
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement Chapter V of the International Convention for the Safety of Life at Sea, 1974 (“the Convention”) (as amended to date), relating to the safety of navigation of ships. The Regulations revoke and replace the Merchant Shipping (Safety of Navigation) Regulations 2002 (as well as other instruments which amended those Regulations) and apply, with certain limited exceptions, to United Kingdom ships and to non-United Kingdom ships when in United Kingdom waters, including ships from countries which are not parties to the Convention (regulation 3).

All future amendments to the provisions of Chapter V referenced in these Regulations will be automatically incorporated into the Regulations by way of ambulatory reference (regulation 4).

Regulation 5 prescribes the requirements of Chapter V which apply to ships within the scope of these Regulations, and also makes provision to reflect that Contracting States may exercise the right to derogate from some of those requirements.

The Regulations provide for the granting of exemptions (regulation 6), the approval of equivalents (regulation 7) and the granting of approvals in relation to matters in Chapter V requiring the approval of a Contracting State (regulation 8).

The Regulations also provide for contravention of the various requirements in regulation 5 to be offences and subject to criminal penalties (regulations 9 to 11). In cases of non-compliance with the requirements in regulation 5, a ship may be detained (regulation 12).

Regulation 13 requires the Secretary of State to review the operation and effect of these Regulations and publish a report before 31st July 2025 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 (MGN) 610 (M+F) provides guidance on the requirements imposed by Chapter V and how the Secretary of State will exercise discretion where this is permitted by Chapter V. 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@mcga.gov.uk) or on <https://www.gov.uk/government/organisations/maritime-and-coastguard-agency>.

Merchant Shipping Notice 1837 (M) Amendment 2, which is referred to in these Regulations, 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@mcga.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/awweb/pdfopener?md=1&did=79786>). The text of the IMO Resolutions amending the Convention and Protocol may be obtained from the IMO or on the FCO treaties database (<https://treaties.fco.gov.uk/awweb/pdfopener?md=1&did=68013>).

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

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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>.

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

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

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