not a passenger ship;

“Certifying Authority” has the meaning given to it in regulation 4 of the 2015 Regulations;

“Chapter IX” means Chapter IX in the Annex to the Convention (International Safety Management (ISM) Code)(b);

“Chapter XI-1” means Chapter XI-1 in the Annex to the Convention (special measures to enhance maritime safety)(c);

“Company” has the meaning given to it in regulation 1 of Chapter IX;

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

“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;

“flag administration” means the administration of the State whose flag a ship is entitled to fly;

“gross tons” means gross tonnage determined in accordance with regulation 6 or 12(1) of the Merchant Shipping (Tonnage) Regulations 1997(e);

“IMO” means 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) S.I. 2015/508, amended by S.I. 2018/53, S.I. 2018/1221 and S.I. 2022/41.

(b) Chapter IX was adopted by Resolution 1 of the 1994 Conference of the Contracting Governments to the International Convention for the Safety of Life at Sea, 1974. Resolution 1 can be obtained from the IMO of 4 Albert Embankment, London SE1 7SR or 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).

(c) Chapter XI-1 was adopted by Resolution 1 of the 1994 Conference of the Contracting Governments to the International Convention for the Safety of Life at Sea, 1974, and has been amended by IMO Resolutions MSC.47(66) (Cm 4064), MSC.194(80), MSC.257(84), MSC.325(90), MSC.380(94), MSC.412(97) and MSC.461(101). Resolution 1 and the amendments to Chapter XI-1 are available from the IMO of 4 Albert Embankment, London SE1 7SR or at <https://www.imo.org/en/KnowledgeCentre/IndexofIMOResolutions/Pages/MSC.aspx>.

(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, Commonwealth and Development Office treaties database (<https://treaties.fcdo.gov.uk/awweb/pdfopener?md=1&did=79786>). The Convention was modified by its Protocol of 1978 (Cmnd. 8277) (<https://treaties.fcdo.gov.uk/awweb/pdfopener?md=1&did=68013>), which was replaced and abrogated by the Protocol of 1988 (Cm 5044) (<https://treaties.fcdo.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 Albert Embankment, London SE1 7SR or found on the Foreign, Commonwealth and Development Office treaties database (<https://treaties.fcdo.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).

(e) S.I. 1997/1510, amended by S.I. 2020/362. There are other amendments but none is relevant to these Regulations.

“ISPS Code” means the International Code for the Security of Ships and of Port Facilities^(a) and which is defined in regulation 1 of Chapter XI-2 in the Annex to the Convention (special measures to enhance maritime security);

“passenger” means 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; or
- (b) a child under one year of age;

“passenger ship” means a ship which carries more than 12 passengers;

“United Kingdom ship” means a United Kingdom ship within the meaning of section 85(2) of the Merchant Shipping Act 1995 and “non-United Kingdom ship” is to be construed accordingly.

Application

4.—(1) Subject to paragraphs (2), (3) and (5) to (7), these Regulations apply to—

- (a) United Kingdom ships engaged on international voyages;
- (b) United Kingdom Class A passenger ships;
- (c) United Kingdom Class B passenger ships which are certified to carry more than 250 passengers;
- (d) United Kingdom tankers engaged on non-international voyages which proceed to sea; and
- (e) non-United Kingdom ships while they are within United Kingdom waters.

(2) These Regulations do not apply to—

- (a) ships of war and naval auxiliaries;
- (b) ships owned or operated by a State and engaged only on governmental non-commercial service;
- (c) ships not propelled by mechanical means;
- (d) wooden ships of primitive build;
- (e) pleasure vessels;
- (f) fishing vessels;
- (g) 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.

(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 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^(b),

(a) The International Code for the Security of Ships and of Port Facilities (ISPS Code) was adopted by Resolution 2 of the Conference of the Contracting Governments to the International Convention for the Safety of Life at Sea, 1974 (SOLAS) on 12th December 2002 and was made mandatory by Chapter XI-2 in the Annex to SOLAS, which was adopted by the same Resolution and came into force on 1st July 2004. It was amended by International Maritime Organization (IMO) Resolution MSC.196(80). Resolution 2 can be obtained from the IMO of 4 Albert Embankment, London SE1 7SR or from the MCA of Spring Place, 105 Commercial Road, Southampton, SO15 1EG (telephone 020 3817 2000 and email infoline@mca.gov.uk), and Resolution MSC.196(80) can be found at [https://wwwcdn.imo.org/localresources/en/KnowledgeCentre/IndexofIMOResolutions/MSCResolutions/MSCR.196\(80\).pdf](https://wwwcdn.imo.org/localresources/en/KnowledgeCentre/IndexofIMOResolutions/MSCResolutions/MSCR.196(80).pdf) or in hard copy from the IMO.

(b) Regulation 33 in Chapter V of the Convention (safety of navigation) 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).

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) Regulation 7 (ship identification number) does not apply to—

- (a) passenger ships of less than 100 gross tons; and
- (b) cargo ships of less than 300 gross tons.

(6) Regulation 8 (company and registered owner and company number) does not apply to cargo ships of less than 500 gross tons.

(7) Regulation 9 (continuous synopsis record) does not apply to—

- (a) ships on non-international voyages;
- (b) cargo ships of less than 500 gross tons.

(8) For the purposes of this regulation—

“Class A passenger ship” means a passenger ship engaged solely on domestic voyages in Areas A, B, C and D, as defined in regulation 3A(1) of the Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000(a);

“Class B passenger ship” means a passenger ship engaged solely on domestic voyages in Areas B, C and D, as defined in regulation 3A(1) of the Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000;

“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 but does not include Category A, B, C or D waters, and for the purposes of this definition “Category A, B, C or D waters” means the waters specified as such in Merchant Shipping Notice 1837(M) Amendment 2(b);

“tanker” means a cargo ship constructed or adapted for the carriage in bulk of liquid cargoes of an inflammable nature.

(a) S.I. 2000/2687, amended by S.I. 2020/1222. There are other amending instruments but none is relevant.
(b) Merchant Shipping Notice 1837(M) Amendment 2 is available on <https://www.gov.uk/government/publications/msn-1837-m-amendment-2-categorisation-of-waters>, 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).

Ambulatory reference

5.—(1) In these Regulations, any reference to Chapter IX, Chapter XI-1 or Part A of the ISPS Code is to be construed—

- (a) as a reference to Chapter IX, Chapter XI-1 or Part A of the ISPS Code as modified from time to time; and
- (b) as, if Chapter IX, Chapter XI-1 or Part A of the ISPS Code is replaced, a reference to the replacement.

(2) For the purposes of paragraph (1), Chapter IX, Chapter XI-1 or Part A of the ISPS 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 IX, Chapter XI-1 or Part A of the ISPS Code has effect at the time such modification or replacement comes into force in accordance with Article VIII of the Convention.

Exemptions

6.—(1) Subject to paragraph (2), the Secretary of State may exempt from any provision of these Regulations—

- (a) a ship which does not normally engage on international voyages but is, in exceptional circumstances, required to undertake a single international voyage;
- (b) a ship or class of ship, in exceptional circumstances, if satisfied that compliance with such provision is either impracticable or unreasonable in the case of that ship or class of ship.

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

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

(4) An exemption granted under paragraph (1), 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 an exemption granted under paragraph (1), or an alteration or cancellation under paragraph (3), 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.

Ship identification number

7.—(1) A Company, owner and master of a ship to which this regulation applies must each ensure that an identification number which conforms to the IMO ship identification number scheme adopted in IMO Resolution A.1117(30)(a) is—

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- (a) Resolution A.1117(30) contains the IMO ship identification number scheme and revoked Resolution A.1078(28), which contained the previous IMO ship identification number scheme. Resolution A.1117(30) can be obtained from the IMO of 4 Albert Embankment, London SE1 7SR and at [https://wwwcdn.imo.org/localresources/en/KnowledgeCentre/IndexofIMOResolutions/AssemblyDocuments/A.1117\(30\).pdf](https://wwwcdn.imo.org/localresources/en/KnowledgeCentre/IndexofIMOResolutions/AssemblyDocuments/A.1117(30).pdf) f. The procedure for obtaining a ship identification number is explained in IMO Circular Letter No.1886/Rev.6 dated 8th August 2016, which is also available from the IMO and at [https://wwwcdn.imo.org/localresources/en/OurWork/IIS/Documents/CL.1886-REV.6%20\(E\)_IMO%20Number%20Scheme.pdf](https://wwwcdn.imo.org/localresources/en/OurWork/IIS/Documents/CL.1886-REV.6%20(E)_IMO%20Number%20Scheme.pdf).

- (a) obtained for the ship; and
 - (b) inserted on the applicable certificates referred to in paragraph (2).
- (2) The certificates referred to in sub-paragraph (b) of paragraph (1) are—
- (a) in the case of a United Kingdom ship, a certificate issued under regulation 13 of the 2015 Regulations (issue of certificates to United Kingdom ships engaged on international or short international voyages) and any certified copy of such a certificate; or
 - (b) in the case of a non-United Kingdom ship—
 - (i) a certificate issued by the Secretary of State under regulation 19(2) of the 2015 Regulations (requests made by other SOLAS governments); or
 - (ii) a certificate issued by the ship's flag administration in accordance with regulation 12 or 13 of Chapter I of the Annex to the Convention (issue or endorsement of certificates).
- (3) In the case of a United Kingdom ship, the Secretary of State must include the identification number in any exemption granted under regulation 5(3) of the 2015 Regulations (exemptions).
- (4) Subject to paragraph (5), a Company, owner and master of a ship to which this regulation applies must ensure that the identification number is permanently marked on the ship in accordance with regulations 3.4 and 3.5.1 to 3.5.3 of Chapter XI-1 (marking of ship's identification number).
- (5) On United Kingdom ships constructed of material other than steel or metal, the method of marking the identification number on the ship must be approved by the Secretary of State before such marking is undertaken.
- (6) An approval given under paragraph (5) may, on the giving of reasonable notice, be continued, altered or cancelled.
- (7) Any approval given under paragraph (5), or a continuation, alteration or cancellation under paragraph (6), 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.
- (8) The requirement that the approval referred to in paragraph (5), or a continuation, alteration or cancellation under paragraph (6), be in writing is satisfied where the text of the approval, continuation, alteration or cancellation is—
- (a) transmitted by electronic means;
 - (b) received in legible form; and
 - (c) capable of being used for subsequent reference.

Company and registered owner identification number

8.—(1) A Company and owner of a ship to which this regulation applies must each ensure that an identification number which conforms to the IMO Unique Company and Registered Owner Identification Number Scheme^(a) is—

- (a) obtained; and
 - (b) inserted on the applicable certificates referred to in paragraph (2).
- (2) The certificates referred to in sub-paragraph (b) of paragraph (1) are—

(a) The IMO Unique Company and Registered Owner Identification Number Scheme was adopted by the Maritime and Safety Committee of the IMO in Resolution MSC.160(78) and the procedures for its implementation are contained in IMO Circular letter No.2554/Rev.3. Resolution MSC.160(78) and Circular letter No.2554/Rev.3 can be obtained from the IMO of 4 Albert Embankment, London SE1 7SR. Resolution MSC.160(78) is also available at [https://wwwcdn.imo.org/localresources/en/KnowledgeCentre/IndexofIMOResolutions/MSCResolutions/MSC.160\(78\).pdf](https://wwwcdn.imo.org/localresources/en/KnowledgeCentre/IndexofIMOResolutions/MSCResolutions/MSC.160(78).pdf) and <https://wwwcdn.imo.org/localresources/en/KnowledgeCentre/IndexofIMOResolutions/MSCResolutions/MSC%2078-26-Add.2-Corr.1.pdf> and Circular letter No.2554/Rev.3 is available at https://wwwcdn.imo.org/localresources/en/OurWork/IIS/Documents/CL.2554-Rev-3_IMO%20Unique%20Company%20Identification%20Number%20Scheme.pdf.

- (a) in the case of a United Kingdom ship—
 - (i) the Document of Compliance and Safety Management Certificate issued under regulation 9 of the Merchant Shipping (International Safety Management (ISM) Code) Regulations 2014(a) (issue and endorsement of documents by certifying authority); and
 - (ii) certificates issued in accordance with section A/19.2 (issue or endorsement of certificate) or A/19.4 (interim certification) of Part A of the ISPS Code; or
- (b) in the case of a non-United Kingdom ship—
 - (i) the Document of Compliance and Safety Management Certificate issued in accordance with regulation 4 of Chapter IX (certification for the purposes of the International Safety Management Code); and
 - (ii) certificates issued in accordance with section A/19.2 (issue or endorsement of certificate) or A/19.4 (interim certification) of Part A of the ISPS Code.

Continuous Synopsis Record

9.—(1) A Company, owner and master of a ship to which this regulation applies must ensure that the ship holds a Continuous Synopsis Record which—

- (a) contains the information prescribed by paragraph 3 in regulation 5 of Chapter XI-1 (continuous synopsis record);
- (b) is in the English, French or Spanish language; and
- (c) is in the format contained in the Appendix to IMO Resolution A.959(23)(b).

(2) For ships constructed before 1st July 2004, the Continuous Synopsis Record must provide the history of the ship as from 1st July 2004.

(3) In the case of a United Kingdom ship, changes to the information referred to in paragraphs 3.4 to 3.12 in regulation 5 of Chapter XI-1, together with the history of the changes, must be provided to the Secretary of State(c) for the purpose of amending the Continuous Synopsis Record.

(4) Pending the issue of an updated version of the Continuous Synopsis Record for a United Kingdom ship, the Company and the master must—

- (a) record the changes referred to in paragraph (3), together with the history of the changes, in the Continuous Synopsis Record; and
- (b) immediately inform the Secretary of State of the amendments made.

(5) The Continuous Synopsis Record must—

- (a) be maintained in accordance with guidelines developed by the IMO(d); and
- (b) in the case of any existing entries, not be modified, deleted, erased or defaced.

(6) If a United Kingdom ship is to be transferred to the flag of another State, the Company must notify the Secretary of State of the name of the State whose flag the ship is to be transferred to.

(a) S.I. 2014/1512, amended by S.I. 2018/1221.

(b) IMO Resolution A.959(23) was amended by MSC.198(80) and is supplemented by MSC/Circ.1113 (guidance to port State control officers on the non-security related elements of the 2002 SOLAS amendments). These can be obtained from the IMO of 4 Albert Embankment, London SE1 7SR or at [https://wwwcdn.imo.org/localresources/en/KnowledgeCentre/IndexofIMOResolutions/AssemblyDocuments/A.959\(23\).pdf](https://wwwcdn.imo.org/localresources/en/KnowledgeCentre/IndexofIMOResolutions/AssemblyDocuments/A.959(23).pdf), [https://wwwcdn.imo.org/localresources/en/OurWork/Security/Documents/MSF.198\(80\).pdf](https://wwwcdn.imo.org/localresources/en/OurWork/Security/Documents/MSF.198(80).pdf) and <https://wwwcdn.imo.org/localresources/en/OurWork/Security/Documents/MSF.1113.pdf>.

(c) See guidance contained in MSF 5623A. MSF 5623A can be found at <https://www.gov.uk/government/publications/continuous-synopsis-record-csr-forms-and-guidance-msf-5623> 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).

(d) The guidelines developed by the IMO are contained in IMO Resolution A.959(23), as amended by MSC.198(80). These guidelines can be obtained from the IMO of 4 Albert Embankment, London SE1 7SR or at [https://wwwcdn.imo.org/localresources/en/KnowledgeCentre/IndexofIMOResolutions/AssemblyDocuments/A.959\(23\).pdf](https://wwwcdn.imo.org/localresources/en/KnowledgeCentre/IndexofIMOResolutions/AssemblyDocuments/A.959(23).pdf) and [https://wwwcdn.imo.org/localresources/en/OurWork/Security/Documents/MSF.198\(80\).pdf](https://wwwcdn.imo.org/localresources/en/OurWork/Security/Documents/MSF.198(80).pdf).

(7) If a United Kingdom ship is transferred to the flag of another State or is subjected to a change of ownership or demise charter, the Continuous Synopsis Record must be left on board the ship.

(8) If a United Kingdom ship is transferred to the flag of a Convention country, the Secretary of State must, as soon as possible after the transfer takes place, provide to that Convention country—

- (a) a copy of the Continuous Synopsis Record relating to the period that the ship was under the flag of the United Kingdom; and
- (b) any Continuous Synopsis Records previously issued to the ship by other Convention countries.

(9) If a ship is transferred to the flag of the United Kingdom, the Secretary of State must append the ship's previous Continuous Synopsis Records to the Continuous Synopsis Record issued to the ship by the Secretary of State.

(10) The Continuous Synopsis Record is subject to each of the following requirements—

- (a) it must be held on board the ship;
- (b) it must be readily available for examination at all times.

(11) Where a Continuous Synopsis Record which relates to a United Kingdom ship has been lost, an application must be made immediately to the Secretary of State for a replacement.

(12) Where an application is made to the Secretary of State under paragraph (11), subject to payment of the prescribed fee, the Secretary of State must issue a replacement Continuous Synopsis Record.

(13) For the purposes of this regulation—

“Continuous Synopsis Record” means the document described as such in regulation 5 of Chapter XI-1 (continuous synopsis record) and issued by the State of the ship's flag administration^(a);

“prescribed fee” means the fee prescribed by the Secretary of State under section 302 of the Merchant Shipping Act 1995^(b).

Offences and penalties

10.—(1) Any contravention of—

- (a) regulation 7(1) or (4) (ship identification number); or
- (b) regulation 9(1), (2), (3), (5), (7), (10)(a) or (11) (continuous synopsis record),

is an offence by the Company, owner and master in each case of non-compliance.

(2) Any contravention of regulation 8(1) (company and registered owner identification number) is an offence by the Company and owner.

(3) Any contravention of regulation 9(4) (amendment of continuous synopsis record) is an offence by the Company and master.

(4) Any contravention of regulation 9(6) (notification of change of flag) is an offence by the Company.

(5) An offence under paragraph (1), (2), (3) or (4) 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.

(a) See Marine Guidance Note 660 (M), which is 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).

(b) The prescribed fee is found in the Merchant Shipping (Fees) Regulations 2018 (S.I. 2018/1104), which were made under section 302 of the Merchant Shipping Act 1995 and the Hovercraft (General) Order 1972 (S.I. 1972/674).

(6) Any contravention of regulation 9(10)(b) (requirement to have continuous synopsis record readily available) is an offence by the Company, owner and master.

(7) An offence under paragraph (6) 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 six months, or a fine, or both.

(8) It is a defence for the 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

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

(2) Any ship which does not comply with the requirements of these Regulations applicable to that ship, may be detained.

(3) Section 284 of the Act (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 the Act were references to detention of the ship in question under this regulation; and
- (b) subsection (7) were omitted.

(4) Where a ship is liable to be detained under this regulation, the person detaining the ship must serve on the master a detention notice which—

- (a) states the grounds for the detention; and
- (b) requires the terms of the notice to be complied with until the ship 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) (b) 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 ship other than a United Kingdom ship is detained, the Secretary of State must immediately inform the ship’s flag administration in writing.

(8) If it is not possible to inform the ship’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.

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

Review of the Regulations

12.—(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 [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(a) 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;
- (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

Date

Name
Parliamentary Under Secretary of State
Department

We consent to the making of these Regulations

Date

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

SCHEDULE

Regulation 2

Amendment of regulations

Amendment of the 2015 Regulations

1. The 2015 Regulations are amended as follows.
2. In regulation 9 (surveys of cargo ship structure, machinery and equipment), at the end, insert—

(a) 2015 c. 26. Section 30(3) was amended by section 19 of the Enterprise Act 2016 (c. 12) and Schedule 8 to the European Union (Withdrawal) Act 2018 (c. 16). There is another Act which amends section 28 but it is not relevant.

“(3) An oil tanker to which this regulation applies and which is engaged on international voyages, must be subjected to the enhanced programme of inspections required by the ESP Code during a survey required by these Regulations(a).

(4) In this regulation, any reference to the ESP Code is to be construed—

- (a) as a reference to the ESP Code as modified from time to time;
- (b) as, if the ESP Code is modified or replaced, a reference to the replacement.

(5) For the purposes of paragraph (4), the ESP Code is modified or replaced if the modification or replacement takes effect in accordance with Article VIII of the SOLAS Convention.

(6) A modification or replacement of the ESP Code has effect at the time such modification or replacement comes into force in accordance with Article VIII of the SOLAS Convention.

(7) In this regulation—

“ESP Code” means the International Code on the Enhanced Programme of Inspections during surveys of Bulk Carriers and Oil Tankers, 2011(b);

“oil tanker” has the meaning given to it in regulation 1 of Annex I to the International Convention for the Prevention of Pollution from Ships, 1973(c).”.

Amendment of the Merchant Shipping (Fees) Regulations 2018

3. The Merchant Shipping (Fees) Regulations 2018(d) are amended as follows.

4. In Part 1 of Schedule 1 (fees under the Merchant Shipping Act 1995), in the table in paragraph 5 (fees for inspections, etc.), in Section 1 (construction and equipment), at the end—

- (a) in the first column, insert “The Merchant Shipping (Special Measures to Enhance Maritime Safety) Regulations 2024”;
- (b) in the second column, insert “2024/XXXX”;
- (c) in the third column, insert “None”.

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- (a) See Merchant Shipping Notice (MSN) 1751 (M+F) Amendment [] for information on the enhanced programme of inspections in the ESP Code. This Merchant Shipping Notice can be found at [] and is available 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@mcga.gov.uk).
 - (b) The ESP Code is made mandatory by regulation 2 of Chapter XI-1 of the Convention (special measures to enhance maritime safety). It was adopted by International Maritime Organization (IMO) Resolution A.1049(27) on 30th November 2011 and amended by IMO Resolutions MSC.371(93), MSC.381(94), MSC.405(96), MSC.412(97), MSC.461(101) and MSC.483(103). The ESP Code and the amendments to it can be obtained from the IMO of 4 Albert Embankment, London SE1 7SR or 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).
 - (c) The International Convention for the Prevention of Pollution from Ships, 1973 (MARPOL) was published in Cmnd 5748. It was modified by the Protocol of 1978 (Cmnd 7347) and amended by the Protocol of 1997 (Cm 4427). MEPC.21(22) amended the Convention to introduce Protocol I, which was amended by MEPC.68(38). Annex I was revised and replaced by IMO Resolution MEPC.117(52), which amended the Annex to the Protocol of 1978 and came into force on 1st January 2007. Annex I was further amended by IMO Resolutions MEPC.141(54), 154(55), 164(56), 186(59), 187(59), 189(60), 216(63), 238(65), 246(66), 248(66), 256(67), 265(68), 266(68), 276(70), 314(74) and 330(76). MARPOL is available from the IMO of 4 Albert Embankment, London SE1 7SR. 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 IMO Resolutions are also available from the IMO at <https://www.imo.org/en/KnowledgeCentre/IndexofIMOResolutions/Pages/MEPC.aspx> or found on the Foreign, Commonwealth and Development Office treaties database (<https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch>).
 - (d) S.I. 2018/1104. There are amending instruments which are not relevant.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement provisions of Chapter XI-1 (special measures to enhance maritime safety) in the Annex to the International Convention on the Safety of Life at Sea, 1974 (“the Convention”) which are not already implemented in other UK legislation.

The Regulations apply, with certain limited exceptions, to United Kingdom ships engaged on international voyages and to non-United Kingdom ships in United Kingdom waters (regulation 4). Apart from the requirement in regulation 9 for a Continuous Synopsis Record, the Regulations apply to United Kingdom Class A passenger ships, United Kingdom Class B passenger ships certified to carry more than 250 passengers and to United Kingdom tankers engaged on non-international voyages.

The Regulations contain a requirement for passenger ships of 100 gross tons or more and cargo ships of 300 gross tons or more to have a ship identification number (regulation 7). They also require operators of ships, other than cargo ships under 500 gross tons, to have a Company and registered owner identification number (regulation 8). Ships engaged on international voyages, other than cargo ships under 500 gross tons, must also hold a continuous synopsis record (regulation 9).

Future amendments to the provisions of Chapter XI-1 of the Convention which are referenced in these Regulations will be automatically incorporated in United Kingdom law when they come into force internationally by way of the ambulatory reference provision in regulation 5.

The Regulations also provide for the granting of exemptions (regulation 6). The requirement in regulation 2 of Chapter XI-1 that a survey of an oil tanker must be carried out in accordance with the International Code on the Enhanced Programme of Inspections during Surveys of Bulk Carriers and Oil Tankers, 2011 (“the ESP Code”) is implemented by way of amendments to regulation 9 of the Merchant Shipping (Survey and Certification) Regulations 2015 (“the 2015 Regulations”) (these amendments are contained in the Schedule). Failure to meet the requirement for oil tankers to be surveyed in accordance with the ESP Code is subject to a criminal penalty under the 2015 Regulations.

The Regulations also provide for contravention of the various requirements in regulations 7 to 9 to be offences and subject to criminal penalties (regulation 10). In cases of non-compliance with the requirements of the Regulations, a ship may be detained (regulation 11).

Regulation 12 requires the Secretary of State to review the operation and effect of these Regulations and publish a report before [] 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.

Marine Guidance Note 660 (M) provides further information on the Regulations and MSF 5623A provides guidance on the specific requirement for a continuous synopsis record. These guidance documents 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).

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, Commonwealth and Development Office (FCDO) treaties database (<https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch/>). The text of the IMO Resolutions amending the Convention and Protocol may be obtained from the IMO or can be found on the FCDO treaties database (<https://treaties.fcdo.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 FCDO treaties database (<https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch/>). Until such publication is made on the FCDO 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 the Regulations relate to the updating and maintenance of existing regulatory standards and no, or no significant, impact on the private, public or voluntary sector is foreseen.

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

DRAFT