
STATUTORY INSTRUMENTS

2002 No. 1473

The Merchant Shipping (Safety of Navigation) Regulations 2002

Citation and commencement

1. These Regulations may be cited as the Merchant Shipping (Safety of Navigation) Regulations 2002 and shall come into force on 1st July 2002.

Interpretation

2.—(1) In these Regulations—

“the Act” means the Merchant Shipping Act 1995;

“Chapter V” means Chapter V of the annex to the SOLAS Convention;

“Contracting Government” means the Government of a State which has consented to be bound by the SOLAS Convention;

“domestic voyage” means a voyage in sea areas from a port of a member State or EEA State to the same or another port of that member State or EEA State;

“EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993^{MI};

“EEA State” means a State which is a Contracting Party to the EEA Agreement;

“international voyage” means a voyage from a country to which the SOLAS Convention applies to a port outside that country, or conversely;

“existing ship” means a ship which is not a new ship;

“IMO” means the International Maritime Organization;

“length” in relation to a registered ship means registered length, and in relation to an unregistered ship means the length from the fore part of the stem to the aft side of the head of the stern post or, if no stern post is fitted to take the rudder, to the fore side of the rudder stock at the point where the rudder passes out of the hull;

“MCA” means the Maritime and Coastguard Agency, an executive agency of the Department for Transport, Local Government and the Regions;

“MCA’s 2002 SOLAS V publication” means the MCA publication entitled “Safety of Navigation, Implementing SOLAS Chapter V, 2002”, published May 2002, including its Annexes;

“Merchant Shipping Notice” means a Notice described as such and issued by the MCA;

“new ship” means a ship the keel of which is laid or which is at a similar stage of construction on or after 1 July 1998; and for the purposes of this definition, a “similar stage of construction” means the stage at which—

- (a) construction identifiable with a specific ship begins; and
- (b) assembly of that ship has commenced comprising at least 50 tonnes or 1% of the estimated mass of all structural material, whichever is less;

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“passenger ship” means a ship carrying more than 12 passengers, and for the purposes of this definition a passenger is every person other than:

- (a) the master and the members of the crew or other persons employed or engaged in any capacity on board a ship on the business of that ship,
- (b) a child under one year of age, and
- (c) persons who are on board the ship by reason of force majeure or in consequence of the obligation laid upon the master to carry shipwrecked or other persons;

“pleasure vessel” means—

- (a) any vessel which is—
 - (i) wholly owned by an individual or individuals and used only for the sport or pleasure of the owner or the immediate family or friends of the owner, or
 - (ii) owned by a body corporate and used only for sport or pleasure of employees or officers of the body corporate, or their immediate family or friends,

and is on a voyage or excursion which is one for which the owner is not paid 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 which is 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;

and no payments other than those mentioned above 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 husband or the wife of the individual, and a brother, sister, ancestor or lineal descendant of that individual or that individual’s husband or wife;

“sea-going” means going beyond the limits of waters of categories A, B, C and D, as categorised in Annex 1 to the MCA’s 2002 SOLAS V publication;

“the SOLAS Convention” means the International Convention for the Safety of Life at Sea, 1974 ^{M2} as amended in accordance with its Protocol of 1988 ^{M3} and the resolution of the Maritime Safety Committee of the IMO published by the IMO as Resolution MSC.99(73) of December 2000; and

“tons” means gross tonnage and a reference to tons—

- (a) in relation to a ship having alternative gross tonnages under paragraph 13 of Schedule 5 of the Merchant Shipping (Tonnages) Regulations 1982 ^{M4}, permitted to be used pursuant to regulation 12(1) of the Merchant Shipping (Tonnages) Regulations 1997 ^{M5}, is a reference to the larger of those tonnages, and
- (b) in relation to a ship having its tonnage determined both under Part II and regulation 12(1) of those 1997 Regulations is a reference to its gross tonnage as determined under regulation 12(1).

(2) For the purposes of these Regulations, ships shall be arranged in Classes as set out in Annex 1 to the MCA’s 2002 SOLAS V publication.

(3) A rigidly constructed composite unit of a pushing vessel and associated pushed vessel, when designed as a dedicated and integrated tug and barge combination, shall be regarded as a single ship for the purposes of these Regulations.

(4) Where, by virtue of these Regulations, a regulation in Chapter V applies to a hovercraft, a reference to a “ship” or “master” in that regulation in Chapter V shall be construed as including a reference to a “hovercraft” or “captain” respectively.

Marginal Citations

- M1** Cmnd. 2073 and Cmnd. 2183.
M2 Cmnd. 7874.
M3 Cm. 4420.
M4 [S.I. 1982/841](#), to which there are amendments not relevant to these Regulations.
M5 [S.I. 1997/1510](#).

Repeals and revocations, and consequential amendments

- 3.—(1) Schedule 1 (repeals and revocations) shall have effect.
(2) Schedule 2 (consequential amendments) shall have effect.

Application

4.—(1) Subject to the following paragraphs and to the provisions of individual regulations in Chapter V, these Regulations apply to all United Kingdom ships wherever they may be and to all other ships while they are within United Kingdom waters.

- (2) These Regulations do not apply to—
- (a) warships or naval auxiliaries;
 - (b) ships, other than United Kingdom ships, which are owned or operated by a Contracting Government and used only on government non-commercial service; or
 - (c) ships navigating solely the Great Lakes of North America and their connecting and tributary waters as far east as the lower exit of the St. Lambert Lock at Montreal in the Province of Quebec, Canada.

(3) In their operation in relation to systems and equipment regulated by regulations 19 and 20 in Chapter V, paragraphs 1 to 3 and 7 and 8 of regulation 18 in Chapter V do not apply in relation to ships below 150 tons engaged on any voyage.

- (4) Regulation 19 in Chapter V does not apply to—
- (a) United Kingdom ships of Class V;
 - (b) United Kingdom ships which are neither passenger ships nor sea-going;
 - (c) new ships of Class A, B, C or D;
 - (d) fishing vessels; or
 - (e) high-speed craft to which the Merchant Shipping (High-Speed Craft) Regulations 1996^{M6} apply.

(5) Regulation 19 in Chapter V shall cease to apply on the relevant date to existing ships of Class A, B, C or D, of 24 metres or over in length; and in this paragraph, “the relevant date” means the date specified in relation to each description of ship referred to in the table in regulation 4(1) of the Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000^{M7}.

(6) Paragraphs 2.1.1 to 2.1.6 and 2.1.8 and 2.1.9 of regulation 19 in Chapter V, and regulations 24 to 28 in Chapter V, do not apply to pleasure vessels below 150 tons engaged on any voyage.

(7) Paragraph 2.4 of regulation 19 in Chapter V does not apply to United Kingdom passenger ships which—

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- (a) are not sea-going, or
- (b) are below 300 tons and not engaged on international voyages.

(8) Regulations 22 and 34 in Chapter V apply in addition to hovercraft registered in the United Kingdom, wherever they may be, and to other hovercraft while they are within United Kingdom waters.

(9) Regulation 23 in Chapter V does not apply to—

- (a) ships below 150 tons engaged on any voyage;
- (b) ships below 500 tons not engaged on international voyages; or
- (c) fishing vessels,

unless they are engaged on a voyage during the course of which a pilot is likely to be employed.

(10) Regulations 24 to 26 in Chapter V do not apply to ships other than sea-going ships.

Marginal Citations

M6 [S.I. 1996/3188](#).

M7 [S.I. 2000/2687](#).

Safety of navigation requirements

5.—(1) Subject to paragraphs (3) and (4), a ship to which these Regulations apply shall comply with such of the requirements referred to in paragraph (2) as apply in relation to a ship of its description.

(2) The requirements are those referred to in the following regulations or paragraphs of regulations in Chapter V which are set out in the MCA's 2002 SOLAS V publication—

- paragraph 3 of regulation 7,
- paragraph 7 of regulation 10,
- paragraph 7 of regulation 11,
- paragraphs 2 and 3 of regulation 17,
- paragraphs 1 to 3 and 7 and 8 of regulation 18,
- regulation 19,
- paragraph 1 of regulation 20,
- regulations 21 to 30,
- paragraphs 1 and 4 of regulation 31,
- paragraphs 1, 2, 4 and 5 of regulation 32,
- paragraphs 1 and 2 of regulation 33, and
- regulation 34.

(3) A ship to which these Regulations apply shall alternatively or additionally (as the case may be) comply with such of the requirements referred to in paragraph (4) as apply in relation to a ship of its description.

(4) The requirements referred to in paragraph (3) shall—

- (a) relate to amendments from time to time of regulations in Chapter V,
- (b) be specified in a Merchant Shipping Notice, amending or replacing the MCA's 2002 SOLAS V publication, which is considered by the Secretary of State to be relevant from time to time,

(c) be specified in that Merchant Shipping Notice as alternative or additional requirements which apply in relation to a ship of its description, and

(d) relate to all or any of the purposes set out in section 85(1) of the Act.

(5) Where a requirement referred to in paragraph (2) or (3) is set out in a provision to which there is a footnote, and it is clear from the wording and the context that the content of the footnote, or of a document referred to in the footnote, is intended to form part of the requirement, then such content shall be treated as part of the requirement; and for these purposes a “footnote” is a note marked with an asterisk in the text of Chapter V.

(6) Nothing in regulations 24 to 26 in Chapter V relating to the use of an automatic pilot shall override special rules made by an appropriate authority for roadsteads, harbours, rivers, lakes or inland waterways connected with the high seas and navigable by sea-going ships; and for these purposes an “appropriate authority” means any person empowered by law to make the special rules.

Supplementary provisions on safety of navigation requirements

6. Schedule 3 (supplementary provisions) shall have effect.

Exemptions and permission for equivalents

7.—(1) The following paragraphs of this regulation are subject to regulation 8.

(2) The Secretary of State may grant exemptions from all or any of the provisions set out in regulations 17 to 19 (except paragraph 2.1.7 of regulation 19), 20, 22 and 24 to 28 in Chapter V for ships without mechanical means of propulsion on such terms (if any) as he may specify.

(3) In the circumstances set out in paragraph (4) the Secretary of State may in an individual case—

(a) grant exemptions from all or any of the provisions of these Regulations (as may be specified in the exemption) on such terms (if any) as he may specify, or

(b) permit any fitting, material, appliance or apparatus, or type thereof, to be fitted or carried in a ship, or permit other provision to be made in the ship, in the place of any particular fitting, material, appliance or apparatus, or type thereof, or provision, which is required under these Regulations, if he is satisfied by trial or otherwise that it is at least as effective for the purpose for which the requirement in the Regulations is set.

(4) The circumstances referred to in paragraph (3) are that the Secretary of State is satisfied that the ship is engaged on a voyage where the maximum distance of the ship from the shore, the length and nature of the voyage, the absence of general navigational hazards, and other conditions affecting safety are such as to render the full application of Chapter V unreasonable or unnecessary, and he has taken into account the effect such an exemption or permission may have upon the safety of other ships.

(5) The Secretary of State may grant exemptions for classes of ships or individual ships from the requirements of regulation 18, 19 or 20 in Chapter V, on such terms (if any) as he may specify.

(6) The Secretary of State may grant exemptions from the requirements of regulation 22 in Chapter V for ships of unconventional design, on such terms (if any) as he may specify.

(7) The Secretary of State may, on such terms (if any) as he may specify, grant exemptions from the requirements of paragraphs 1 and 2 of regulation 26 in Chapter V for ships which regularly engage on voyages of less than 24 hours duration and on which the checks and tests required by those paragraphs are carried out at least once every week.

(8) The Secretary of State may, on giving reasonable notice, alter or cancel any exemption granted under this regulation or any permission given under paragraph (3)(b).

(9) An exemption granted under this regulation, permission given under paragraph (3)(b), and an alteration or cancellation under paragraph (8), shall—

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

Restrictions on the granting of exemptions

8. The Secretary of State shall not grant an exemption under regulation 7 unless he is satisfied that—

- (a) compliance with such provision is either impracticable or unreasonable for the class of ship or individual ship concerned, and
- (b) the exemption is subject to such conditions and limitations as will provide a level of safety which is at least equivalent to that provided by the provision or provisions from which exemption is being granted.

Approvals

9.—(1) Where a regulation in Chapter V refers to any thing requiring—

- (a) the approval of the Administration,
- (b) to be done to the satisfaction of the Administration, or
- (c) to be acceptable to the Administration,

the Secretary of State, or a person authorised by him, may grant an approval for that thing as respects a United Kingdom ship in accordance with the provisions of Chapter V set out in the MCA's 2002 SOLAS V publication, or in any subsequent Merchant Shipping Notice amending or replacing that publication which is considered by the Secretary of State to be relevant from time to time.

(2) The Secretary of State, or a person authorised by him, may on giving reasonable notice cancel or alter the terms of any approval given under this regulation by the Secretary of State or the authorised person respectively.

(3) An approval given under paragraph (1) and an alteration or cancellation under paragraph (2) shall—

- (a) be in writing,
- (b) specify the date on which it takes effect, and
- (c) in the case of an approval, the conditions (if any) on which it is given.

Offences and penalties

10. Schedule 4 (offences and penalties) shall have effect.

Detention

11. In any case where a ship does not comply with the requirements of these Regulations, the ship shall be liable to be detained and section 284(1) to (6) and (8) of the Act^{M8} (which relates to the detention of a ship) shall have effect in relation to that ship, as if for the words “this Act”, wherever they appear, there were substituted the words “the Merchant Shipping (Safety of Navigation) Regulations 2002”.

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M8 [Section 284](#) was amended by the Merchant Shipping and Maritime Security Act 1997, Schedule 1, paragraph 5.

Signed by authority of the Secretary of State for Transport

31st May 2002

John Spellar
Minister of State
Department for Transport

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Changes and effects yet to be applied to :

- Sch. 1 para. 7 revoked by [S.I. 2020/501 Sch. 1 Pt. 2](#)
- Sch. 4 para. 20 words substituted by [S.I. 2011/2978 reg. 2\(5\)\(b\)](#)
- Regulations applied by [S.I. 2010/332 reg. 5\(3\)\(e\)](#)
- Regulations excluded by SI 1998/2771 Sch. 1 Table (as substituted) by [S.I. 2016/353 reg. 3\(1\)Sch. 1](#)
- Regulations excluded by SI 1998/2771 Sch. 2 Table (as substituted) by [S.I. 2016/353 reg. 3\(2\)Sch. 2](#)
- Regulations revoked by [S.I. 2020/673 Sch. Pt. 2](#)
- reg. 2(1) words inserted by [S.I. 2004/2110 Sch. 3 para. 2\(1\)\(a\)](#)
- reg. 2(1) words omitted by [S.I. 2004/2110 Sch. 3 para. 2\(1\)\(b\)](#)
- reg. 2(1) words substituted by [S.I. 2004/2110 Sch. 3 para. 2\(1\)\(c\)](#)
- reg. 2(1) words substituted by [S.I. 2005/2114 art. 2\(15\)Sch. 15](#)
- reg. 4(2)(b) word omitted by [S.I. 2010/680 Sch.](#)
- reg. 4(2)(b) words substituted by [S.I. 2004/2110 Sch. 3 para. 3](#)
- reg. 4(2)(c) words inserted by [S.I. 2010/680 Sch.](#)
- reg. 4(4)(e) words substituted by [S.I. 2004/302 Sch. para. 1](#)
- reg. 4(5) words inserted by [S.I. 2004/2110 Sch. 3 para. 5](#)
- reg. 5(2) words inserted by [S.I. 2011/2978 reg. 2\(2\)\(a\)](#)
- reg. 5(2) words inserted by [S.I. 2011/2978 reg. 2\(2\)\(b\)](#)
- reg. 5(4)(a) words omitted by [S.I. 2011/2978 reg. 2\(3\)](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

- Order excluded by S.I. 1998/1609 Sch. Table (as substituted) by S.I. 2016/354 reg. 4 Sch. by [S.I. 2016/354 Sch. Table](#)

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 4 para. 6A inserted by [S.I. 2011/2978 reg. 2\(5\)\(a\)](#)
- reg. 4(2)(d)-(e) substituted by [S.I. 2010/1075 Sch. 2](#)
- reg. 4(2A)(2B) inserted by [S.I. 2004/2110 Sch. 3 para. 4](#)
- reg. 4(5A) inserted by [S.I. 2004/2110 Sch. 3 para. 6](#)
- reg. 4(6A) inserted by [S.I. 2004/2110 Sch. 3 para. 7](#)
- reg. 12 inserted by [S.I. 2011/2978 reg. 2\(4\)](#)