
STATUTORY INSTRUMENTS

1998 No. 1691

**MERCHANT SHIPPING
SAFETY**

The Merchant Shipping (Distress Messages) Regulations 1998

<i>Made</i>	- - - -	<i>6th July 1998</i>
<i>Laid before Parliament</i>		<i>20th July 1998</i>
<i>Coming into force</i>	- -	<i>10th August 1998</i>

The Secretary of State for the Environment, Transport and the Regions, after consulting the persons referred to in section 86(4) of the Merchant Shipping Act 1995(1), in exercise of the powers conferred by sections 85(1)(a) and (b), (3) and (7) and 86(1) and (2) of that Act(2) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Merchant Shipping (Distress Messages) Regulations 1998 and shall come into force on 10th August 1998.

Modifications

- 2.—(1) Section 93 of the Merchant Shipping Act 1995 shall be modified as follows.
- (2) In subsection (1)—
- (a) after the words “a signal of distress” there shall be added the words “from an aircraft”; and
 - (b) for the words “a ship or” there shall be substituted the word “an”.
- (3) Subsection (2) shall be omitted.
- (4) In subsection (3), for “subsections (1) and (2)” there shall be substituted “subsection (1)”.
- (5) Subsection (4) shall be omitted.
- (6) In subsection (5), the words “, and, if his ship has been requisitioned, from the duty imposed by subsection (2) above,” shall be omitted.
- (7) In the sidenote, for “ships, etc.” there shall be substituted “aircraft”.

(1) 1995 c. 21.

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

Interpretation

3. In these Regulations:

“appropriate search and rescue services” means, in relation to a ship proceeding to persons in distress at sea, the search and rescue services for the area within which the persons are located;

“distress alert” means a signal of distress from a ship or information from any source that a ship or hovercraft is, or persons on or from a ship or hovercraft are, in distress at sea;

“MERSAR Manual” means the Merchant Ship Search and Rescue (MERSAR) Manual adopted by the International Maritime Organisation (the “IMO”) on 12 October 1971, including all amendments adopted by the IMO on or before 29 August 1997; and includes a reference to any document amending or replacing the Manual which is considered by the Secretary of State to be relevant from time to time;

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

Application

4. The duties imposed on the master of a ship by these Regulations apply to the masters of—

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

Duty on masters to assist persons in distress at sea

5.—(1) Subject to paragraph (2) below, it shall be the duty of the master of a ship, on receiving at sea a distress alert, to proceed with all speed to the assistance of the persons in distress, informing them or the appropriate search and rescue services, if possible, that he is doing so.

(2) The master of a ship need not so proceed if, having regard to the MERSAR Manual—

- (a) the ship is unable to do so;
- (b) in the special circumstances of the case, he considers it unreasonable or unnecessary to do so; or
- (c) he is released from the duty pursuant to regulation 6(1) or (2) below.

(3) Where the master of a ship has received a distress alert at sea but does not proceed to the assistance of the persons in distress he shall—

- (a) record in the ship’s log-book the reason for not so proceeding; and
- (b) if the master has responded to the distress alert by informing the appropriate search and rescue services that he is proceeding to the assistance of the persons in distress, inform those search and rescue services as soon as possible of his decision not to proceed.

(4) Where the master of any ship in distress has, or the search and rescue services have, requisitioned any ship that has answered a distress alert, it shall be the duty of the master of the requisitioned ship to comply with the requisition by continuing to proceed with all speed to the assistance of the persons in distress.

Release from duty

6.—(1) A master shall be released from the duty imposed by regulation 5(1) above if he is informed—

- (a) of the requisition of one or more ships other than his own; and

(b) that the requisition is being complied with by at least one other ship requisitioned.

(2) A master shall be released from the duty imposed by regulation 5(1) above and any duty imposed by regulation 5(4) above, if he is informed by the persons in distress, by the master of any ship that has reached the persons in distress, or by the appropriate search and rescue services co-ordinating the rescue, that assistance is no longer required.

Penalties

7. If a master of a ship fails to comply with these Regulations he shall be guilty of an offence punishable on summary conviction by a fine not exceeding the statutory maximum and on conviction on indictment by imprisonment for a term not exceeding two years or a fine, or both.

Salvage rights

8. Compliance by a master of a ship with the requirements of these Regulations shall not affect his right, or the right of any other person, to salvage.

Signed by authority of the Secretary of State for the Environment, Transport and the Regions

Glenda Jackson
Parliamentary Under-Secretary of State,
Department of the Environment, Transport and
the Regions

6th July 1998

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations modify section 93 of the Merchant Shipping Act 1995 by omitting from that section provision made in respect of persons on or from a ship in distress at sea. These provisions are re-enacted in these Regulations with amendments.

The Regulations implement Chapter V, regulation 10 of the Annex to the International Convention for the Safety of Life at Sea 1974 (SOLAS) as amended by the Conference of the Contracting Governments to SOLAS on 29 November 1995.

The Regulations place a duty on masters of ships to respond to distress alerts in relation to persons on or from a ship in distress at sea. Other than minor amendments to the provision made by section 93, the changes of substance provide that the duty on masters arises in relation to any signal or information that persons are in distress at sea and also make provision for the role of HM Coastguard and other search and rescue services.

A compliance cost assessment has been produced and a copy placed in the library of both Houses of Parliament. Copies can be obtained from the Maritime and Coastguard Agency, Bay 2/21b Spring Place, 105 Commercial Road, Southampton SO15 1EG, (telephone 01703-329 144).

Copies of SOLAS and the MERSAR Manual may be obtained from the International Maritime Organisation, 4 Albert Embankment, London SE1 7SR.