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STATUTORY INSTRUMENTS

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**1999 No. 1957**

**The Merchant Shipping (Marine Equipment) Regulations 1999**

**PART I: PRELIMINARY**

**Citation and commencement**

1. These Regulations may be cited as the Merchant Shipping (Marine Equipment) Regulations 1999 and shall come into force on 5th August 1999.

**Interpretation**

2.—(1) In these Regulations—

“applicable international standards” means the requirements of the relevant international convention which the equipment must satisfy, as specified in Merchant Shipping Notice MSN 1734;

“the Directive” means Council Directive [96/98/EC](#) on Marine Equipment<sup>(1)</sup>;

“EC declaration of conformity to type procedure” means the procedure specified in regulation 13 below;

“EC design-examination certificate” means the certificate issued by a notified body in respect of equipment pursuant to regulation 17(7) below;

“EC full quality assurance procedure” means the procedure specified in regulation 17 below;

“EC production quality assurance procedure” means the procedure specified in regulation 14 below;

“EC product quality assurance procedure” means the procedure specified in regulation 14 below;

“EC product verification procedure” means the procedure specified in regulation 15 below;

“EC type-examination certificate” means the certificate issued by the notified body in respect of equipment pursuant to regulation 12(5) below;

“EC type-examination procedure” means the procedure specified in regulation 12 below;

“EC unit verification conformity-assessment procedure” means the procedure specified in regulation 16 below;

“international voyage” means a voyage from a port in one country to a port in another country, either of the countries being a country to which the 1974 International Convention for the Safety of Life at Sea<sup>(2)</sup> applies;

“mark of conformity” means the mark referred to in regulation 18 below;

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

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(1) O.J. No. L46, 17.2.97, p. 26, as amended by Commission Directive [98/85/EC](#), O.J. No. L315, 25.11.98, p. 14.

(2) Cmnd. 7874.

“Merchant Shipping Notice” means a notice described as such and issued by the Secretary of State; and any reference to a particular Merchant Shipping Notice includes a reference to any such document amending or replacing that notice;

“notified body” means a body designated by the Secretary of State under regulation 5 below as a notified body for the purposes of these Regulations;

“relevant international conventions” means–

- (i) the 1966 International Convention on Load Lines<sup>(3)</sup>;
- (ii) the 1972 Convention on the International Regulations for Preventing Collisions at Sea<sup>(4)</sup>;
- (iii) the 1973 International Convention for the Prevention of Pollution from Ships<sup>(5)</sup>;
- (iv) the 1974 International Convention for the Safety of Life at Sea, including their Protocols, annexes and amendments thereto as at 1st January 1999;

“scheduled service” means an advertised service at specified intervals along specified routes.

(2) Unless given a different meaning in these Regulations, words and expressions specifically given a meaning by article 2 of the Directive shall have that meaning in these Regulations.

(3) For the purposes of these Regulations ships shall be arranged in Classes as defined in the Merchant Shipping (Fire Protection: Large Ships) Regulations 1998<sup>(6)</sup>.

(4) Where a ship is managed by a person other than the owner (whether on behalf of the owner, of 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.

(5) Any approval, direction, prohibition or restriction given pursuant to 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.

### **Amendment of Regulations**

3. The Regulations specified in Schedule 1 shall be amended as specified therein.

### **Application**

4. These Regulations shall apply to–

- (a) any United Kingdom ship; and
  - (b) as respects equipment other than marine pollution equipment which is not also equipment for securing the safety of ships and persons on them, any other ship being–
    - (i) a Class II(A) or IX ship;
    - (ii) a Class II ship operating on a scheduled service from any port in the United Kingdom to any port in another member State, or vice versa; or
    - (iii) a high-speed craft operating on–
      - (aa) a scheduled service from any port in the United Kingdom to any port in another member State, or vice versa; or
      - (bb) a voyage which is not an international voyage,
- to which the Merchant Shipping (High-Speed Craft) Regulations 1996 apply<sup>(7)</sup>.

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(3) Cmnd. 3708.

(4) The international Regulations are set out in Merchant Shipping Notice No. 1642/COL REG 1.

(5) Cmnd. 5748 and Cmnd. 7347.

(6) S.I.1998/1012 amended by S.I. 1999/992.

(7) S.I. 1996/3188.

## **Designation of notified bodies**

5.—(1) If it appears to the Secretary of State that—

- (a) the Maritime and Coastguard Agency, or
- (b) any other body,

satisfies the minimum criteria specified in Annex C of the Directive, he may designate that Agency or other body to carry out the procedures specified in Article 10 of the Directive.

(2) Any such designation may be made—

- (a) for the purposes of all or any of the functions to be performed by notified bodies under these Regulations;
- (b) in relation to all equipment to which these Regulations apply or only such equipment as may be specified;
- (c) for an unlimited period, or for a specified period, or for specified purposes; and
- (d) subject to conditions (including conditions which are to apply upon or following withdrawal of the designation).

(3) The Secretary of State may withdraw a designation if—

- (a) the designated body so requests;
- (b) the body ceases to comply with the minimum criteria specified in Annex C of the Directive; or
- (c) the body fails to comply with any condition imposed under paragraph (2) above.

(4) The Secretary of State may vary or amend a designation if—

- (a) the designated body so requests; or
- (b) having regard to these Regulations or the Directive, it appears to him necessary or expedient to do so.

(5) The Secretary of State may from time to time carry out inspections of the functions performed by a designated body under these Regulations with a view to verifying whether the body complies with the provisions of its designation and the provisions of these Regulations and the Directive; in particular the inspection shall verify that the body still complies with the minimum criteria specified in Annex C of the Directive.

(6) Where the Secretary of State—

- (a) refuses an application for designation under paragraph (1) above or imposes any condition more onerous than those proposed by the body;
- (b) withdraws a designation under paragraph (3)(b) or (c) above; or
- (c) varies or amends a designation under paragraph (4)(b) above,

he shall inform the body in writing of the grounds for his decision.

(7) If for any reason a designated body ceases to be a designated body under this regulation, the Secretary of State may designate another designated body to take over its functions in respect of such cases as he may specify.