
STATUTORY INSTRUMENTS

1998 No. 2070

The Merchant Shipping (Radio Installations) Regulations 1998

PART I
GENERAL

Citation, commencement and revocation

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⁽¹⁾ are hereby revoked.

Interpretation

2. In these Regulations—

“1984 Regulations” means the Merchant Shipping (Passenger Ship Construction and Survey) Regulations 1984⁽²⁾;

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

“certificated radio operator” means a person qualified as specified in regulation 19(3), as a VHF radiotelephone operator, radiotelephone operator or radio officer;

“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⁽³⁾;

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

“first periodical survey” means the periodical survey required by regulation 4 of the Merchant Shipping (Survey and Certification) Regulations 1995⁽⁴⁾ to renew the ship’s Passenger Ship Safety Certificate or Passenger Certificate within the meaning of those Regulations;

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

“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 Wireless Telegraphy Act 1949⁽⁵⁾;

“Maritime and Coastguard Agency” means the Maritime and Coastguard Agency, an executive agency of the Department of the Environment, Transport and the Regions;

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

(2) S.I. 1984/1216, to which there are amendments not relevant to these Regulations.

(3) Cmnd. 2073.

(4) S.I. 1995/1210, amended by S.I. 1996/2418.

(5) 1949 c. 54.

“Merchant Shipping Notice” means a Notice described as such, issued by the Maritime and Coastguard Agency, and includes a reference to any such document amending or replacing that Notice;

“non-GMDSS ship” means any ship other than a GMDSS ship;

“Organisation” means the International Maritime Organisation;

“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 husband or wife of the individual, and a relative of the individual or the individual’s husband or wife, 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 International Telecommunication Convention 1994⁽⁶⁾ and includes any amendment thereto which the Secretary of State considers relevant from time to time and specifies in a Merchant Shipping Notice;

“Safety Convention” means the International Convention for the Safety of Life at Sea 1974⁽⁷⁾;

“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 tons or 1% of the estimated mass of all structural material, whichever is less;

“tons” means gross tons; and a ship to which regulation 12 of the Merchant Shipping (Tonnage) Regulations 1997⁽⁸⁾ refers may continue to use the gross tonnage additionally ascertained in accordance with the provisions of Schedule 5 and appendices 1 to 4 thereto of the Merchant Shipping (Tonnage) Regulations 1982⁽⁹⁾.

⁽⁶⁾ Cmnd. 3447.

⁽⁷⁾ Cmnd, 7874.

⁽⁸⁾ S.I. 1997/1510.

⁽⁹⁾ S.I. 1982/841; these Regulations have been revoked by S.I. 1997/1510 but the Secretary of State may permit certain ships to continue to use the gross tonnage additionally ascertained under Schedule 5 thereto, see regulation 12.

Application

- 3.—(1) Subject to the following provisions of this regulation, these Regulations apply to—
- (a) sea-going United Kingdom ships wherever they may be except while they are within 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; and
 - (b) other seagoing ships while they are within United Kingdom waters.
- (2) These Regulations shall not apply to—
- (a) troopships not registered in the United Kingdom;
 - (b) ships not propelled by mechanical means;
 - (c) pleasure vessels;
 - (d) fishing vessels;
 - (e) cargo ships of less than 300 tons; and
 - (f) craft to which the Merchant Shipping (High-Speed Craft) Regulations 1996(10) apply.
- (3) Every ship the keel of which was laid or which was at a similar stage of construction before 1st February 1995 shall—
- (a) subject to paragraph (6) below, until the 1st February 1999 comply with either—
 - (i) the requirements of Part II of these Regulations, or
 - (ii) the requirements of Part III of these Regulations, regulations 11(1)(d) (NAVTEX) and 11(1)(f) (satellite EPIRB), and the requirements of the Merchant Shipping (Life-Saving Appliances) Regulations 1980(11) or the Merchant Shipping (Life-Saving Appliances) Regulations 1986(12) (as appropriate) relating to the carriage of radar transponders; and
 - (b) on or after 1st February 1999 comply with the requirements of Part II of these Regulations.
- (4) Subject to paragraph (6) below, every ship the keel of which was laid or which was at a similar stage of construction on or after 1st February 1995 shall comply with the requirements of Part II of these Regulations.
- (5) Subject to paragraph (6) below, regulations 10, 11(4) and 19(2)(a) below shall apply to only United Kingdom passenger ships of Classes I, II and II(A) within the meaning of the 1984 Regulations wherever they may be and other passenger ships of those Classes while they are within United Kingdom waters.
- (6) Any passenger ship the keel of which was laid or which was at a similar stage of construction before 1st July 1997 to which regulations 10 or 11(4) below apply need not comply with the requirements of those regulations (as applicable) until the date of the first periodical survey after the date these Regulations come into force in respect of the ship.

Ships and persons in distress

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.

Equivalent and exemptions

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

(10) S.I. 1996/3188.

(11) S.I. 1980/538, relevant amendments are S.I. 1991/1300.

(12) S.I. 1986/1066, relevant amendments are S.I. 1991/1300.

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 the bodies and laboratories of any other EEA State offering suitable and satisfactory guarantees of technical and professional competence shall be accepted.

(3) The Secretary of State may exempt any individual ship or class or description of ships from any of the provisions of Part II or Part III of these Regulations, on such terms (if any) as he may specify and may, on reasonable notice, alter or cancel any such exemption.

Performance standards

6.—(1) Equipment required to be provided under these Regulations shall—

- (a) conform to performance standards adopted by the Organisation and specified in Merchant Shipping Notice No. M 1714 as having been so adopted;
- (b) subject to paragraph (2) below, be of a type approved by the Secretary of State; and
- (c) in the case of United Kingdom ships, in addition conform to appropriate performance standards specified in Merchant Shipping Notice No. M 1714,

and those standards and specifications shall include any amendment thereto which the Secretary of State considers relevant from time to time and specifies in a Merchant Shipping Notice.

(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.