

SCHEDULE 1

Regulation 3(1)

REPEALS AND REVOCATIONS

- 1.—(1) Subsections (1) to (4) of section 91 of the Act are hereby repealed.  
(2) In subsection (7) of section 91 of the Act, the definition of “tropical storm” and the words “and the master of a ship” to the end shall be omitted.
2. The following Regulations are hereby revoked—
  - (a) the Merchant Shipping (Automatic Pilot and Testing of Steering Gear) Regulations 1981(1);
  - (b) the Merchant Shipping (Passenger Ships of Classes IV, V, VI, & VI(A)-Bridge Visibility) Regulations 1992(2);
  - (c) the Merchant Shipping (Navigational Equipment) Regulations 1993(3);
  - (d) the Merchant Shipping (Mandatory Ship Reporting) Regulations 1996(4);
  - (e) the Merchant Shipping (Navigational Warnings) Regulations 1996(5);
  - (f) the Merchant Shipping (Mandatory Ships' Routeing) Regulations 1997(6);
  - (g) the Merchant Shipping (Master’s Discretion) Regulations 1997(7);
  - (h) the Merchant Shipping (Navigation Bridge Visibility) Regulations 1998(8);
  - (i) the Merchant Shipping (Co-operation with Search and Rescue Services) Regulations 1998(9);
  - (j) the Merchant Shipping (Carriage of Nautical Publications) Regulations 1998(10); and
  - (k) the Merchant Shipping (Pilot Transfer Arrangements) Regulations 1999(11).
3. In regulation 1(2) of the Merchant Shipping (Official Log Books) Regulations 1981(12), the definitions of “the Pilot Ladders and Hoists Regulations” and “the Steering Gear Regulations” shall be omitted.
4. In regulation 1(2) of the Merchant Shipping (Official Log Books) (Fishing Vessels) Regulations 1981(13), the definitions of “the Pilot Ladders and Hoists Regulations” and “the Steering Gear Regulations” shall be omitted.
5. Regulations 3 to 8 of the Merchant Shipping (Distress Messages) Regulations 1998(14) are hereby revoked.
6. In Schedules 1 and 2 to the Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) Regulations 1998(15), the entries relating to the Merchant Shipping (Navigational Equipment) Regulations 1993 are hereby revoked.

---

(1) S.I.1981/571.  
(2) S.I. 1992/2357, amended by S.I. 1998/1419.  
(3) S.I. 1993/69, amended by S.I. 1999/1957 and 2000/2687.  
(4) S.I. 1996/1749.  
(5) S.I. 1996/1815, amended by S.I. 2000/2687.  
(6) S.I. 1997/1341.  
(7) S.I. 1997/2886.  
(8) S.I. 1998/1419.  
(9) S.I. 1998/1692.  
(10) S.I. 1998/2647.  
(11) S.I. 1999/17.  
(12) S.I. 1981/569, amended by S.I. 1999/2145.  
(13) S.I. 1981/570, to which there are amendments not relevant to these Regulations.  
(14) S.I. 1998/1691.  
(15) S.I. 1998/2771, to which there are amendments not relevant to these Regulations.

*Status: This is the original version (as it was originally made).*

7. Regulation 38 of the Merchant Shipping (Life-Saving Appliances for Ships Other Than Ships of Classes III to VI(A)) Regulations 1999<sup>(16)</sup> is hereby revoked.

8. In regulation 5(1) of the Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000<sup>(17)</sup>, “(g) the Merchant Shipping (Navigational Equipment) Regulations 1993” is hereby revoked.

## SCHEDULE 2

Regulation 3(2)

### CONSEQUENTIAL AMENDMENTS

1. In section 91(5) of the Act, for “by the said rules for indicating that a message is about to be sent under this section” substitute “under safety regulations relating to dangers to navigation, which indicates that a message is about to be sent under those regulations”.

2.—(1) The Merchant Shipping (Official Log Books) Regulations 1981 are amended as follows.

(2) In regulation 1(2), after the definition of “the Repatriation Regulations” insert—

““the Safety of Navigation Regulations” means the Merchant Shipping (Safety of Navigation) Regulations 2002<sup>(18)</sup>”.

(3) In the Schedule, substitute “regulation 5(2) of the Safety of Navigation Regulations”—

(a) in paragraph 24, for “regulation 8(6)(d) of the Pilot Ladders and Hoists Regulations”,  
and

(b) in paragraph 25, for “regulation 6(6) of the Steering Gear Regulations”.

3.—(1) The Merchant Shipping (Official Log Books) (Fishing Vessels) Regulations 1981 are amended as follows.

(2) In regulation 1(2), after the definition of “the Repatriation Regulations” insert—

““the Safety of Navigation Regulations” means the Merchant Shipping (Safety of Navigation) Regulations 2002<sup>(19)</sup>”.

(3) In the Schedule, substitute “regulation 5(2) of the Safety of Navigation Regulations”—

(a) in paragraph 20, for “regulation 8(6)(d) of the Pilot Ladders and Hoists Regulations”,  
and

(b) in paragraph 21, for “regulation 6(6) of the Steering Gear Regulations”.

4.—(1) Regulation 1(2) of the Merchant Shipping (Survey and Certification) Regulations 1995<sup>(20)</sup> is amended as follows.

(2) In the definition of “1974 SOLAS Convention”, after “its Protocol of 1988” insert “and the resolution of the Maritime Safety Committee of the International Maritime Organization published by that Organization as Resolution MSC.99(73) of December 2000”.

(3) For the definition of “radio-navigational equipment” substitute—

---

<sup>(16)</sup> S.I. 1999/2721.

<sup>(17)</sup> S.I. 2000/2687.

<sup>(18)</sup> S.I. 2002/1473.

<sup>(19)</sup> S.I. 2002/1473.

<sup>(20)</sup> S.I. 1995/1210; the relevant amending instrument is S.I. 2000/1334.

““radio-navigational equipment” means the equipment required under regulation 5(2) of the Merchant Shipping (Safety of Navigation) Regulations 2002(21) and paragraphs 2.3.2, 2.3.3, 2.5.5, 2.7 and 2.8.1 of regulation 19 of Chapter V of the Annex to the 1974 SOLAS Convention;”;

5. In Schedules 1 and 2 to the Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) Regulations 1998, at the end insert—

---

“The Merchant Shipping      2002/1473”  
(Safety of Navigation)  
Regulations 2002(22)

---

6. In regulation 5(1) of the Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000, at the end insert—

“(i) the Merchant Shipping (Safety of Navigation) Regulations 2002(23)

### SCHEDULE 3

Regulation 6

#### SUPPLEMENTARY PROVISIONS ON SAFETY OF NAVIGATION REQUIREMENTS

1.—(1) In this Schedule—

“Admiralty List of Radio Signals” means the publication of that name published by the United Kingdom National Hydrographer in force at the date of these Regulations, and any amendment, correction or replacement which—

- (a) the Secretary of State considers relevant from time to time, and which is specified in a Merchant Shipping Notice, and
- (b) relates to all or any of the purposes set out in section 85(1) of the Act;

“owner” includes any person or organisation, including the manager or bareboat charterer, who has assumed responsibility for the operation of the ship from the owner;

“Passenger Ship Safety Certificate” means the certificate of that name issued by the MCA, or in the case of a ship which is not a United Kingdom ship, the certificate of that name issued by the Administration of the ship concerned in accordance with the SOLAS Convention;

“relevant Admiralty publications” means the following publications of the Admiralty—

- (a) Admiralty charts, and
- (b) Sailing Directions,

and any amendment, correction or replacement which—

- (i) the Secretary of State considers relevant from time to time, and which is specified in a Merchant Shipping Notice, and
- (ii) relates to all or any of the purposes set out in section 85(1) of the Act;

“search and rescue service” means the search and rescue services responsible for the initiation and co-ordination of all maritime search and rescue activity required to provide assistance to persons in distress at sea.

---

(21) S.I. 2002/1473.

(22) S.I. 2002/1473.

(23) S.I. 2002/1473.

(2) In this Schedule, a reference to a numbered regulation is to the regulation of that number in Chapter V.

#### *Regulation 7*

2.—(1) For the purposes of paragraph 3 of regulation 7—

- (a) “appropriate search and rescue services” means, in relation to a ship, the search and rescue service responsible for the initiation and co-ordination of all search and rescue activity for the area of operation of the ship, as specified in Merchant Shipping Notice MSN 1761 or in any subsequent Merchant Shipping Notice amending or replacing that Notice which is considered by the Secretary of State to be relevant from time to time;
- (b) the guidelines developed by the IMO are the IMO Guidelines for Preparing Plans for Co-operation between Search and Rescue Services and Passenger Ships<sup>(24)</sup>, or those specified in any subsequent Merchant Shipping Notice amending or replacing the MCA’s 2002 SOLAS V publication which is considered by the Secretary of State to be relevant from time to time.

(2) The owner of a ship to which that paragraph applies shall prepare the plan referred to in that paragraph, as respects the steps to be taken by those on board the ship for co-operating with the appropriate search and rescue services, and shall consult the appropriate search and rescue services in preparing the plan.

(3) The owner shall submit the plan to those services for approval.

(4) Those services may reject the plan, or approve it with or without modifications.

(5) Where the plan is approved, the approval shall be in writing and shall specify the date on which it takes effect and the conditions (if any) subject to which it is given.

(6) A ship to which paragraph 3 of regulation 7 applies shall carry on board a plan which has been so approved.

#### *Regulation 10*

3. For the purposes of paragraph 7 of regulation 10, the “mandatory ships’ routeing system” and “relevant provisions” with which ships must comply are the routeing system and special routeing requirements which have been adopted by the IMO in accordance with the requirements of regulation 10 for mandatory use by ships or certain categories of ships, and which are set out in the relevant Admiralty publications as “Mandatory Ships’ Routeing System”.

#### *Regulation 11*

4.—(1) For the purposes of paragraph 7 of regulation 11—

- (a) “adopted ship reporting system” means any ship reporting system that has been established by a Government or Governments after it has been adopted by the IMO as complying with all the requirements of regulation 11 in Chapter V, and which is set out in Volume 6 of the Admiralty List of Radio Signals and annotated therein as “Mandatory System under SOLAS Regulation V/11-1” ;
- (b) the “appropriate authority” means the authority specified in the adopted ship reporting system.

(2) In relation to a United Kingdom ship, the adopted reporting system with which the master must comply is any adopted reporting system which applies in relation to his ship.

---

(24) S.I. 2002/1473.

(3) In relation to a ship which is not a United Kingdom ship, the adopted reporting system with which the master must comply while in United Kingdom waters is any United Kingdom adopted reporting system which applies in relation to his ship.

#### *Regulation 21*

**5.** For the purposes of regulation 21, the International Code of Signals which ships are required to carry is the document published by the IMO as “International Code of Signals” in 1987 and includes all amendments now in force and any amendment, correction or replacement of that Code which—

- (a) the Secretary of State considers relevant from time to time, and which is specified in a Merchant Shipping Notice, and
- (b) relates to all or any of the purposes set out in section 85(1) of the Act.

#### *Regulation 23*

**6.** For the purposes of regulation 23, the owner of a ship to which that regulation applies shall ensure that—

- (a) the ship is provided with the equipment, and has the procedures in place, which comply with the pilot transfer arrangements in that regulation, and
- (b) suitable positions are available on each side of the ship to enable the master to comply with the requirements in that regulation.

**7.** For the purposes of regulation 23, the master of a ship to which that regulation applies shall ensure that—

- (a) all pilot transfer arrangements meet the requirements in that regulation,
- (b) all pilot transfer equipment is properly maintained, stowed and regularly inspected in accordance with that regulation,
- (c) the rigging and testing of equipment for pilot transfer, and the procedures in place for such transfers, comply with that regulation, and
- (d) each pilot ladder is used only for the embarkation and disembarkation of pilots and by officials and other persons authorised by the master on arrival at or departure from a port.

**8.** For the purposes of paragraph 2.2 of regulation 23—

- (a) the master of the ship shall nominate an officer of the ship to be the responsible officer, and
- (b) the responsible officer shall (in addition to the duties expressly allocated to him by that paragraph) ensure that personnel engaged in rigging and operating any mechanical equipment are instructed in the safe procedures to be adopted and that the equipment is tested prior to use.

#### *Regulations 24 to 26*

**9.** For the purposes of regulations 24 to 26—

- (a) in relation to paragraph 3 of regulation 24, the responsible officer shall be the officer in charge of the navigational watch or, if there is no such officer, the master,
- (b) the details specified in paragraph 6 of regulation 26 shall be recorded in the ship’s official log book, and
- (c) the owner of a ship to which regulation 26 applies shall ensure that the simple operating instructions and block diagram required by paragraph 3.1 of that regulation are provided.

*Regulation 30*

**10.** For the purposes of paragraph 2 of regulation 30, the list of all limitations on the operation of a passenger ship, together with any necessary explanations, shall be set out in a document appended to the ship's Passenger Ship Safety Certificate.

*Regulation 31*

**11.—(1)** For the purposes of paragraph 1 of regulation 31, the competent authorities are the authorities listed in the Guidance Notes to regulation 32 which are set out in the MCA's 2002 SOLAS V publication, or in any subsequent Merchant Shipping Notice amending or replacing that publication which is considered by the Secretary of State to be relevant from time to time.

(2) For the purposes of paragraph 4 of regulation 31, the Radio Regulations with which ships are required to comply are the Radio Regulations annexed to, or regarded as being annexed to, the International Telecommunication Convention 1992<sup>(25)</sup> and includes all amendments now in force and any amendment or replacement which is considered by the Secretary of State to be relevant from time to time and is specified in any subsequent Merchant Shipping Notice.

*Regulation 33*

**12.—(1)** For the purposes of paragraph 1 of regulation 33—

- (a) a "distress alert" means a signal of distress from a ship or information from any source that a ship or hovercraft is, or persons on or from a ship or hovercraft are, in distress at sea;
- (b) the search and rescue service which the master must inform (in either instance referred to) is the search and rescue service for the area within which the persons in distress at sea are located; and
- (c) the recommendation of the IMO which the master must take into account is set out in the manual specified in the Guidance Notes to regulation 33 in the MCA's 2002 SOLAS V publication, or in any subsequent Merchant Shipping Notice amending or replacing that publication which is considered by the Secretary of State to be relevant from time to time.

(2) A master of a ship in distress, or the search and rescue services concerned, may requisition a ship in the circumstances set out in paragraph 2 of regulation 33.

(3) A master shall be released from a duty imposed in paragraph 1 of regulation 33 in the circumstances set out in paragraph 3 of regulation 33, and from the duty imposed in paragraph 1 or 2 (as the case may be) of that regulation in the circumstances set out in paragraph 4 of that regulation.

(4) Compliance by a master of a ship with the requirements of regulation 33 shall not affect his right, or the right of any other person, to salvage.

SCHEDULE 4

Regulation 10

OFFENCES AND PENALTIES

**1.** In this Schedule—

- (a) a reference to a numbered regulation is to the regulation of that number in Chapter V, and
- (b) "owner" includes any person or organisation, including the manager or bareboat charterer, who has assumed responsibility for the operation of the ship from the owner.

---

(25) Maritime Safety Committee Circular 1000.

## **Offences and penalties**

**2.** If a ship, to which paragraph 3 of regulation 7 applies, proceeds or attempts to proceed on any voyage or excursion without complying with the requirement to carry on board a plan approved in accordance with paragraph 2 of Schedule 3 to these Regulations, the owner of the ship shall be guilty of an offence, punishable on summary conviction by a fine not exceeding the statutory maximum and on conviction on indictment by imprisonment for a term not exceeding two years or a fine, or both.

**3.** Any contravention of paragraph 7 of regulation 10 in respect of a ship shall be an offence by the owner, the master of the ship and any other person for the time being responsible for the conduct of the ship, punishable on summary conviction by a fine not exceeding the statutory maximum and on conviction on indictment by imprisonment for a term not exceeding two years or a fine, or both.

**4.** Any contravention of paragraph 7 of regulation 11 in respect of a ship shall be an offence by the master of the ship, and punishable on summary conviction by a fine not exceeding the statutory maximum and on conviction on indictment by imprisonment for a term not exceeding two years or a fine, or both.

**5.** Any contravention of paragraph 2 or 3 of regulation 17 shall be an offence by the owner and the master of the ship, punishable on summary conviction by a fine not exceeding the statutory maximum and on conviction on indictment by imprisonment for a term not exceeding two years or a fine, or both.

**6.** If a ship, to which regulation 19 or paragraph 1 of regulation 20 applies, proceeds or attempts to proceed on any voyage or excursion without complying with a requirement in—

- (a) regulation 19, or paragraph 1 of regulation 20, respectively, or
- (b) paragraph 1, 2, 3, 7 or 8 of regulation 18,

the owner and the master shall each be guilty of an offence, punishable on summary conviction by a fine not exceeding the statutory maximum and on conviction on indictment by imprisonment for a term not exceeding two years or a fine, or both.

**7.** If a ship, to which regulation 21 applies, proceeds or attempts to proceed on any voyage or excursion without complying with a requirement in that regulation, the owner and master shall each be guilty of an offence punishable on summary conviction by a maximum fine of an amount not exceeding level 4 on the standard scale.

**8.** If a ship, to which paragraph 1 or 2 of regulation 22 applies, proceeds or attempts to proceed on any voyage or excursion without complying with paragraph 1 or 2 respectively, the owner and master shall each be guilty of an offence punishable on summary conviction by a maximum fine of an amount not exceeding level 5 on the standard scale.

**9.** In relation to a requirement in regulation 23 with which the owner, master or responsible officer of a ship is, under paragraph 6, 7 or 8 respectively of Schedule 3 to these Regulations, obliged to ensure compliance, any contravention in respect of the ship shall be an offence by that person punishable on summary conviction by a fine not exceeding the statutory maximum and on conviction on indictment by imprisonment for a term not exceeding two years or a fine, or both.

**10.** In relation to paragraph 4 of regulation 24, and paragraphs 1 and 2 of regulation 26, any person who is directed to do so but fails to carry out a check or test required under any of those paragraphs shall be guilty of an offence punishable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment by imprisonment for a term not exceeding two years or a fine, or both.

**11.** In relation to the requirement in paragraph 3.1 of regulation 26 with which the owner of a ship is, under paragraph 9(c) of Schedule 3 to these Regulations, obliged to ensure compliance, any contravention in respect of the ship shall be an offence by the owner, punishable on summary

conviction by a fine not exceeding the statutory maximum and on conviction on indictment by imprisonment for a term not exceeding two years or a fine, or both.

**12.** A contravention of any other requirement in regulation 24, 25 or 26 in respect of a ship shall be an offence by the master of the ship, punishable on summary conviction by a fine not exceeding the statutory maximum and on conviction on indictment by imprisonment for a term not exceeding two years or a fine, or both.

**13.** If a ship, to which regulation 27 applies, proceeds or attempts to proceed to sea or on any voyage or excursion without complying with that regulation, the owner and the master shall each be guilty of an offence, punishable on summary conviction by a maximum fine of an amount not exceeding level 4 on the standard scale.

**14.** Any contravention of regulation 28 in respect of a ship shall be an offence by the master of the ship, punishable on summary conviction by a maximum fine of an amount not exceeding level 5 on the standard scale.

**15.** Any contravention of regulation 29 in respect of a ship shall be an offence by the owner and the master of the ship, punishable on summary conviction by a maximum fine of an amount not exceeding level 4 on the standard scale.

**16.** Any contravention of regulation 30 in respect of a ship shall be an offence by the owner of the ship, punishable on summary conviction by a fine not exceeding the statutory maximum and on conviction on indictment by imprisonment for a term not exceeding two years or a fine, or both.

**17.** Any contravention of paragraph 1 of regulation 31 in respect of a ship shall be an offence by the master of the ship, punishable on summary conviction by a maximum fine of an amount not exceeding level 2 on the standard scale.

**18.** Any contravention of paragraph 1 or 2 of regulation 33 in respect of a ship shall be an offence by the master of the ship, punishable on summary conviction by a fine not exceeding the statutory maximum and on conviction on indictment by imprisonment for a term not exceeding two years or a fine, or both.

**19.** If a ship, to which paragraphs 1 and 2 of regulation 34 apply, proceeds or attempts to proceed to sea without complying with a requirement in either of those paragraphs, the master shall be guilty of an offence, punishable on summary conviction by a fine not exceeding the statutory maximum and on conviction on indictment by imprisonment for a term not exceeding two years or a fine, or both.

**20.** Any contravention of paragraph 3 of regulation 34 in respect of a ship shall be an offence by the person concerned, punishable on summary conviction by a fine not exceeding the statutory maximum and on conviction on indictment by imprisonment for a term not exceeding two years or a fine, or both.

## **Defences**

**21.** In relation to paragraph 7 of regulation 10 in Chapter V, it shall be a defence to show that there were compelling reasons not to use a particular mandatory ships' routing system and that such reasons were recorded in the ship's log-book at the time.

**22.** In relation to any other offence under these Regulations, it shall be a defence for a person charged under these Regulations to show that he took all reasonable steps to avoid the commission of the offence.