
STATUTORY INSTRUMENTS

1996 No. 3188

**MERCHANT SHIPPING
SAFETY**

The Merchant Shipping (High-Speed Craft) Regulations 1996

Made - - - - *19th December 1996*
Laid before Parliament *10th January 1997*
Coming into force - - *1st February 1997*

Whereas so far as these Regulations are made under paragraph (c) of subsection (1) of section 85 of the Merchant Shipping Act 1995(1) they are made only for the purpose of applying to certain other craft provisions of the International Convention for the Safety of Life at Sea 1974, as amended, and modified by its Protocol of 1978(2), implemented under paragraph (b) of that subsection;

Now therefore the Secretary of State for Transport, after consulting the persons referred to in section 86(4) of the Merchant Shipping Act 1995, in exercise of the powers conferred on him by section 85(1)(a), (b) and (c), (3), (5) to (7) and section 86(1) 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 (High-Speed Craft) Regulations 1996 and shall come into force on 1st February 1997.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires:—

“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 space in any one compartment on board;

“constructed” means a craft the keel of which is laid or which is at a similar stage of construction; and “similar stage of construction” means a stage at which:

(a) construction identifiable with a specific craft begins: and

(1) 1995 c. 21; sections 85 and 86 are applied to hovercraft by the Hovercraft (Application of Enactments) Order 1989 (S.I.1989/1350).
(2) The Convention, Protocol and amendments are set out in the 1992 consolidated edition of SOLAS published by the International Maritime Organization.

(b) assembly of that craft has commenced comprising at least 50 tonnes or 1% of the estimated mass of all structural material, whichever is the less;

“Convention certificates” means a High-Speed Craft Safety Certificate and a Permit to Operate issued in accordance with the High-Speed Craft Code;

“craft” means ships and hovercraft;

“high-speed craft” means a craft capable of a maximum speed in metres per second (m/s) equal to or exceeding:

$3.7\#^{0.1667}$

where: #=displacement corresponding to the design waterline (m³);

“High-Speed Craft Code” mean the International Code of Safety for High-Speed Craft adopted by the Maritime Safety Committee of the International Maritime Organization by resolution MSC.36(63) and includes any document amending it which is considered by the Secretary of State to be relevant from time to time and is specified in a Merchant Shipping Notice;

“Marine Safety Agency” means the Marine Safety Agency, an executive agency of the Department of Transport;

“Merchant Shipping Notice” means a Notice described as such, and issued by the Marine Safety Agency, and any reference to a particular Merchant Shipping Notice includes reference to a 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;

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

“passenger craft” means craft carrying more than twelve passengers;

“the 1974 SOLAS Convention” means the International Convention for the Safety of Life at Sea 1974, as amended, and modified by its Protocol of 1978, and any amendment of its considered by the Secretary of State to be relevant from time to time and specified in a Merchant Shipping Notice;

“Permit to Operate” means a Permit to Operate a High-Speed Craft referred to in section 1.9 of Chapter 1 of the High-Speed Craft Code;

“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) Having been made mandatory under regulation 4 below, the language of the High-Speed Craft Code shall be construed accordingly, and in particular “should” shall be construed as “shall”.

(3) 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 his own behalf), a reference in these Regulations to the owner shall be construed as including a reference to that person.

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

(5) Any approval given in pursuance of these Regulations shall be given in writing and shall specify the date on which it takes effect and the conditions (if any) on which it is given.

Application

3.—(1) These Regulations apply to every high-speed craft which meets all of the following criteria:

(a) it is a craft constructed on or after 1st January 1996;

(b) it is a:

- (i) 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; or
- (ii) cargo craft of 500 gross tons 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
- (iii) craft carrying less than 12 passengers and used for hire or reward; or
- (iv) craft of less than 500 gross tons and used for carrying cargo for hire or reward;
- (c) it is (wholly or partly)—
 - (i) sea-going; or
 - (ii) operating in any Category A, B, C or D waters;
- (d) it is—
 - (i) a United Kingdom high-speed craft; or
 - (ii) any other high-speed craft, when in United Kingdom waters;

and

- (e) it is not a pleasure craft, within the meaning of regulation 3 of the Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) Regulations 1993⁽³⁾.

(2) These Regulations also apply to high-speed craft constructed before 1st January 1996 and falling within all the criteria in paragraph (1)(b) to (e) above in respect of repairs, alterations and modifications of a major character made after 1st January 1996.

(4) In this regulation—

- (a) Category A, B, C or D waters are waters specified as such in Merchant Shipping Notices No. M.1504 and 1569; and
- (b) “gross tons” means gross tons within the meaning of regulation 6 of the Merchant Shipping (Tonnage) Regulations 1982⁽⁴⁾.

Requirements for high-speed craft

- (a) **4.** (1) (a) Subject to sub-paragraph (b) below, high-speed craft to which these Regulations apply shall be constructed, equipped, maintained and operated in accordance with the requirements of the High-Speed Craft Code.
- (b) Without prejudice to regulation 15 below, the Secretary of State may exempt—
 - (i) high-speed craft not engaged on international voyages; and
 - (ii) high-speed craft to which these Regulations apply by virtue of regulation 3(2) above, from any of the requirements of the High-Speed Craft Code as are in the opinion of the Secretary of State not appropriate to the voyage, or any intended voyage.

(2) In complying with paragraph (1), so far as it relates to construction or maintenance relating to hull, machinery, electrical installations and control installations, United Kingdom high-speed craft shall comply with the approved standards listed in Merchant Shipping Notice No. M.1672 relevant to them.

⁽³⁾ S.I. 1993/1072.

⁽⁴⁾ S.I. 1982/841 to which there are amendments not relevant to these Regulations.

Surveys and maintenance of condition

5.—(1) Every high-speed craft shall be subject to surveys in accordance with paragraph 1.5 of Chapter 1 of the High-Speed Craft Code.

(2) The condition of every high-speed craft and its equipment shall be maintained after survey pursuant to section 1.7 of Chapter 1 of the High-Speed Craft Code.

Issue of certificates to United Kingdom high-speed craft

6.—(1) Where a survey of a United Kingdom high-speed craft to meet the requirements of the High-Speed Craft Code is satisfactorily completed, the Marine Safety Agency shall issue, in the case of craft engaged on international voyages, a High-Speed Craft Safety Certificate in accordance with section 1.8 of Chapter 1 of the High-Speed Craft Code, or, in the case of a high-speed craft not engaged on international voyages, a United Kingdom High-Speed Craft Safety Certificate.

(2) The period of a High-Speed Craft Safety Certificate shall be as specified in section 1.8 of Chapter 1 of the High-Speed Craft Code. A United Kingdom High-Speed Craft Safety Certificate shall be of the same period as a High-Speed Craft Safety Certificate.

Issue of Permits to Operate to United Kingdom high-speed craft

7.—(1) Where the Marine Safety Agency is satisfied that the requirements of paragraph 1.2.2 to 1.2.11 of Chapter 1 of the High-Speed Craft Code are met in relation to a United Kingdom high-speed craft, and after consultation with the Administration of any other country where the craft is intended to operate, it shall issue the owner with a Permit to Operate.

(2) In the case of such a craft intended to be operated to or from a country other than the United Kingdom, the Permit to Operate shall include any operational conditions requested by the Administration of that country, and shall be approved by it.

Issue and endorsement of Certificate and Permit by another Government

8.—(1) The Secretary of State may request, through a proper officer or otherwise, the government of a country to which the 1974 SOLAS Convention applies—

- (i) to survey a United Kingdom high-speed craft, and
- (ii) if satisfied that the requirements of the High-Speed Craft Code are complied with, to issue to the craft a High-Speed Craft Safety Certificate or authorise such issue. A certificate issued in accordance with such a request shall contain a statement that it has been so issued and shall have the same effect as if it was issued by the Secretary of State.

(2) The Secretary of State may request, through a proper officer or otherwise, the government of a country to which the 1974 SOLAS Convention applies, if it is satisfied that the requirements of paragraphs 1.2.2 to 1.2.11 of Chapter 1 of the High-Speed Craft Code are complied with, to issue to the craft, a Permit to Operate or authorise such issue. A Permit to Operate issued in accordance with such a request shall contain a statement that it has been so issued and shall have the same effect as if it was issued by the Secretary of State.

High-speed craft not registered in the United Kingdom and to which the 1974 SOLAS Convention applies

9.—(1) The Secretary of State may, at the request of a government of a country to which the 1974 SOLAS Convention applies, survey a high-speed craft registered in that country and, if satisfied that the requirements of the High-Speed Craft Code are complied with, and that a survey has been satisfactorily completed in accordance with these Regulations, issue to the craft a High-Speed Craft Safety Certificate and, where appropriate, endorse such certificates in accordance with

the requirements of the Convention. A certificate issued in accordance with such a request shall contain a statement that it has been so issued and shall have the same effect as if it was issued by that government and not by the Secretary of State.

(2) The Secretary of State may, at the request of a government of a country to which the 1974 SOLAS Convention applies, and if he is satisfied that paragraphs 1.2.2 to 1.2.11 of Chapter 1 of the High-Speed Craft Code are complied with, issue to the craft a Permit to Operate. A Permit to Operate issued in accordance with such a request shall contain a statement that it has been so issued and shall have effect as if it was issued by the government of the requesting country and not by the Secretary of State.

(3) This regulation applies to craft operated or intended to be operated on international voyages.

Other non-United Kingdom high-speed craft

10.—(1) The Marine Safety Agency shall require that the Permit to Operate of a high-speed craft which is not a United Kingdom high-speed craft, which operates to or from the United Kingdom on international voyages, contains operational conditions requested by the Marine Safety Agency, and is approved by it.

(2) Paragraphs (3) and (4) below apply to high-speed craft which are not United Kingdom high-speed craft operated or intended to be operated on voyages which are not international voyages.

(3) Where there is not in force in relation to such a craft a High-Speed Craft Safety Certificate, the Marine Safety Agency may, where a survey or surveys of the craft to meet the requirements of the Code has been satisfactorily completed, issue a United Kingdom High-Speed Craft Safety Certificate.

- (a) (4) (a) Where there is in force in relation to such a craft a Permit to Operate issued by the government of the country where the craft is registered, the Marine Safety Agency may request the inclusion of operational conditions in the Permit to Operate and shall approve the Permit to Operate. Such a Permit to Operate, if not approved, shall not be valid.
- (b) Where there is not in force in relation to such a craft a Permit to Operate issued by the country where the craft is registered, the Marine Safety Agency may issue such a Permit to Operate.

Cancellation of a certificate or permit

11.—(1) The Secretary of State may cancel a certificate or permit issued to a United Kingdom high-speed craft, or pursuant to regulation 10, where he has reason to believe that:

- (a) the certificate or permit was issued on false or erroneous information;
- (b) since any survey required by these Regulations, the structure, equipment or machinery of the craft has sustained damage or is otherwise deficient; or
- (c) there has been non-compliance with the conditions of the permit such that the safety of the craft or of life were imperilled.

(2) The Secretary of State may require that a certificate or permit issued to United Kingdom high-speed craft, or pursuant to regulation 10, which has expired or has been cancelled be surrendered, as directed.

(3) No person shall:

- (a) intentionally alter a certificate or permit referred to in these Regulations;
- (b) intentionally make a false certificate or permit referred to in these Regulations;
- (c) in connection with any survey required by these Regulations, knowingly or recklessly furnish false information;

- (d) with intent to deceive, use, lend, or allow to be used by another, a certificate or permit referred to in these Regulations;
- (e) fail to surrender a certificate or permit required to be surrendered under paragraph (2) above; or
- (f) in Scotland forge any certificate or permit referred to in these Regulations.

Prohibition on proceeding to sea without the appropriate documentation

12.—(1) No United Kingdom high-speed craft shall proceed to sea or otherwise on a voyage unless it has been surveyed and there are in force the following certificates and permits;

- (a) (i) in the case of a high-speed craft engaged on international voyages, a High-Speed Craft Safety Certificate; or
 - (ii) in the case of a high-speed craft not engaged on international voyages, a United Kingdom High-Speed Craft Safety Certificate; and
- (b) a Permit to Operate.

(2) No high-speed craft registered in a State to which the 1974 SOLAS Convention applies shall proceed to sea from the United Kingdom on an international voyage unless there are in force such Convention certificates that would be required if the craft was a United Kingdom high-speed craft, and the Permit to Operate contains any operational conditions required by the Marine Safety Agency.

(3) No high-speed craft registered in a State to which the 1974 SOLAS Convention does not apply shall proceed to sea from the United Kingdom on an international voyage unless the craft is in possession of documentation which shows that it has been surveyed, and is in compliance with the High-Speed Craft Code, and meets the requirements of paragraph 1.2.2 to 1.2.11 of the High-Speed Craft Code.

(4) No high-speed craft which is not a United Kingdom craft shall proceed on a voyage which is not an international voyage unless there is in force in relation to it:

- (a) a High-Speed Craft Safety Certificate or a United Kingdom High-Speed Craft Safety Certificate, and
- (b) a Permit to Operate issued—
 - (i) by the government of the country in which the craft is registered, which contains all operational conditions requested by the Marine Safety Agency and is approved by the Agency, or
 - (ii) by the Marine Safety Agency.

(5) Where a certificate of a Permit to Operate is issued subject to conditions, the owner and master shall ensure that all conditions are complied with throughout the voyage.

(6) The master of every high-speed craft shall produce to an officer of customs, from whom a clearance for the craft is demanded for an international voyage, the certificates or documentation referred to in this regulation.

Limit on the number of passengers on passenger high-speed craft

13. The owner and master of a passenger high-speed craft shall ensure that there is not on board a greater number of passengers than that stated on the craft's Permit to Operate.

Penalties

14.—(1) If a high-speed craft to which these Regulations apply proceeds, or attempts to proceed, to sea or otherwise on a voyage or excursion without complying with the requirements of regulation 4, 5 or 12(1), (2), (3) or (4) of these Regulations, the owner and master of the craft

shall each be guilty of an offence in respect of each case of non-compliance and liable on summary conviction to a fine not exceeding the statutory maximum or, on conviction on indictment, to imprisonment for a term not exceeding two years, or a fine, or both.

(2) Any contravention of regulation 11(3) shall be an offence, punishable on summary conviction by a fine not exceeding the statutory maximum or, on conviction on indictment, by imprisonment for a term not exceeding 6 months, or a fine, or both.

(3) Any contravention of regulation 12(6) shall be an offence punishable on summary conviction by a fine not exceeding level 3 on the standard scale.

(4) Any contravention of regulation 13, being an offence corresponding to the offence under section 283 of the Merchant Shipping Act 1894(5), shall be an offence by both the owner and master and shall be punishable on summary conviction by a fine not exceeding £50,000 or, on conviction on indictment, by imprisonment for a term not exceeding two years or a fine, or both.

(5) It shall be a defence for a person charged with an offence under these Regulations to prove that he took all reasonable steps to ensure compliance with the Regulations.

Exemptions

15. The Secretary of State may exempt any high-speed craft, or description of such craft, 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, and may, subject to giving reasonable notice, alter or cancel any such exemption.

Power to detain

16. In any case where a high-speed craft does not comply with the requirements of these Regulations, the craft shall be liable to be detained and section 284 of the Merchant Shipping Act 1995 (which relates to the detention of a ship) shall have effect in relation to the high-speed craft, subject to the modification that as if for the words “the Act,” wherever they appear, there were substituted the words “the Merchant Shipping (High-Speed Craft) Regulations 1996”, and for the word “ship” there were substituted “high-speed craft”.

Amendment of Regulations

- (a) (a) The Merchant Shipping (Passenger Ship Construction and Survey) Regulations 1984(6) shall be amended by adding the following sub-paragraph to the exceptions in regulation 1(3)(a): “and
 - (d) high-speed craft to which the Merchant Shipping (High-Speed Craft) Regulations 1996 apply”.
- (b) The Merchant Shipping (Cargo Ship Construction and Survey) Regulations 1984(7) shall be amended by adding the following sub-paragraph in regulation 1(3):
 - “(c) These Regulations do not apply to cargo ships which are high-speed craft to which the Merchant Shipping (High-Speed Craft) Regulations 1996 apply”.
- (c) The Merchant Shipping (Fire Protection) Regulations 1984(8) shall be amended by inserting the following in the Proviso to regulation 1(4), after (ii):

(5) 1894 c. 60; this Act has been repealed, but section 85(7)(e) of the Merchant Shipping Act 1995 allows certain offences to be punishable by a maximum fine of an amount authorised by the 1894 Act.

(6) S.I. 1984/1216; relevant amendment is S.I. 1990/892.

(7) S.I. 1984/1217; to which there are amendments not relevant to these Regulations.

(8) S.I. 1984/1218; to which there are amendments not relevant to these Regulations.

- “and (iii) high-speed craft to which the Merchant Shipping (High-Speed Craft) Regulations 1996 apply”.
- (d) The Merchant Shipping (Life-Saving Appliances) Regulations 1986⁽⁹⁾ shall be amended by adding the following to regulation 4(1): “and
- (d) high-speed craft to which the Merchant Shipping (High-Speed Craft) Regulations 1996 apply”.
- (e) The Merchant Shipping (Radio Installations) Regulations 1992⁽¹⁰⁾ shall be amended by adding in regulation 2(2) the following:
- “(f) high-speed craft to which the Merchant Shipping (High-Speed Craft) Regulations 1996 apply”.
- (f) The Merchant Shipping (Navigational Equipment) Regulations 1993⁽¹¹⁾ shall be amended by substituting in regulation 2(3), for “and fishing vessels” the words “, fishing vessels and high-speed craft to which the Merchant Shipping (High-Speed Craft) Regulations 1996 apply”.
- (g) The Merchant Shipping (Survey and Certification) Regulations 1995⁽¹²⁾ shall be amended by substituting, in regulation 2(1), for “or pleasure vessels” the words “, high-speed craft to which the Merchant Shipping (High-Speed Craft) Regulations 1997 apply or pleasure vessels”.

Signed by authority of the Secretary of State for Transport

Department of Transport
19th December 1996

Goschen
Parliamentary Under-Secretary,

⁽⁹⁾ S.I. 1986/1066; to which there are amendments not relevant to these Regulations.

⁽¹⁰⁾ S.I. 1992/3.

⁽¹¹⁾ S.I. 1993/69.

⁽¹²⁾ S.I. 1995/1210, to which there is an amendment not relevant to these Regulations.

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations give effect to the International Code of Safety for High-Speed Craft, made mandatory by Chapter X of the Annex to the Safety of Life at Sea Convention 1974. Chapter X was adopted by resolution MSC.36(63) of the Maritime Safety Committee of the International Maritime Organization on 20th May 1994.

2. The Regulations require high speed craft, constructed after 1st January 1996 (and falling within with regulation 3(1)(b) to (e)) to be constructed, equipped, maintained and operated in accordance with the Code (*regulation 4(1)*).

3. Provisions are made for surveys (regulation 5), and for the issue of High-Speed Craft Safety Certificates and Permits to Operate (*regulations 6 to 11*).

4. The Regulations also require compliance with certain rules of classification societies, thus implementing in part Article 14 of Council Directive [94/57/EC](#) on common rules and standards of ship inspection and survey organisations and for the relevant activities of maritime administrations (*regulation 4(2)*).

5. The Regulations amend a number of other merchant shipping regulations so that they cease to apply to high-speed craft (*regulation 17*).

6. A compliance cost assessment has been prepared and copies can be obtained from the Marine Safety Agency, 105 Commercial Road, Southampton, SO15 1EG. A copy has been placed in the Library of each House of Parliament.

7. Merchant Shipping Notices are obtainable from Eros Marketing Support Services Ltd, Unit B, Imber Court Trading Estate, Orchard Lane, East Molesey, Surrey KT8 0BN (Telephone number 0181 957 5028).

8. The High-Speed Craft Code (Sales No. IMO-187E) and the 1974 SOLAS Convention are obtainable from the International Maritime Organization, 4 Albert Embankment, London SE1 7SR.