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STATUTORY INSTRUMENTS

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**1998 No. 2070**

**The Merchant Shipping (Radio Installations) Regulations 1998**

**PART I U.K.**

**GENERAL**

**Citation, commencement and revocation U.K.**

1.—(1) These Regulations may be cited as the Merchant Shipping (Radio Installations) Regulations 1998 and shall come into force on 28th September 1998.

(2) The Merchant Shipping (Radio Installations) Regulations 1992<sup>(1)</sup> are hereby revoked.

**Commencement Information**

**II** [Reg. 1](#) in force at 28.9.1998, see [reg. 1\(1\)](#)

**Interpretation U.K.**

2. In these Regulations—

<sup>F1</sup>  
...

“cargo ship” means a ship other than a passenger ship;

[<sup>F2</sup>“category A, B, C and D waters” means the waters specified as such in Merchant Shipping Notice (MSN) 1837(M) Amendment 2;]

<sup>F3</sup>  
...

<sup>F4</sup>  
...

[<sup>F5</sup>“EEA State” has the meaning given by Schedule 1 to the Interpretation Act 1978;]

<sup>F6</sup>  
...

[<sup>F7</sup>“fishing vessel” means a ship used for catching fish, whales, seals, walrus or other living resources of the sea;]

“general radiotelecommunications” means operational and public correspondence traffic, other than distress, urgency and safety messages, conducted by radio;

[<sup>F8</sup>“gross tonnage” means gross tonnage as determined in accordance with regulation 6 or 12(1) of the Merchant Shipping (Tonnage) Regulations 1997;]

“GMDSS” means the Global Maritime Distress and Safety System;

“GMDSS ship” means a ship to which Part II of these Regulations applies;

“interference” has the same meaning as in the [<sup>F9</sup>Wireless Telegraphy Act 2006];

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(1) [S.I. 1992/3](#), as amended by [S.I. 1995/1210](#).

[<sup>F10</sup>“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 country other than the United Kingdom and a port in any other country or territory which is outside the United Kingdom;]

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[<sup>F12</sup>“Merchant Shipping Notice” means a notice described as such and issued by the Maritime and Coastguard Agency (an executive agency of the Department for Transport) and includes a reference to any 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;]

[<sup>F13</sup>“non-United Kingdom ship” means any ship other than a United Kingdom ship;]

[<sup>F13</sup>“passenger” is 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; and
- (b) a child under one year of age;]

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“passenger ship” means a ship certified to carry more than 12 passengers;

“pleasure vessel” means—

- (a) any vessel which at the time it is being used is—
  - (i) (a) in the case of a vessel wholly owned by an individual, or individuals, used only for the sport or pleasure of the owner or the immediate family or friends of the owner; or
  - (b) in the case of a vessel owned by a body corporate, used only for sport or pleasure and on which the persons 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 or friends; and
- (c) in the case of any vessel referred to in paragraphs (a) or (b) above no other payments are made by or on behalf of users of the vessel, other than by the owner.

In this definition “immediate family” means in relation to an individual, the [<sup>F15</sup>spouse or civil partner] of the individual, and a relative of the individual or the individual’s [<sup>F15</sup>spouse or civil partner], and “relative” means brother, sister, ancestor or lineal descendant;

“radio installation” means any radio installation provided on board a ship in compliance with these Regulations, including its associated antennas, interconnecting circuits and, where appropriate, sources of electrical energy;

“Radio Regulations” means the Radio Regulations annexed to, or regarded as being annexed to, the [<sup>F16</sup>Constitution and Convention of the International Telecommunication Union, 1992;]

[<sup>F17</sup>“remote operation centre” means any location from which a remotely operated vessel is operated except that vessel;

“remotely operated unmanned vessel” means a vessel that—

- (a) is operated from a remote operation centre, and
- (b) is not carrying any person at the time that it is operated;]

“Safety Convention” means the International Convention for the Safety of Life at Sea 1974(2).

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F18  
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### Textual Amendments

- F1** Words in [reg. 2](#) omitted (24.12.2021) by virtue of [The Merchant Shipping \(Radiocommunications\) \(Amendment\) Regulations 2021 \(S.I. 2021/1316\)](#), [reg. 1\(1\)](#), [Sch. 1 para. 2\(a\)](#) (with [reg. 4](#))
- F2** Words in [reg. 2](#) inserted (24.12.2021) by [The Merchant Shipping \(Radiocommunications\) \(Amendment\) Regulations 2021 \(S.I. 2021/1316\)](#), [reg. 1\(1\)](#), [Sch. 1 para. 2\(b\)](#) (with [reg. 4](#))
- F3** Words in [reg. 2](#) omitted (24.12.2021) by virtue of [The Merchant Shipping \(Radiocommunications\) \(Amendment\) Regulations 2021 \(S.I. 2021/1316\)](#), [reg. 1\(1\)](#), [Sch. 1 para. 2\(c\)](#) (with [reg. 4](#))
- F4** Words in [reg. 2](#) omitted (20.12.2018) by virtue of [The Merchant Shipping \(Miscellaneous Provisions\) \(Amendments etc.\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1221\)](#), [regs. 2\(a\)](#), [3\(2\)\(d\)](#)
- F5** Words in [reg. 2](#) substituted (20.12.2018) by [The Merchant Shipping \(Miscellaneous Provisions\) \(Amendments etc.\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1221\)](#), [regs. 2\(a\)](#), [3\(2\)\(d\)](#)
- F6** Words in [reg. 2](#) omitted (24.12.2021) by virtue of [The Merchant Shipping \(Radiocommunications\) \(Amendment\) Regulations 2021 \(S.I. 2021/1316\)](#), [reg. 1\(1\)](#), [Sch. 1 para. 2\(d\)](#) (with [reg. 4](#))
- F7** Words in [reg. 2](#) inserted (24.12.2021) by [The Merchant Shipping \(Radiocommunications\) \(Amendment\) Regulations 2021 \(S.I. 2021/1316\)](#), [reg. 1\(1\)](#), [Sch. 1 para. 2\(e\)](#) (with [reg. 4](#))
- F8** Words in [reg. 2](#) inserted (24.12.2021) by [The Merchant Shipping \(Radiocommunications\) \(Amendment\) Regulations 2021 \(S.I. 2021/1316\)](#), [reg. 1\(1\)](#), [Sch. 1 para. 2\(f\)](#) (with [reg. 4](#))
- F9** Words in [reg. 2](#) substituted (24.12.2021) by [The Merchant Shipping \(Radiocommunications\) \(Amendment\) Regulations 2021 \(S.I. 2021/1316\)](#), [reg. 1\(1\)](#), [Sch. 1 para. 2\(g\)](#) (with [reg. 4](#))
- F10** Words in [reg. 2](#) inserted (24.12.2021) by [The Merchant Shipping \(Radiocommunications\) \(Amendment\) Regulations 2021 \(S.I. 2021/1316\)](#), [reg. 1\(1\)](#), [Sch. 1 para. 2\(h\)](#) (with [reg. 4](#))
- F11** Words in [reg. 2](#) omitted (24.12.2021) by virtue of [The Merchant Shipping \(Radiocommunications\) \(Amendment\) Regulations 2021 \(S.I. 2021/1316\)](#), [reg. 1\(1\)](#), [Sch. 1 para. 2\(i\)](#) (with [reg. 4](#))
- F12** Words in [reg. 2](#) substituted (24.12.2021) by [The Merchant Shipping \(Radiocommunications\) \(Amendment\) Regulations 2021 \(S.I. 2021/1316\)](#), [reg. 1\(1\)](#), [Sch. 1 para. 2\(j\)](#) (with [reg. 4](#))
- F13** Words in [reg. 2](#) inserted (24.12.2021) by [The Merchant Shipping \(Radiocommunications\) \(Amendment\) Regulations 2021 \(S.I. 2021/1316\)](#), [reg. 1\(1\)](#), [Sch. 1 para. 2\(l\)](#) (with [reg. 4](#))
- F14** Words in [reg. 2](#) omitted (24.12.2021) by virtue of [The Merchant Shipping \(Radiocommunications\) \(Amendment\) Regulations 2021 \(S.I. 2021/1316\)](#), [reg. 1\(1\)](#), [Sch. 1 para. 2\(k\)](#) (with [reg. 4](#))
- F15** Words in [reg. 2](#) substituted (5.12.2005) by [The Civil Partnership Act 2004 \(Amendments to Subordinate Legislation\) Order 2005 \(S.I. 2005/2114\)](#), [art. 2\(15\)](#), [reg. 1](#), [Sch. 15](#)
- F16** Words in [reg. 2](#) substituted (24.12.2021) by [The Merchant Shipping \(Radiocommunications\) \(Amendment\) Regulations 2021 \(S.I. 2021/1316\)](#), [reg. 1\(1\)](#), [Sch. 1 para. 2\(m\)](#) (with [reg. 4](#))
- F17** Words in [reg. 2](#) inserted (13.12.2023) by [The Merchant Shipping \(Small Workboats and Pilot Boats\) Regulations 2023 \(S.I. 2023/1216\)](#), [reg. 1\(1\)](#), [Sch. 2 para. 2\(2\)](#) (with [regs. 4, 6](#))
- F18** Words in [reg. 2](#) omitted (24.12.2021) by virtue of [The Merchant Shipping \(Radiocommunications\) \(Amendment\) Regulations 2021 \(S.I. 2021/1316\)](#), [reg. 1\(1\)](#), [Sch. 1 para. 2\(n\)](#) (with [reg. 4](#))

### Commencement Information

**I2** Reg. 2 in force at 28.9.1998, see **reg. 1(1)**

### Application **U.K.**

[<sup>F19</sup>**3.**—(1) Subject to paragraph (2), these Regulations apply to—

- (a) United Kingdom ships, wherever they may be; or
- (b) non-United Kingdom ships in 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 engaged on an international voyage;
- (d) ships operating only in category A, B, C and D waters;
- (e) ships not propelled by mechanical means;
- (f) cargo ships of less than 300 gross tonnage;
- (g) pleasure vessels;
- (h) fishing vessels;

[<sup>F20</sup>(ha) remotely operated unmanned vessels;]

- (i) ships to which the Merchant Shipping (Radiocommunications) (Amendment) Regulations 2021 apply;
- (j) ships to which the Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000 apply;
- (k) ships to which [<sup>F21</sup>the Merchant Shipping (High Speed Craft) Regulations 2022] apply; and
- (l) ships while being navigated within the Great Lakes of North America and their connecting and tributary waters as far east as the lower exit of St. Lambert Lock in Montreal in the Province of Quebec, Canada.]

### Textual Amendments

**F19** Reg. 3 substituted (24.12.2021) by The Merchant Shipping (Radiocommunications) (Amendment) Regulations 2021 (S.I. 2021/1316), reg. 1(1), **Sch. 1 para. 3** (with reg. 4)

**F20** Reg. 3(2)(ha) inserted (13.12.2023) by The Merchant Shipping (Small Workboats and Pilot Boats) Regulations 2023 (S.I. 2023/1216), reg. 1(1), **Sch. 2 para. 2(3)** (with regs. 4, 6)

**F21** Words in reg. 3(2)(k) substituted (19.12.2022) by The Merchant Shipping (High Speed Craft) Regulations 2022 (S.I. 2022/1219), reg. 1(1), **Sch. para. 6** (with reg. 4(2)-(4))

### Ships and persons in distress **U.K.**

4. Nothing in these Regulations shall prohibit any ship, survival craft or person in distress from using any means at their disposal to attract attention, make known their position or obtain help.

### Commencement Information

**I3** Reg. 4 in force at 28.9.1998, see **reg. 1(1)**

## Equivalents and exemptions **U.K.**

5.—(1) Where these Regulations require that a particular fitting, material, appliance or apparatus, or type thereof, shall be fitted or carried in a ship, or that any particular provision shall be made, the Secretary of state may permit any other fitting, material, appliance or apparatus or type thereof to be fitted or carried, or any other provision to be made in that ship if he is satisfied by trial thereof or otherwise that such other fitting, material, appliance or apparatus, or type thereof, or provision, is at least as effective as that required by these Regulations.

(2) For the purpose of these Regulations, the results of verifications and tests carried out by [<sup>F22</sup>bodies and laboratories] offering suitable and satisfactory guarantees of technical and professional competence shall be accepted.

[<sup>F23</sup>(3) Where paragraph (4) applies, the Secretary of State may grant an exemption from the requirements of these Regulations in respect of a ship provided the functional requirements in paragraph 2 of Merchant Shipping Notice 1903 (M) are satisfied in respect of that ship.

(4) This paragraph applies—

- (a) if the conditions in respect of that ship affecting safety are such as to render the full application of the requirements in regulation 8 unreasonable; or
- (b) in exceptional circumstances in respect of a single voyage in relation to which the ship is not equipped.

(5) Where paragraph (4) does not apply, the Secretary of State may, in exceptional circumstances, grant an exemption from any provision of these Regulations a ship or class of ship if satisfied that compliance with such provision is either impracticable or unreasonable in the case of that ship or class of ship.

(6) An exemption granted under paragraph (3) or (5) may—

- (a) be granted subject to such safety requirements as the Secretary of State thinks fit to ensure the overall safety of the ship; and
- (b) on the giving of reasonable notice, be altered or cancelled.

(7) An exemption granted under paragraph (3) or (5), or an alteration or cancellation under paragraph (6)(b), 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 an exemption granted under paragraph (3) or (5), or an alteration or cancellation under paragraph (6)(b), be in writing is satisfied where the text of the exemption, alteration or cancellation is—

- (a) transmitted by electronic means;
- (b) received in legible form; and
- (c) capable of being used for subsequent reference.

(9) Where an exemption granted under paragraph (3) or (5) is granted subject to safety requirements under paragraph (6)(a), the exemption ceases to have effect if those requirements are not complied with.]

### Textual Amendments

**F22** Words in [reg. 5\(2\)](#) substituted (24.12.2021) by [The Merchant Shipping \(Radiocommunications\) \(Amendment\) Regulations 2021 \(S.I. 2021/1316\)](#), [reg. 1\(1\)](#), [Sch. 1 para. 4\(a\)](#) (with [reg. 4](#))

*Changes to legislation: There are currently no known outstanding effects for the The Merchant Shipping (Radio Installations) Regulations 1998, PART I. (See end of Document for details)*

**F23** Reg. 5(3)-(9) substituted for reg. 5(3) (24.12.2021) by The Merchant Shipping (Radiocommunications) (Amendment) Regulations 2021 (S.I. 2021/1316), reg. 1(1), **Sch. 1 para. 4(b)** (with reg. 4)

**Commencement Information**

**I4** Reg. 5 in force at 28.9.1998, see **reg. 1(1)**

**Performance standards** **U.K.**

**6.**—(1) [<sup>F24</sup>Subject to paragraph (4) below,] equipment required to be provided under these Regulations shall—

- <sup>F25</sup>(a) .....
- (b) subject to paragraph (2) below, be of a type approved by the Secretary of State; and
- <sup>F26</sup>(c) .....

<sup>F27</sup> ...

(2) In respect of a ship registered in a State party to the Safety Convention, sub-paragraph (b) above shall not apply to equipment of a type approved by the Administration of that State.

(3) Any approval given pursuant to this regulation 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.

[<sup>F28</sup>(4) Equipment required to be provided under these Regulations to which [<sup>F29</sup>the Merchant Shipping (Marine Equipment) Regulations 2016] apply shall comply with the requirements of those Regulations.]

**Textual Amendments**

- F24** Words in **reg. 6(1)** inserted (5.8.1999) by The Merchant Shipping (Marine Equipment) Regulations 1999 (S.I. 1999/1957), **reg. 1, Sch. 1 para. 1(a)** (with reg. 4)
- F25** **Reg. 6(1)(a)** omitted (24.12.2021) by virtue of The Merchant Shipping (Radiocommunications) (Amendment) Regulations 2021 (S.I. 2021/1316), **reg. 1(1), Sch. 1 para. 5(a)** (with reg. 4)
- F26** **Reg. 6(1)(c)** omitted (24.12.2021) by virtue of The Merchant Shipping (Radiocommunications) (Amendment) Regulations 2021 (S.I. 2021/1316), **reg. 1(1), Sch. 1 para. 5(a)** (with reg. 4)
- F27** Words in **reg. 6** omitted (24.12.2021) by virtue of The Merchant Shipping (Radiocommunications) (Amendment) Regulations 2021 (S.I. 2021/1316), **reg. 1(1), Sch. 1 para. 5(b)** (with reg. 4)
- F28** **Reg. 6(4)** inserted (5.8.1999) by The Merchant Shipping (Marine Equipment) Regulations 1999 (S.I. 1999/1957), **reg. 1, Sch. 1 para. 1(b)** (with reg. 4)
- F29** Words in **reg. 6(4)** substituted (5.12.2016) by The Merchant Shipping (Marine Equipment) Regulations 2016 (S.I. 2016/1025), **reg. 1, Sch. para. 5**

**Commencement Information**

**I5** Reg. 6 in force at 28.9.1998, see **reg. 1(1)**

**Changes to legislation:**

There are currently no known outstanding effects for the The Merchant Shipping (Radio Installations) Regulations 1998, PART I.