
STATUTORY INSTRUMENTS

2004 No. 2110

MERCHANT SHIPPING

**The Merchant Shipping (Vessel Traffic Monitoring
and Reporting Requirements) Regulations 2004**

Made - - - - 10th August 2004
Laid before Parliament 16th August 2004
Coming into force - - 20th September 2004

Whereas the Secretary of State is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972 ^{M1} in relation to matters relating to the safety of ships and the safety of persons on them and to maritime transport ^{M2}:

And whereas, in so far as the following Regulations are made in exercise of the powers conferred by section 85 of the Merchant Shipping Act 1995 ^{M3}, the Secretary of State has consulted the persons referred to in section 86(4) of that Act:

Now, therefore, the Secretary of State, in exercise of the powers conferred upon him by section 2(2) of the European Communities Act 1972, by article 3 of the Merchant Shipping (Prevention and Control of Pollution) Order 1987 ^{M4}, by article 3 of the Merchant Shipping (Prevention and Control of Pollution) Order 1990 ^{M5} and by sections 85 and 86 of the Merchant Shipping Act 1995, hereby makes the following Regulations:

Marginal Citations

- M1** 1972 c. 68.
M2 S.I. 1993/595 and S.I. 1994/757.
M3 1995 c. 21.
M4 S.I. 1987/470, amended by S.I. 1990 2595, S.I. 1997/2569 and S.I. 1998/254.
M5 S.I. 1990/2595.

PART 1

GENERAL

Citation and commencement

1. These Regulations may be cited as the Merchant Shipping (Vessel Traffic Monitoring and Reporting Requirements) Regulations 2004 and shall come into force on 20th September 2004.

Interpretation

2.—(1) In these Regulations—

“the 1995 Act” means the Merchant Shipping Act 1995;

“agent” means a person mandated or authorised to supply information on behalf of the owner of a ship;

F1
.....

“the Directive” means Directive 2002/59/EC of the European Parliament and of the Council of 27th June 2002 establishing a Community vessel traffic monitoring and information system and repealing Council Directive 93/75/EEC^[F2], as amended by Directive 2009/17/EC of the European Parliament and of the Council of 23 June 2009 and by Commission Directive 2011/15/EU of the 23rd February 2011;]

“domestic voyage” means a voyage from a port of an EEA State to the same or another port of that EEA State;

“EEA State” means a member State, Norway, Iceland or Liechtenstein;

“the IBC Code” means the ^[F3]2007] edition of the IMO International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk;

“the IGC Code” means the 1993 edition of the IMO International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk;

“IMDG Code” means the ^[F4]2010/11] edition of the IMO International Maritime Dangerous Goods Code;

“IMO” means the International Maritime Organization;

“the IMO guidelines” means the Guidelines for Vessel Traffic Services contained in IMO Resolution A.857(20) adopted on 27th November 1997;

^[F5]“the IMSBC Code” means the International Maritime Solid Bulk Cargoes (IMSBC) Code, 2009 edition & supplement (formerly the Code of Safe Practice for Solid Bulk Cargoes (BC Code));]

^[F6]“the ISM Code” means the 2010 edition of the International Safety Management (ISM) Code for the Safe Operation of Ships and for Pollution Prevention;]

“the MCA” means the Maritime and Coastguard Agency, an Executive Agency of the Department for Transport;

“the MARPOL Convention” means the International Convention for the Prevention of Pollution from Ships ^{M6} and the 1978 Protocol thereto ^{M7}^[F7] and the amendments in force on the date on which the Merchant Shipping (Vessel Traffic Monitoring and Reporting Requirements) (Amendment) Regulations 2011 come into force;]

“Merchant Shipping Notice” means a Notice described as such and issued by the MCA;

“non-United Kingdom ship” means a ship which is not a United Kingdom ship;

“owner”, as regards a ship, includes any organisation or person such as the manager or the bareboat charterer who has assumed responsibility for the operation of the ship from the owner of the ship, and who on assuming such responsibility has agreed to take over all the duties and responsibilities imposed by the ISM Code;

“port authority” is a port authority within the meaning of the Directive and in relation to the United Kingdom means a statutory harbour authority within the meaning of the 1995 Act, and “authority” in relation to a port shall be construed accordingly;

[^{F8}“relevant requirements” means the requirements of paragraph 2.4.5 of regulation 19 in Chapter V of the Annex to the SOLAS Convention;]

[^{F8}“scheduled service” means a series of ship crossings operated so as to serve traffic between the same two or more ports, either according to a published timetable or with crossings so regular or frequent that they constitute a recognisable systematic series and it is intended that the service will be operated for a minimum of one month,]

“ship” means a sea-going vessel or craft;

“the SOLAS Convention” means the International Convention for the Safety of Life at Sea, 1974 ^{M8} as amended in accordance with its Protocol of 1988 ^{M9} and the amendments in force on the date on which [^{F9}the Merchant Shipping (Vessel Traffic Monitoring and Reporting Requirements) (Amendment) Regulations 2011] come into force;

“traditional ship” means an historical ship or a replica of an historical ship operated according to traditional principles of seamanship and technique, and for the purposes of this definition, a replica of an historical ship includes such replica designed to encourage and promote traditional skills and seamanship;

“United Kingdom waters” means the sea or other waters within the seaward limits of the territorial sea of the United Kingdom;

“VTS” means vessel traffic service;

“vessel traffic service” means a service—

- (a) which is designed to improve the safety and efficiency of vessel traffic and to protect the environment and which is capable of interacting with that traffic and responding to traffic situations developing in the VTS area; and
- (b) which, in relation to a service operated by the United Kingdom either alone or in conjunction with one or more States, is a service provided from within the United Kingdom which has been designated by the MCA in writing and is specified in a Merchant Shipping Notice.

(2) For the purposes of these Regulations—

- (a) “accident” means any accident or occurrence affecting the safety of a ship, including, without prejudice to the generality of the foregoing, any occurrence whereby a ship—
 - (i) is in collision,
 - (ii) grounds,
 - (iii) is damaged,
 - (iv) malfunctions or breaks down,
 - (v) suffers the flooding or shifting of cargo, or
 - (vi) suffers a defective hull or structural failure;
- (b) “incident” means any incident which affects or could affect the safety of a ship or other ships, including, without prejudice to the generality of the foregoing, a failure or defect which affects or is likely to affect—

Status: Point in time view as at 28/01/2015.

Changes to legislation: There are currently no known outstanding effects for the The Merchant Shipping (Vessel Traffic Monitoring and Reporting Requirements) Regulations 2004. (See end of Document for details)

- (i) the manoeuvrability or seaworthiness,
 - (ii) the propulsion system,
 - (iii) the steering gear,
 - (iv) the electrical generating system,
 - (v) the navigation equipment, or
 - (vi) the communications system,
- of that ship.

- (3) For the purposes of these Regulations, “dangerous goods” means—
- (a) goods classified as dangerous in the IMDG Code;
 - (b) dangerous liquid substances listed in Chapter 17 of the IBC Code;
 - (c) liquefied gases listed in Chapter 19 of the IGC Code;
 - (d) solids referred to in Appendix B of the ^{F10}IMSBC Code];
 - (e) goods in respect of whose carriage appropriate preconditions have been imposed in accordance with paragraph 1.1.3 of the IBC Code or paragraph 1.1.6 of the IGC Code.
- (4) For the purposes of these Regulations, “polluting goods” means—
- (a) any oil, oily mixture, oil fuel or crude oil, as defined in Annex I to the MARPOL Convention;
 - (b) any noxious liquid substance, as defined in Annex II to the MARPOL Convention; and
 - (c) any marine pollutant identified in the IMDG Code.
- (5) For the purposes of these Regulations—
- (a) “United Kingdom ship” means a ship which—
 - (i) is registered in the United Kingdom, or
 - (ii) is not registered under the law of any country but is wholly owned by persons each of whom is—
 - (aa) a British Citizen, a British overseas territories citizen or a British Overseas citizen, or
 - (bb) a body corporate which is established under the law of any part of the United Kingdom and has its principal place of business in the United Kingdom; and
 - (b) “British Citizen”, “British overseas territories citizen” and “British Overseas citizen” have the same meaning as in the British Nationality Act 1981 ^{M10}.
- (6) Other expressions used in these Regulations (other than regulations 12(4) to 12(9)) and which are also used in the Directive shall have the same meaning as in the Directive and cognate expressions shall be construed accordingly.
- (7) Any reference in these Regulations to a particular Merchant Shipping Notice includes a reference to any such document amending or replacing that Notice which is considered by the Secretary of State to be relevant from time to time.
- (8) Any reference in these Regulations to—
- ^{F11}(a)
 - (b) the IBC Code;
 - (c) the IGC Code;
 - ^{F12}(ca) the IMSBC Code;]
 - (d) the IMDG Code; or

(e) the ISM Code,

includes a reference to any document amending that publication which is considered by the Secretary of State to be relevant from time to time and is specified in a Merchant Shipping Notice.

Textual Amendments

- F1** Words in reg. 2(1) revoked (25.11.2011) by [The Merchant Shipping \(Vessel Traffic Monitoring and Reporting Requirements\)\(Amendment\) Regulations 2011 \(S.I. 2011/2616\)](#), reg. 1, **Sch. 1 para. 2(a)**
- F2** Words in reg. 2(1) added (25.11.2011) by [The Merchant Shipping \(Vessel Traffic Monitoring and Reporting Requirements\)\(Amendment\) Regulations 2011 \(S.I. 2011/2616\)](#), reg. 1, **Sch. 1 para. 2(b)**
- F3** Word in reg. 2(1) substituted (25.11.2011) by [The Merchant Shipping \(Vessel Traffic Monitoring and Reporting Requirements\)\(Amendment\) Regulations 2011 \(S.I. 2011/2616\)](#), reg. 1, **Sch. 1 para. 2(c)**
- F4** Word in reg. 2(1) substituted (25.11.2011) by [The Merchant Shipping \(Vessel Traffic Monitoring and Reporting Requirements\)\(Amendment\) Regulations 2011 \(S.I. 2011/2616\)](#), reg. 1, **Sch. 1 para. 2(d)**
- F5** Words in reg. 2(1) inserted (25.11.2011) by [The Merchant Shipping \(Vessel Traffic Monitoring and Reporting Requirements\)\(Amendment\) Regulations 2011 \(S.I. 2011/2616\)](#), reg. 1, **Sch. 1 para. 2(f)**
- F6** Words in reg. 2(1) substituted (25.11.2011) by [The Merchant Shipping \(Vessel Traffic Monitoring and Reporting Requirements\)\(Amendment\) Regulations 2011 \(S.I. 2011/2616\)](#), reg. 1, **Sch. 1 para. 2(e)**
- F7** Words in reg. 2(1) added (25.11.2011) by [The Merchant Shipping \(Vessel Traffic Monitoring and Reporting Requirements\)\(Amendment\) Regulations 2011 \(S.I. 2011/2616\)](#), reg. 1, **Sch. 1 para. 2(g)**
- F8** Words in reg. 2(1) inserted (25.11.2011) by [The Merchant Shipping \(Vessel Traffic Monitoring and Reporting Requirements\)\(Amendment\) Regulations 2011 \(S.I. 2011/2616\)](#), reg. 1, **Sch. 1 para. 2(h)**
- F9** Words in reg. 2(1) substituted (25.11.2011) by [The Merchant Shipping \(Vessel Traffic Monitoring and Reporting Requirements\)\(Amendment\) Regulations 2011 \(S.I. 2011/2616\)](#), reg. 1, **Sch. 1 para. 2(i)**
- F10** Words in reg. 2(3)(d) substituted (25.11.2011) by [The Merchant Shipping \(Vessel Traffic Monitoring and Reporting Requirements\)\(Amendment\) Regulations 2011 \(S.I. 2011/2616\)](#), reg. 1, **Sch. 1 para. 3**
- F11** Reg. 2(8)(a) revoked (25.11.2011) by [The Merchant Shipping \(Vessel Traffic Monitoring and Reporting Requirements\)\(Amendment\) Regulations 2011 \(S.I. 2011/2616\)](#), reg. 1, **Sch. 1 para. 4(a)**
- F12** Reg. 2(8)(ca) inserted (25.11.2011) by [The Merchant Shipping \(Vessel Traffic Monitoring and Reporting Requirements\)\(Amendment\) Regulations 2011 \(S.I. 2011/2616\)](#), reg. 1, **Sch. 1 para. 4(b)**

Marginal Citations

- M6** Cmnd 5748.
- M7** Cmnd 7347.
- M8** Cmnd. 7874.
- M9** Cm 4420.
- M10** 1981 c .61.

Competent authority

3. For the purposes of these Regulations—
- (a) as regards the United Kingdom, the competent authority shall be the MCA;
 - (b) as regards an EEA State other than the United Kingdom, the competent authority shall be the authority designated as such by the EEA State in question in accordance with article 22 of the Directive.

Application

- 4.—(1) Subject to paragraph (2), and unless otherwise stated, these Regulations, apply to—
- (a) all United Kingdom ships wherever they may be; and
 - (b) all non-United Kingdom ships whilst they are in United Kingdom waters.

Status: Point in time view as at 28/01/2015.

Changes to legislation: There are currently no known outstanding effects for the The Merchant Shipping (Vessel Traffic Monitoring and Reporting Requirements) Regulations 2004. (See end of Document for details)

- (2) ^{F13}...These Regulations do not apply to—
- (a) ships of less than 300 gross tonnage, unless otherwise stated;
 - (b) warships, naval auxiliaries and other ships owned or operated by the Government of an EEA State which are used for non-commercial public service;
 - (c) fishing vessels [^{F14}having a length of less than 45 metres][^{F15}unless otherwise stated];
 - (d) traditional ships [^{F16}having a length of less than 45 metres];
 - (e) recreational craft having a length of less than 45 metres.
- (3) ^{F17}...In relation to a ship, these Regulations do not apply to—
- ^{F18}(a) bunkers on ships of less than 1000 gross tonnage;
 - ^{F18}(b) ships' stores and equipment for use on board any ship.]
- (4) For the purposes of regulation 10, in relation to a ship, bunkers for use on board that ship shall not be regarded as dangerous or polluting goods.
- ^{F19}(5)
- (6) In this regulation, “length”^{F20}... means either—
- (a) 96% of the total length of [^{F21}the vessel, ship or craft] on a waterline at 85% of the least moulded depth measured from the keel line; or
 - (b) the length from the foreside of the stem to the axis of the rudder stock on that waterline,
- whichever is the greater, and where [^{F21}the vessel, ship or craft] in question is designed with rake of keel, the waterline on which the lengths referred to in (a) and (b) are measured shall be parallel to the designed waterline.

Textual Amendments

- F13** Words in reg. 4(2) revoked (27.4.2005) by [The Merchant Shipping \(Amendments to Reporting Requirements\) Regulations 2005 \(S.I. 2005/1092\)](#), regs. 1, **7(2)**
- F14** Words in reg. 4(2)(c) added (2.1.2009) by [The Merchant Shipping \(Vessel Traffic Monitoring and Reporting Requirements\) \(Amendment\) Regulations 2008 \(S.I. 2008/3145\)](#), regs. 1, **3(a)**
- F15** Words in reg. 4(2)(c) added (25.11.2011) by [The Merchant Shipping \(Vessel Traffic Monitoring and Reporting Requirements\)\(Amendment\) Regulations 2011 \(S.I. 2011/2616\)](#), reg. 1, **Sch. 1 para. 5(a)**
- F16** Words in reg. 4(2)(d) added (2.1.2009) by [The Merchant Shipping \(Vessel Traffic Monitoring and Reporting Requirements\) \(Amendment\) Regulations 2008 \(S.I. 2008/3145\)](#), regs. 1, **3(b)**
- F17** Words in reg. 4(3) revoked (27.4.2005) by [The Merchant Shipping \(Amendments to Reporting Requirements\) Regulations 2005 \(S.I. 2005/1092\)](#), regs. 1, **7(3)**
- F18** Reg. 4(3)(a)(b) substituted (25.11.2011) by [The Merchant Shipping \(Vessel Traffic Monitoring and Reporting Requirements\)\(Amendment\) Regulations 2011 \(S.I. 2011/2616\)](#), reg. 1, **Sch. 1 para. 5(b)** (it is presumed the closing words “for use on board that ship” were intended to be included in this substitution)
- F19** Reg. 4(5) revoked (27.4.2005) by [The Merchant Shipping \(Amendments to Reporting Requirements\) Regulations 2005 \(S.I. 2005/1092\)](#), regs. 1, **7(4)**
- F20** Words in reg. 4(6) omitted (2.1.2009) by virtue of [The Merchant Shipping \(Vessel Traffic Monitoring and Reporting Requirements\) \(Amendment\) Regulations 2008 \(S.I. 2008/3145\)](#), regs. 1, **3(c)(i)**
- F21** Words in reg. 4(6) substituted (2.1.2009) by [The Merchant Shipping \(Vessel Traffic Monitoring and Reporting Requirements\) \(Amendment\) Regulations 2008 \(S.I. 2008/3145\)](#), regs. 1, **3(c)(ii)**

[^{F22}Exemptions from the requirements of regulations 5 or 10

4A.—(1) The Secretary of State may exempt the owner, agent and master of a specified ship on a scheduled service from the requirements of regulation 5(2) or 10(2) in relation to a voyage that is scheduled to last up to 12 hours and is part of a scheduled service between ports within the United Kingdom.

(2) Any such exemption has effect only if granted in writing and the person who operates the schedule service—

- (a) maintains, and keeps up to date, a list of the ships engaged on that scheduled service;
- (b) has sent that list, and details of all updates, to the MCA;
- (c) ensures that, in respect of each voyage made by a ship whilst engaged on the scheduled service, the information specified in—
 - (i) regulation 5(3), or
 - (ii) Annex B to MSN 1831 (M+F),

as the case may be, is kept so that it can be provided at any time by electronic means to the MCA immediately on request.

(3) Where an exemption has been granted under paragraph (1) the master of a specified ship shall notify the port authority of destination of any deviation of 3 hours or more from the estimated time of arrival at that port, or the pilot station for that port.

(4) Regulations 5(2) and 10(2) do not apply to the owner, agent or master of a ship engaged on an international scheduled service in respect of which there is in force an exemption granted pursuant to Article 15.2 of the Directive.]

Textual Amendments

F22 Reg. 4A inserted (25.11.2011) by The Merchant Shipping (Vessel Traffic Monitoring and Reporting Requirements)(Amendment) Regulations 2011 (S.I. 2011/2616), reg. 1, Sch. 1 para. 6

PART 2

SHIP REPORTING AND MONITORING

Notification prior to entry into port

5.—(1) This regulation applies to—

- (a) a United Kingdom ship bound for a port located in an EEA State; and
- (b) a non-United Kingdom ship bound for a port located in the United Kingdom.

(2) The owner, agent or master of a ship referred to in paragraph (1) shall notify the authority of the port to which the ship in question is bound of the information specified in paragraph (3) in accordance with paragraph (4).

(3) The information referred to in paragraph (2) is—

- (a) the name, the call sign, the IMO identification number or the maritime mobile service identity number of the ship;
- (b) the port of destination;
- (c) the estimated time of arrival at the port of destination, or if required by the authority of the port in question, the pilot station for that port;

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Changes to legislation: There are currently no known outstanding effects for the The Merchant Shipping (Vessel Traffic Monitoring and Reporting Requirements) Regulations 2004. (See end of Document for details)

- (d) the estimated time of departure from the port of destination referred to in subparagraph (c); and
 - (e) the total number of persons on board the ship.
- (4) The information shall be notified—
- (a) if it is known to which port the ship is bound, at least 24 hours before the arrival of the ship;
 - (b) if the duration of the voyage is less than 24 hours, no later than the time of departure from the previous port; or
 - (c) if it is not known to which port the ship is bound until less than 24 hours before the arrival of the ship at the port in question, as soon as possible after it becomes known that the ship is bound for that port.
- (5) Where information has been notified in accordance with paragraph (2), the master of the ship in question shall notify immediately the authorities of the port to which the ship is bound of any changes to that information.
- (6) A port authority in the United Kingdom to whom information has been notified pursuant to this regulation shall, on receipt of that information, pass it to the MCA [^{F23}and whenever practicable the notification by the port authority shall be made electronically].

Textual Amendments

F23 Words in reg. 5(6) substituted (2.1.2009) by [The Merchant Shipping \(Vessel Traffic Monitoring and Reporting Requirements\) \(Amendment\) Regulations 2008 \(S.I. 2008/3145\)](#), regs. 1, **3(d)**

Vessel traffic services within territorial seas

6.—(1) The master of a United Kingdom ship shall ensure that, when the ship enters an area in respect of which a VTS is operated in accordance with the IMO guidelines by—

- (a) an EEA State within the territorial sea of that EEA State; or
- (b) co-operating States within the territorial seas of those co-operating States,

the ship shall participate in, and comply with, the rules of that VTS.

(2) The master of a non-United Kingdom ship shall ensure that, when the ship enters a relevant area in respect of which a VTS is operated in accordance with the IMO guidelines, the ship shall participate in, and comply with, the rules of that VTS.

(3) In this regulation—

- (a) “co-operating States” means two or more States of which at least one shall be an EEA State;
- (b) “nautical chart” and “nautical publication” have the same meaning as they have in regulation 2 in Chapter V of the Annex to the SOLAS Convention;
- (c) “relevant area” means an area within the territorial sea of the United Kingdom;
- (d) “rules”, in relation to a VTS, means the most recent rules which have been—
 - (i) published in a nautical chart or a nautical publication, or
 - (ii) promulgated so that masters of ships ought reasonably to be aware of them.

Vessel traffic services outside territorial seas

7.—(1) Paragraph (2) applies to—

- (a) a United Kingdom ship; and

(b) a non-United Kingdom ship which is bound for a port in the United Kingdom.

(2) The master of a ship referred to in paragraph (1) shall ensure that, when the ship enters a VTS area outside the territorial sea of an EEA State and that VTS is operated in accordance with the IMO guidelines by—

- (a) an EEA State ; or
- (b) co-operating States,

the ship shall participate in, and comply with, the rules of that VTS.

(3) The master of a non-United Kingdom ship which is not bound for a port in the United Kingdom shall ensure that, when the ship enters a VTS area outside the territorial sea of the United Kingdom and that VTS is operated by—

- (a) the United Kingdom; or
- (b) two or more States one of which is the United Kingdom,

the ship shall follow the rules of that VTS whenever possible.

(4) If the MCA is of the opinion that a non-United Kingdom ship has failed substantially to comply with paragraph (3), the MCA shall report that failure to the flag State of the ship in question.

(5) In this regulation, “co-operating States” and “rules”, in relation to a VTS, have the same meaning as they have in regulation 6.

Installation of automatic identification systems

8.—(1) This regulation applies to—

- (a) a cargo craft;
- (b) a cargo ship, other than a cargo craft, of 300 gross tonnage or more but less than 500 gross tonnage built on or after 1st July 2002 on a domestic voyage;
- (c) a passenger ship built before 1st July 2002 on a domestic voyage;
- (d) a tanker built before 1st July 2002 on a domestic voyage which has undergone a survey for safety equipment between 1st July 2003 and the date on which these Regulations come into force;
- (e) a cargo ship, other than a cargo craft or a tanker, of 50,000 gross tonnage or more built before 1st July 2002 on a domestic voyage;
- (f) a cargo ship, other than—
 - (i) a cargo craft,
 - (ii) a tanker referred to in sub-paragraph (d), or
 - (iii) a cargo ship referred to in sub-paragraph (e),built before 1st July 2002 on a domestic voyage.

(2) A ship referred to in paragraph (1), other than a ship referred to in paragraph (1)(f), shall be fitted with an automatic identification system, which complies with the relevant requirements.

(3) Subject to paragraph (4), a ship referred to in paragraph (1)(f) shall be fitted with an automatic identification system, which complies with the relevant requirements in accordance with the timetable contained in Part I of Annex II to the Directive.

(4) If a tanker built before 1st July 2002 on a domestic voyage has not undergone a survey for safety equipment since 1st July 2003, the tanker in question shall be fitted with an automatic identification system which complies with the relevant requirements no later than the next such survey.

(5) In this regulation—

Status: Point in time view as at 28/01/2015.

Changes to legislation: There are currently no known outstanding effects for the The Merchant Shipping (Vessel Traffic Monitoring and Reporting Requirements) Regulations 2004. (See end of Document for details)

- (a) “cargo craft” means a high-speed craft, other than a craft carrying more than 12 passengers, which is capable of maintaining the main functions and safety systems of unaffected spaces after damage in any one compartment on board;
- (b) “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 # = volume of displacement corresponding to the design waterline (m³), excluding craft the hull of which is supported clear above the water surface in non displacement mode by aerodynamic forces generated by ground effect; ^{F24} ...
- ^{F24}(c)

Textual Amendments

F24 Reg. 8(5)(c) and preceding word revoked (25.11.2011) by [The Merchant Shipping \(Vessel Traffic Monitoring and Reporting Requirements\)\(Amendment\) Regulations 2011 \(S.I. 2011/2616\)](#), reg. 1, [Sch. 1 para. 7](#)

[^{F25}Installation of automatic identification systems on fishing vessels

8A.—(1) This regulation applies to a fishing vessel having an overall length of more than 15 metres which—

- (a) is operating in United Kingdom waters;
- (b) is landing its catch at a port situated in the United Kingdom; or
- (c) is registered in the United Kingdom.

(2) A fishing vessel referred to in paragraph (1) shall be fitted with an automatic identification system which complies with the relevant requirements in accordance with the timetable contained in Part I of Annex II to the Directive.]

Textual Amendments

F25 Reg. 8A inserted (25.11.2011) by [The Merchant Shipping \(Vessel Traffic Monitoring and Reporting Requirements\)\(Amendment\) Regulations 2011 \(S.I. 2011/2616\)](#), reg. 1, [Sch. 1 para. 8](#)

Operation of automatic identification systems

[^{F26}9.—(1) Where a ship is fitted with an automatic identification system pursuant to regulation 8 or 8A, the master shall comply with—

- (a) in the case of a fishing vessel, paragraph (2),
- (b) otherwise, paragraph (3).

(2) The master shall ensure that the system is maintained in operation at all times except where the master considers it necessary in the interest of the safety or security of his vessel.

(3) The master shall ensure that the system is maintained in operation at all times except where international agreements, rules or standards provide for the protection of navigational information.]

Textual Amendments

F26 Reg. 9 substituted (25.11.2011) by [The Merchant Shipping \(Vessel Traffic Monitoring and Reporting Requirements\)\(Amendment\) Regulations 2011 \(S.I. 2011/2616\)](#), reg. 1, [Sch. 1 para. 9](#)

PART 3

NOTIFICATION OF DANGEROUS OR POLLUTING GOODS

Notification by ships carrying dangerous or polluting goods

10.—(1) This regulation applies to ships, regardless of their size, carrying—

- (a) dangerous goods; or
- (b) polluting goods.

(2) Subject to paragraph (8) and regulation [F²⁷4A], before a ship departs from a port in the United Kingdom, the owner, agent or master of that ship shall notify the MCA of the information specified in [F²⁸Annex B of Merchant Shipping Notice 1831 (M+F)] in accordance with that Notice.

(3) Subject to regulation [F²⁷4A], before a United Kingdom ship departs from a port located in an EEA State, other than a port in the United Kingdom, the owner, agent or master of that United Kingdom ship shall notify the competent authority of the State in which that port is situated of the information specified in [F²⁸Annex B of Merchant Shipping Notice 1831 (M+F)] in accordance with that Notice.

(4) Subject to regulation [F²⁷4A], where a United Kingdom ship—

- (a) is coming from a port which is not located in an EEA State; and
- (b) is bound for—
 - (i) a port located in, or
 - (ii) an anchorage located in the territorial waters of, an EEA State other than the United Kingdom,

the owner, master or agent of that ship shall notify the competent authority of the EEA State in question of the information specified in [F²⁸Annex B of Merchant Shipping Notice 1831 (M+F)] in accordance with that Notice by the time specified in paragraph (6).

(5) Subject to paragraph (8) and regulation [F²⁷4A], where a ship—

- (a) is coming from a port which is not located in an EEA State; and
- (b) is bound for a port in the United Kingdom or an anchorage located in United Kingdom waters,

the owner, master or agent of that ship shall notify the MCA of the information specified in [F²⁸Annex B of Merchant Shipping Notice 1831 (M+F)] in accordance with that Notice by the time specified in paragraph (6).

(6) The time referred to in paragraphs (4) and (5) is—

- (a) where—
 - (i) the port of destination, or
 - (ii) the location of the anchorage,

is known at the time of departure from the port at which the dangerous goods or the polluting goods, as the case may be, were loaded, no later than the time of departure from that port; or

- (b) where—
 - (i) the port of destination, or
 - (ii) the location of the anchorage,

Status: Point in time view as at 28/01/2015.

Changes to legislation: There are currently no known outstanding effects for the The Merchant Shipping (Vessel Traffic Monitoring and Reporting Requirements) Regulations 2004. (See end of Document for details)

is not known at the time of departure from the port at which the dangerous goods or the polluting goods, as the case may be, were loaded, the time immediately such port or such location is known.

(7) Whenever practicable, the information referred to in paragraphs (2) and (5) shall be notified to the MCA by electronic means using the procedures specified in [^{F29}Merchant Shipping Notice 1831 (M+F)].

(8) When required to do so by the MCA, the owner, agent or master of a ship shall notify—

- (a) the authority of the port of departure in question of the information referred to in paragraph (2);
- (b) the authority of the port of destination in question of the information referred to in paragraph (5).

(9) When a port authority receives information pursuant to paragraph (8), that port authority shall—

- (a) retain that information for as long as the information may be required for use in the event of an incident or accident at sea; and
- (b) provide that information at any time by electronic means to the MCA immediately upon request.

(10) Where information has been notified in accordance with this regulation, the master of the ship in question shall notify immediately the person to whom that information was notified of any changes to that information.

Textual Amendments

F27 Word in reg. 10 substituted (25.11.2011) by [The Merchant Shipping \(Vessel Traffic Monitoring and Reporting Requirements\)\(Amendment\) Regulations 2011 \(S.I. 2011/2616\)](#), reg. 1, **Sch. 1 para. 10(a)(ii)**

F28 Words in reg. 10 substituted (25.11.2011) by [The Merchant Shipping \(Vessel Traffic Monitoring and Reporting Requirements\)\(Amendment\) Regulations 2011 \(S.I. 2011/2616\)](#), reg. 1, **Sch. 1 para. 10(a)(i)**

F29 Words in reg. 10(7) substituted (25.11.2011) by [The Merchant Shipping \(Vessel Traffic Monitoring and Reporting Requirements\)\(Amendment\) Regulations 2011 \(S.I. 2011/2616\)](#), reg. 1, **Sch. 1 para. 10(b)**

Exemptions from the requirements of regulation 10

^{F30}**11.**

Textual Amendments

F30 [Reg. 11](#) revoked (25.11.2011) by [The Merchant Shipping \(Vessel Traffic Monitoring and Reporting Requirements\)\(Amendment\) Regulations 2011 \(S.I. 2011/2616\)](#), reg. 1, **Sch. 1 para. 11**

PART 4

INCIDENTS AND ACCIDENTS AT SEA

Reporting of incidents and accidents at sea

12.—^{F31}(1) When a ship is involved in—

- (a) an accident;
- (b) an incident;
- (c) a discharge or probable discharge specified in paragraph (9A); or
- (d) a pollution event likely to result in the pollution of United Kingdom waters or the coastline of the United Kingdom,

in controlled waters [^{F32}or United Kingdom waters], the master of that ship shall immediately send to Her Majesty's Coastguard responsible for the area in which it occurred by the quickest means possible a report containing the information specified in paragraph (3).]

(2) If a slick of polluting goods or containers or packages drifting at sea are seen from a ship in controlled waters, the master of that ship shall immediately send to Her Majesty's Coastguard responsible for the area in which the sighting occurred by the quickest means possible—

- (a) details of the sighting;
- (b) the information specified in paragraph (3)(a) and (b); and
- (c) any other relevant information referred to in IMO Resolution A.851(20)^{F33}

(3) The information referred to in paragraph (1) shall comprise—

- (a) the identity of the ship;
- (b) the position of the ship;
- (c) the last port from which the ship departed;
- (d) the next port of call;
- (e) the number of people aboard the ship;
- (f) the date on which, and the time at which, the accident, the incident or the polluting event, as the case may be, occurred;
- (g) details of the accident, the incident or the polluting event, as the case may be;
- (h) the name of the body or person from whom information regarding any dangerous goods or polluting goods on board the ship may be obtained together with the necessary information to enable that person or body, as the case may be, to be contacted.

(4) The master shall also ensure that a report referred to in paragraph (1) shall comply as to form and content with the standard reporting requirements.

^{F34}(5) When a United Kingdom ship is involved in—

- (a) an accident;
- (b) an incident;
- (c) a discharge or probable discharge specified in paragraph (9A); or
- (d) a pollution event,

outside controlled waters [^{F35}or United Kingdom waters], the master of that ship shall report without delay the particulars of the accident, incident, discharge or probable discharge or pollution event as the case may be, to the fullest extent possible together with the information specified in paragraph (9) in accordance with paragraph (6).]

Status: Point in time view as at 28/01/2015.

Changes to legislation: There are currently no known outstanding effects for the The Merchant Shipping (Vessel Traffic Monitoring and Reporting Requirements) Regulations 2004. (See end of Document for details)

(6) A report referred to in paragraph (5)—

(a) shall be sent,

(i) where the accident, incident or pollution event, as the case may be, is a threat to the coastline, or a related interest of the United Kingdom, to Her Majesty’s Coastguard responsible for the area in which it occurred,

(ii) where the accident, incident or pollution event, as the case may be, is a threat to the coastline, or to a related interest, of another State, to the State in question; and

(b) as to form and content, shall comply with the standard reporting requirements.

(7) When a ship is involved in a discharge, or a probable discharge, of dangerous packaged goods, the master of that ship shall report without delay the particulars of the discharge or probable discharge to the fullest extent possible together with the information specified in paragraph (9) in accordance with paragraph (8).

(8) A report referred to in paragraph (7)—

(a) shall be sent—

(i) where the discharge is a threat to the coastline, or to a related interest, of the United Kingdom, to Her Majesty’s Coastguard responsible for the area in which it occurred;

(ii) where the discharge is a threat to the coastline, or to a related interest, of another State, to the State in question; and

(b) shall as to form and content comply with the standard reporting requirements.

(9) The information referred to in paragraphs (5) and (7) shall comprise—

(a) the identity of the ship;

(b) the time and location of the incident;

(c) the quantity and type of dangerous goods involved; and

(d) details of assistance and salvage measures.

[^{F36}(9A) The discharge or probable discharge referred to in paragraphs (1)(c) and (5)(c) are the discharge or probable discharge of polluting goods, other than any marine pollutant identified in the IMDG Code, above the permitted level, for whatever reason including for the purpose of securing the safety of the ship or for saving life at sea.]

(10) In this regulation—

[^{F37}(a) “controlled waters” means the areas of sea specified by the Merchant Shipping (Prevention of Pollution) (Limits) Regulations 2014 as waters within which the jurisdiction and rights of the United Kingdom are exercisable in accordance with Part XII of the United Nations Convention on the Law of the Sea for the protection and preservation of the marine environment;]

(b) “dangerous packaged goods” means dangerous goods in packaged form including those in freight containers, portable tanks, road and rail vehicles and shipborne barges;

(c) “pollution event” means a discharge, or the threat of a discharge, of polluting goods into the sea; and

[^{F38}(ca) “permitted level” means the quantity or instantaneous rate permitted under the relevant provisions of the Merchant Shipping (Prevention of Oil Pollution) Regulations 1996 or the Merchant Shipping (Dangerous or Noxious Substances in Bulk) Regulations 1996 as the case may be;]

(d) “the standard reporting requirements” means the requirements stated in—

(i) part 2 (Standard Reporting Format and Procedures), or

(ii) sections 3.1, 3.2 and 3.3 of part 3 (Guidelines for Detailed Reporting Requirements),

of the Appendix to the Annex to Resolution A.851(20)^{F39}

Textual Amendments

- F31** Reg. 12(1) substituted (27.4.2005) by The Merchant Shipping (Amendments to Reporting Requirements) Regulations 2005 (S.I. 2005/1092), regs. 1, **8(2)**
- F32** Words in reg. 12(1) inserted (25.11.2011) by The Merchant Shipping (Vessel Traffic Monitoring and Reporting Requirements)(Amendment) Regulations 2011 (S.I. 2011/2616), reg. 1, **Sch. 1 para. 12(a)**
- F33** Words in reg. 12(2)(c) revoked (25.11.2011) by The Merchant Shipping (Vessel Traffic Monitoring and Reporting Requirements)(Amendment) Regulations 2011 (S.I. 2011/2616), reg. 1, **Sch. 1 para. 12(b)**
- F34** Reg. 12(5) substituted (27.4.2005) by The Merchant Shipping (Amendments to Reporting Requirements) Regulations 2005 (S.I. 2005/1092), regs. 1, **8(3)**
- F35** Words in reg. 12(5) inserted (25.11.2011) by The Merchant Shipping (Vessel Traffic Monitoring and Reporting Requirements)(Amendment) Regulations 2011 (S.I. 2011/2616), reg. 1, **Sch. 1 para. 12(a)**
- F36** Reg. 12(9A) added (27.4.2005) by The Merchant Shipping (Amendments to Reporting Requirements) Regulations 2005 (S.I. 2005/1092), regs. 1, **8(4)**
- F37** Reg. 12(10)(a) substituted (28.1.2015) by The Merchant Shipping (Prevention of Pollution) (Limits) Regulations 2014 (S.I. 2014/3306), reg. 1, **Sch. 2 para. 5**
- F38** Reg. 12(10)(ca) added (27.4.2005) by The Merchant Shipping (Amendments to Reporting Requirements) Regulations 2005 (S.I. 2005/1092), regs. 1, **8(5)**
- F39** Words in reg. 12(10)(d) revoked (25.11.2011) by The Merchant Shipping (Vessel Traffic Monitoring and Reporting Requirements)(Amendment) Regulations 2011 (S.I. 2011/2616), reg. 1, **Sch. 1 para. 12(b)**

Measures to be taken in the event of exceptionally bad weather or sea conditions

13.—(1) This regulation applies whenever, in the event of exceptionally bad weather or sea conditions, the MCA are of the opinion, based on information provided to them by the Meteorological Office, that there is—

- (a) a serious threat of pollution in United Kingdom waters or the territorial sea of any other EEA State; or
- (b) a risk to human life.

(2) Whenever possible, the MCA shall provide to the master of every ship which intends to enter or leave a port in a relevant area full details of—

- (a) the weather conditions and the sea state ; and
- (b) the danger such weather conditions and sea state may cause to—
 - (i) the ship, or
 - (ii) any people or cargo on board the ship.

(3) Without prejudice to any measures which may be taken to give assistance to ships in distress, the MCA may give a recommendation described in paragraph (4) to the master of a ship in, or about to enter, a relevant area.

- (4) The recommendation referred to in paragraph (3) is a recommendation that the ship—
- (a) should enter or leave a port in a relevant area;
 - (b) should not enter or leave a port in a relevant area;
 - (c) should not be bunkered;
 - (d) should only be bunkered subject to certain conditions,

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Changes to legislation: There are currently no known outstanding effects for the The Merchant Shipping (Vessel Traffic Monitoring and Reporting Requirements) Regulations 2004. (See end of Document for details)

until the MCA are of the opinion that there is no longer a serious threat of pollution or a risk to human life as described in paragraph (1).

(5) If the MCA are of the opinion that a ship in a relevant area—

- (a) should not be bunkered; or
- (b) should only be bunkered subject to certain conditions,

the MCA shall inform the master of the ship of that opinion.

(6) If the master of a ship is informed of an opinion pursuant to paragraph (5), the master shall ensure that the ship is not bunkered or that the conditions subject to which the ship should be bunkered are complied with, as the case may be.

(7) A recommendation or an opinion given pursuant to this regulation—

- (a) shall be given to the master of the ship in question by the quickest means available; and
- (b) if not given in writing, shall be confirmed in writing as soon as is practicably possible.

(8) Where the MCA give a recommendation or an opinion pursuant to this regulation, the master of the ship in question shall inform the owner of that ship as soon as is practicably possible and by the quickest means available of the recommendation or the opinion.

(9) If, as a result of the exercise of his professional judgement, the master decides not to act in accordance with a recommendation given pursuant to this regulation, the master shall inform the MCA of the reasons for his decision.

(10) In this regulation—

- (a) “relevant area” means an area in United Kingdom waters in respect of which exceptionally bad weather or sea conditions are forecast;
- (b) “professional judgement” means professional judgement as regards matters relating to safe navigation or the protection of the marine environment.

[^{F40}Measures to be taken in the event of risks posed by the presence of ice

13A.—(1) This regulation applies whenever the MCA are of the opinion, based on information provided to them by the Meteorological Office, that the presence of ice poses a serious threat to the—

- (a) safety of human life at sea; or
- (b) protection of United Kingdom waters or the territorial sea of any other EEA State.

(2) The MCA shall supply to the master of every ship in United Kingdom waters or which intends to enter or leave a port in the United Kingdom appropriate information on the—

- (a) ice conditions;
- (b) recommended routes; and
- (c) ice breaking services,

within United Kingdom waters.]

Textual Amendments

F40 Reg. 13A inserted (25.11.2011) by The Merchant Shipping (Vessel Traffic Monitoring and Reporting Requirements)(Amendment) Regulations 2011 (S.I. 2011/2616), reg. 1, **Sch. 1 para. 13**

Measures to be taken in the event of incidents or accidents at sea

^{F41}**14.**

Textual Amendments

- F41** Reg. 14 revoked (25.11.2011) by [The Merchant Shipping \(Vessel Traffic Monitoring and Reporting Requirements\)\(Amendment\) Regulations 2011 \(S.I. 2011/2616\)](#), reg. 1, **Sch. 1 para. 14**

Obligations of shipowners in relation to accidents and incidents

15.—(1) When the owner of a ship is informed by the master of that ship of an accident or incident at sea ^{F42}... in accordance with the ISM Code ^{F43}... that owner—

- (a) shall inform the relevant authority immediately of the accident or incident; and
 - (b) shall give such assistance as may be reasonably required by the relevant authority.
- (2) In this regulation—
- (a) “coastal authority” means—
 - (i) a person or body who provides a VTS,
 - (ii) a person or body who is responsible for a mandatory reporting system approved by the IMO, or
 - (iii) a person or body who is responsible for the co-ordination of search and rescue operations at sea or the co-ordination of operations to deal with pollution at sea; and
 - (b) “the relevant authority” means—
 - (i) Her Majesty’s Coastguard, where the accident or incident occurs in United Kingdom waters, or
 - (ii) the coastal authority of the EEA State, other than the United Kingdom, in whose territorial waters the accident or incident occurred.

Textual Amendments

- F42** Word in reg. 15(1) revoked (25.11.2011) by [The Merchant Shipping \(Vessel Traffic Monitoring and Reporting Requirements\)\(Amendment\) Regulations 2011 \(S.I. 2011/2616\)](#), reg. 1, **Sch. 1 para. 15(a)**
- F43** Words in reg. 15(1) revoked (25.11.2011) by [The Merchant Shipping \(Vessel Traffic Monitoring and Reporting Requirements\)\(Amendment\) Regulations 2011 \(S.I. 2011/2616\)](#), reg. 1, **Sch. 1 para. 15(b)**

PART 5

MISCELLANEOUS PROVISIONS

Confidentiality of information

16.—^{F44}(1) Subject to paragraph (4), no authority or member of staff of an authority shall—

- (a) disclose any confidential information which has been obtained by, or furnished to, that authority or member of staff, as the case may be, under or for the purposes of the Directive and these Regulations; or
- (b) use any such information,

unless the disclosure or use is made with lawful justification.]

(2) For the purposes of paragraph (1), a disclosure [^{F45}or use] of information is made with lawful justification only if, and to the extent that—

Status: Point in time view as at 28/01/2015.

Changes to legislation: There are currently no known outstanding effects for the The Merchant Shipping (Vessel Traffic Monitoring and Reporting Requirements) Regulations 2004. (See end of Document for details)

- (a) the disclosure [^{F45}or use] is made for the purposes of, and is necessary for, the performance of any obligation under the Directive and these Regulations;
 - (b) the disclosure [^{F45}or use] is made with the consent of the person to whom, or to whose business, property or other assets, the information relates;
 - (c) the disclosure [^{F45}or use] is made for the purposes of any proceedings, whether criminal or civil; [^{F46}or]
 - (d) having regard to the rights and freedoms or legitimate interests of any person, the disclosure [^{F45}or use] is necessary in the public interest.
- (3) In this regulation, “authority” means the MCA, Her Majesty’s Coastguard or a United Kingdom port authority.
- (4) Paragraph (1) shall not apply in the case of information contained in an historical record.
- (5) Where records created at different dates are for administrative purposes kept together in one file or other assembly, all the records in that file or other assembly are to be treated for the purposes of this regulation as having been created when the latest of those records was created.
- (6) For the purposes of this regulation—
- (a) a record becomes an “historical record” at the end of the period of thirty years beginning with the year following that in which it was created; and
 - (b) “year” means a calendar year.

Textual Amendments

- F44** Reg. 16(1) substituted (25.11.2011) by [The Merchant Shipping \(Vessel Traffic Monitoring and Reporting Requirements\)\(Amendment\) Regulations 2011 \(S.I. 2011/2616\)](#), reg. 1, **Sch. 1 para. 16(a)**
- F45** Words in reg. 16(2) inserted (25.11.2011) by [The Merchant Shipping \(Vessel Traffic Monitoring and Reporting Requirements\)\(Amendment\) Regulations 2011 \(S.I. 2011/2616\)](#), reg. 1, **Sch. 1 para. 16(b)**
- F46** Word in reg. 16(2)(c) added (2.1.2009) by [The Merchant Shipping \(Vessel Traffic Monitoring and Reporting Requirements\) \(Amendment\) Regulations 2008 \(S.I. 2008/3145\)](#), regs. 1, **3(e)**

Offences

- 17.—**(1) Any contravention of regulation 5(2), 10(2), 10(3), 10(4), 10(5) or 10(8) shall be an offence by the owner, agent and master of the ship in question punishable—
- (a) on summary conviction by a fine not exceeding the statutory maximum; and
 - (b) on conviction on indictment by a fine.
- (2) Any person who, in purported compliance with regulation 5(2), 10(2), 10(3), 10(4), 10(5) or 10(8) makes a notification which he knows to be false in any material particular, shall be guilty of an offence and liable—
- (a) on summary conviction to a fine not exceeding the statutory maximum; and
 - (b) on conviction on indictment to a fine.
- (3) If the master of a ship fails to comply with regulation 5(5), 6(1), 6(2), 7(2), 10(10), 12(1), 12(2), 12(4), 12(5), 12(7), 13(6), 13(8) [^{F47}or 13(9)], that master shall be guilty of an offence and liable—
- (a) on summary conviction to a fine not exceeding the statutory maximum; and
 - (b) on conviction on indictment to a fine.

(4) If a ship does not comply with regulation 8(2), 8(3)^{F48}, 8(4) or 8A], the owner of that ship shall be guilty of an offence and liable—

- (a) on summary conviction to a fine not exceeding the statutory maximum; and
- (b) on conviction on indictment to a fine or to imprisonment for a term not exceeding two years or both.

(5) If the master of a ship fails to comply with regulation 9, that master shall be guilty of an offence and liable—

- (a) on summary conviction to a fine not exceeding the statutory maximum; and
- (b) on conviction on indictment to a fine or to imprisonment for a term not exceeding two years or both.

(6) If a port authority fails to comply with regulation 5(6) or 10(9) that port authority shall be guilty of an offence and liable—

- (a) on summary conviction to a fine not exceeding the statutory maximum; and
- (b) on conviction on indictment to a fine.

(7) If the owner of a ship fails to comply with regulation 15(1), that owner shall be guilty of an offence and liable—

- (a) on summary conviction to a fine not exceeding the statutory maximum; and
- (b) on conviction on indictment to a fine.

(8) Any person who knowingly or recklessly discloses information in contravention of regulation 16(1) shall be guilty of an offence and liable—

- (a) on summary conviction to a fine not exceeding the statutory maximum; and
- (b) on conviction on indictment to a fine.

Textual Amendments

- F47** Words in reg. 17(3) substituted (25.11.2011) by The Merchant Shipping (Vessel Traffic Monitoring and Reporting Requirements)(Amendment) Regulations 2011 (S.I. 2011/2616), reg. 1, **Sch. 1 para. 17(a)**
- F48** Words in reg. 17(4) substituted (25.11.2011) by The Merchant Shipping (Vessel Traffic Monitoring and Reporting Requirements)(Amendment) Regulations 2011 (S.I. 2011/2616), reg. 1, **Sch. 1 para. 17(b)**

Defences

18. In any proceedings for an offence under these Regulations, other than an offence under regulation 17(2) or 17(8), it shall be a defence for a person charged under these Regulations to prove that he took all reasonable steps to avoid the commission of the offence.

Offences due to the fault of another person

19. Where an offence under these Regulations is committed, or would have been committed but for the operation of regulation 18, by any person due to the act or default of some other person, that other person shall be guilty of the offence, and a person may be charged with and convicted of the offence by virtue of this regulation whether or not proceedings are taken against the first mentioned person.

Status: Point in time view as at 28/01/2015.

Changes to legislation: There are currently no known outstanding effects for the The Merchant Shipping (Vessel Traffic Monitoring and Reporting Requirements) Regulations 2004. (See end of Document for details)

Offences by corporate bodies

20.—(1) Where a body corporate is guilty of an offence under these Regulations and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—

- (a) any director, manager, secretary or other similar officer of the body corporate; or
- (b) a person who was purporting to act in any such capacity,

he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, paragraph (1) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

(3) Where an offence under these Regulations committed by a Scottish partnership is proved—

- (a) to have been committed with the consent or connivance of; or
- (b) to be attributable to any neglect on the part of,

a partner, he as well as the partnership shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Detention of ships

21. In any case where a ship does not comply with the requirements of these Regulations, the ship shall be liable to be detained and section 284 of the 1995 Act ^{M11} (enforcing detention of ship) shall have effect in relation to the ship as if for the words “this Act”, wherever they appear in that section, there were substituted the words “ the Merchant Shipping (Vessel Traffic Monitoring and Reporting Requirements) Regulations 2004 ”.

Marginal Citations

M11 Section 284 was amended by section 9 of, and paragraph 5 of Schedule 1 to, the [Merchant Shipping and Maritime Security Act 1997 \(c. 28\)](#).

Amendments

22.—(1) In Schedule 3A to the 1995 Act ^{M12}, after sub-paragraph (d) of paragraph 1(2), there shall be inserted “ (da) the owner of a hazardous substance in the ship, ”.

(2) The Merchant Shipping (Reporting Requirements for Ships Carrying Dangerous or Polluting Goods) Regulations 1995 ^{M13} shall be amended in accordance with the provisions of Schedule 1.

(3) In the Merchant Shipping (Prevention of Oil Pollution) Regulations 1996 ^{M14}, at the end of regulation 33(2)(i), there shall be added the words “ and the Merchant Shipping (Vessel Traffic Monitoring and Reporting Requirements) Regulations 2004 ”.

(4) The Merchant Shipping (Dangerous Goods and Marine Pollutants) Regulations 1997 ^{M15} shall be amended in accordance with the provisions of Schedule 2.

(5) The Merchant Shipping (Safety of Navigation) Regulations 2002 ^{M16} shall be amended in accordance with the provisions of Schedule 3.

Marginal Citations

M12 Schedule 3A was inserted by Schedule 1 to the [Marine Safety Act 2003 c. 16](#).

- M13** [S.I. 1995/2498](#), amended by [S.I. 1999/2121](#) and [S.I. 2001/1638](#).
M14 [S.I. 1996/2154](#); relevant amending instrument is [S.I. 2004/303](#).
M15 [S.I. 1997/2367](#), to which there are no amendments relevant to these Regulations.
M16 [S.I. 2002/1473](#); relevant amending instrument is [S.I. 2004/302](#).

[^{F49}Review

- 23.**—(1) The Secretary of State must from time to time—
- (a) carry out a review of these Regulations,
 - (b) set out the conclusions of the review in a report, and
 - (c) publish the report.
- (2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how the Directive is implemented in other member States.
- (3) The report must in particular—
- (a) set out the objectives intended to be achieved by the regulatory system established by these Regulations,
 - (b) assess the extent to which those objectives are achieved, and
 - (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.
- (4) The first report under this regulation must be published before the end of the period of five years beginning with the day on which this regulation comes into force.
- (5) Reports under this regulation are afterwards to be published at intervals not exceeding five years.]

Textual Amendments

- F49** [Reg. 23](#) inserted (25.11.2011) by [The Merchant Shipping \(Vessel Traffic Monitoring and Reporting Requirements\)\(Amendment\) Regulations 2011 \(S.I. 2011/2616\)](#), reg. 1, **Sch. 1 para. 18**

Signed by authority of the Secretary of State for Transport

David Jamieson
Parliamentary Under Secretary of State,
Department for Transport

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Changes to legislation: There are currently no known outstanding effects for the The Merchant Shipping (Vessel Traffic Monitoring and Reporting Requirements) Regulations 2004. (See end of Document for details)

SCHEDULE 1

Regulation 22(2)

Amendments to the Merchant Shipping (Reporting Requirements for Ships Carrying Dangerous or Polluting Goods) Regulations 1995

1. Regulation 2 shall be amended as follows—

- (a) paragraph (1) shall be omitted;
- (b) in paragraph (2)—
 - (i) the definitions of “Community port”, “the Coastguard Agency”, “in bulk”, “infectious substances”, “in packaged form”, “packaged goods”, “shipper”, “SOLAS” and “United Kingdom ship” shall be omitted,
 - (ii) in the definition of “IBC Code”, after the word “means” there shall be inserted “ the 1998 edition of ”,
 - (iii) in the definition of “IGC Code”, after the word “means” there shall be inserted “ the 1993 edition of ”,
 - (iv) in the definition of “IMDG Code”, for the words “the 1994 edition”, there shall be substituted “ the 2002 edition ”,
 - (v) for the definition of “INF Code” there shall be substituted the following—

““INF Code” means the 2001 edition of the International Code for the Safe Carriage of Packaged Irradiated Nuclear Fuels, Plutonium and High-Level Radioactive Waste on Board Ships”, and
 - (vi) after the definition of “installation” there shall be inserted the following definition—

““the MCA” means the Maritime and Coastguard Agency, an Executive Agency of the Department for Transport”;
- (c) in paragraph (3) the words “or SOLAS” shall be omitted; and
- (d) after paragraph (3) there shall be added the following paragraph—

“(4) For the purposes of these Regulations—

 - (a) “United Kingdom ship” means a ship which—
 - (i) is registered in the United Kingdom, or
 - (ii) is not registered under the law of any country but is wholly owned by persons each of whom is—
 - (aa) a British Citizen, a British overseas territories citizen or a British Overseas citizen, or
 - (bb) a body corporate which is established under the law of any part of the United Kingdom and has its principal place of business in the United Kingdom; and
 - (b) “British Citizen”, “British overseas territories citizen” and “British Overseas citizen” have the same meaning as in the British Nationality Act 1981^{M17}.”.

Marginal Citations

M17 1981 c. 61.

2. Regulation 3 shall be amended as follows—

- (a) in paragraph (1), for the words “paragraph (2) below”, there shall be substituted “ the provisions of this regulation, ”;

- (b) after paragraph (1) there shall be inserted the following paragraph—
 - “(1A) These Regulations do not apply to ships of 300 gross tonnage or more, unless otherwise stated”;
- (c) in paragraph (2)—
 - (i) after the words “apply to a ship” there shall be inserted “irrespective of size”, and
 - (ii) for the words “the territorial sea thereof” there shall be substituted “the controlled waters”;
- (d) after paragraph (6) there shall be added the following paragraph—
 - “(7) In this regulation, “controlled waters” means the areas of sea specified by the Merchant Shipping (Prevention of Pollution) (Limits) Regulations 1996^{M18} as areas within which the jurisdiction and rights of the United Kingdom are exercisable in accordance with Part XII of the United Nations Convention on the Law of the Sea^{M19} for the protection and preservation of the marine environment.”.

Marginal Citations

M18 [S.I. 1996/2128](#), as amended by [S.I. 1997/506](#).

M19 Cmnd. 8941.

- 3. Regulation 4 shall be amended as follows—
 - (a) paragraphs (1) and (2) shall be omitted; and
 - (b) in paragraph (3), for the words “any other State” there shall be substituted “any State other than the United Kingdom”.
- 4. For regulation 5 there shall be substituted the following regulation—
 - “5.—(1) This regulation applies to a United Kingdom ship irrespective of size.
 - (2) Before a United Kingdom ship which is—
 - (a) bound for a port which is not located in an EEA State; and
 - (b) carrying dangerous goods or harmful substances in packaged form,leaves a port which is not located in an EEA State, the operator of that ship shall comply with the requirements of paragraphs 4.2 and 4.3 of Merchant Shipping Notice 1784(M).
 - (3) In this regulation, “EEA State” means a member State, Norway, Iceland or Liechtenstein.”.
- 5. Regulations 6, 7 and 8 shall be omitted.
- 6. Regulation 9 shall be amended as follows—
 - (a) in paragraph (1), for the words “shall, (subject to paragraph (2) below) report the particulars of such an incident without delay and to the fullest extent possible together with the information specified in Schedule 1 to the Merchant Shipping Notice MSN 1741(M),” there shall be substituted “shall report the particulars of such an incident without delay and to the fullest extent possible together with the information specified in paragraph (2),”; and
 - (b) for paragraph (2) there shall be substituted the following paragraph—
 - “(2) The information referred to in paragraph (1) shall comprise—
 - (a) the identity of the ship;
 - (b) the time, type and location of the incident;

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- (c) the quantity and type of dangerous goods or harmful substance involved; and
- (d) details of assistance and salvage measures.”.

7. In regulation 11(a), for the words “a maritime rescue centre of the Coastguard Agency”, there shall be substituted “ the MCA ”.

8. Regulations 12, 13 and 14 shall be omitted.

9. Regulation 15 shall be amended as follows—

- (a) in paragraph (1), for the words “regulation 5(1), 6” there shall be substituted “ regulation 5(2), ”;
- (b) in paragraph (2), for the words ”regulation 5(1), 6” there shall be substituted “ regulation 5(2) ”;
- (c) in paragraph (3) for the words “regulation 7, 8, 9(1) or (4), 10 so far as it relates to 9(1) or (4), or 12” there shall be substituted the words “ regulation 9(1) or (4) or 10 so far as it relates to 9(1) or (4) ”;
- (d) in paragraph (4)—
 - (i) in sub-paragraph (b), the words “8 or” shall be omitted, and
 - (ii) sub-paragraph (c) shall be omitted; and
- (e) paragraph (5) shall be omitted.

10. In regulation 18, for the words “section 692 of the Merchant Shipping Act 1894” there shall be substituted “ section 284 of the Merchant Shipping Act 1995 ^{M20} ”.

Marginal Citations

M20 1995 c. 21.

11. Regulation 19 shall be amended as follows—

- (a) in paragraph (1), for the words “The Coastguard Agency” there shall be substituted the words “ The MCA ”; and
- (b) paragraph (2) shall be omitted.

SCHEDULE 2

Regulation 22(4)

Amendments to the Merchant Shipping (Dangerous Goods and Marine Pollutants) Regulations 1997

1. For the words “the Marine Safety Agency” wherever they appear, there shall be substituted “ the MCA ”.

2. In regulation 2(1)—

- (a) in the definition of “Bulk Cargoes Code”, for the words “1996 edition of IMO Code of”, there shall be substituted “ 2001 Edition of the IMO Code of Safe ”;
- (b) in the definition of “IBC Code”, for the words “1994 edition”, there shall be substituted “ 1998 Edition ”;
- (c) for the definition of “IMDG Code”, there is substituted the following— “ “IMDG Code means the 2002 Edition of the IMO International Maritime Dangerous Goods Code; ”;

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- (d) after the definition of “in bulk” there shall be inserted the following definition—
““the MCA” means the Maritime and Coastguard Agency, an executive agency of the Department for Transport”;
- (e) in the definition of “marine pollutant”, after the words “IBC CODE,”, there shall be inserted the words “ oil as defined in Annex I to the MARPOL Convention, excluding bunkers and ship’s stores ”;
- (f) after the definition of “marine pollutants declaration”, there shall be inserted the following definition—
““the MARPOL Convention” means the International Convention for the Prevention of Pollution from Ships 1973 ^{M21} and its 1978 Protocol ^{M22}.”; and
- (g) the definition of “Marine Safety Agency” shall be omitted.

Marginal Citations

M21 Cmnd 5748.

M22 Cmnd 7347.

- 3. In regulation 9, the words “5 or” shall be deleted.
- 4. Regulation 10(2) shall be replaced by the following—
“(2) A declaration referred to in paragraph (1) shall contain details of—
 - (a) the date on which the declaration was prepared;
 - (b) the name of the signatory;
 - (c) the company or organisation on whose behalf the signatory acts;
 - (d) the status of the signatory within the company or organisation; and
 - (e) the postal address, email address, telephone number and facsimile number of the person from whom detailed information about the packaged goods in question may be obtained.”.
- 5. In regulation 10(3)—
 - (a) for the words “including without prejudice to regulation 11(2). Such details include”, there shall be substituted “ including, without prejudice to regulation 11(2), ”; and
 - (b) there shall be added at the end—
“(i) if appropriate, the class of ship needed for any packaged irradiated nuclear fuel, plutonium and high level radioactive wastes carried as cargo in accordance with class 7 of schedules 10 to 13 to the IMDG Code and the quantities of such goods.”.
- 6. In regulation 21(1)—
 - (a) for the words “or marine pollutants”, there shall be substituted “ , marine pollutants or goods listed in Appendix B of the Bulk Cargoes Code ”; and
 - (b) after the words “of the nature”, there shall be inserted the words “ and quantity ”.
- 7. In regulation 21, after paragraph (1), there shall be inserted the following—
“(1A) A notification referred to in paragraph (1) shall contain details of the postal address, email address, telephone number and facsimile number of the person from whom detailed information about the packaged goods in question may be obtained.”.

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SCHEDULE 3

Regulation 22(5)

Amendments to the Merchant Shipping (Safety of Navigation) Regulations 2002

1. The Merchant Shipping (Safety of Navigation) Regulations 2002 shall be amended in accordance with the provisions of this Schedule.
2. In regulation 2(1)—
 - (a) in the definition of “Contracting Government”, after the word “State” there shall be inserted “ other than an EEA State ”;
 - (b) the definition of “EEA Agreement” shall be omitted; and
 - (c) for the definition of EEA State there shall be substituted the following—

““EEA State” means a member State, Norway, Iceland or Liechtenstein;”.
3. In regulation 4(2)(b), for the words “a Contracting Government” there shall be substituted “an EEA State ”.
4. After regulation 4(2), there shall be inserted the following—

“(2A) Subject to paragraph (2B), these Regulations do not apply to ships, other than United Kingdom ships, which are owned or operated by a Contracting Government and used only on government non-commercial service.

(2B) The requirement in regulation 5, so far as it relates to paragraph 2.4 of regulation 19 in Chapter V, shall apply to ships which are owned or operated by a Contracting Government and used only on government non-commercial service.”.
5. At the beginning of regulation 4(5), there shall be inserted “ Subject to paragraph 5(A), ”.
6. After regulation 4(5), there shall be inserted the following—

“(5A) Paragraph (5) shall not apply to existing ships of Class A, B, C or D of 300 gross tonnage or more in so far as that paragraph relates to paragraph 2.4 of regulation 19 in Chapter V.”.
7. After regulation 4(6), there shall be inserted the following—

“(6A) Paragraph 2.4.3 of Regulation 19 in Chapter V does not apply to a ship of 300 gross tonnage or more built before 1st July 2002 on a domestic voyage.”.

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations, other than regulations 12(4) to (9), give effect, in relation to the whole of the United Kingdom, to Directive [2002/59/EC](#) of the European Parliament and of the Council of 27 June 2002 establishing a Community vessel traffic monitoring and information system and repealing Council Directive [93/75/EEC](#).

The Regulations also give effect to similar provisions in the International Convention for the Prevention of Pollution from Ships 1973 as modified by the Protocol of 1978 relating thereto (the MARPOL Convention) and in the International Convention for the Safety of Life at Sea 1974 (the SOLAS Convention) relating to the notification of dangerous and polluting goods and the reporting of incidents and accidents at sea.

Regulations 12(4) to (9) of these Regulations also give effect to Protocol I to the MARPOL Convention and Chapter VII regulation 7-1 of the SOLAS Convention.

The principal provisions of these Regulations are as follows.

Regulation 4 specifies the ships to which the Regulations apply.

Provision is made imposing obligations to report the destination of a ship and provide other information, to require ships to participate in, and comply with the rules of, vessel traffic services and to install in ships, and maintain in operation, automatic identification systems. (*Regulations 5 to 9*)

Provision is made requiring the notification of dangerous or polluting goods carried by ships and for the granting of exemptions from the requirements. (*Regulations 10 and 11*)

The Regulations contain requirements relating to the reporting of incidents and accidents at sea (the terms “incident” and “accident” are defined in regulation 2(2)) and for measures to be taken in the event of an incident or accident and bad weather or sea conditions. (*Regulations 12 to 15*)

Provision is made requiring that information provided under the Regulations be kept confidential. (*Regulation 16*)

The Regulations contain provisions concerning the commission of offences under the Regulations, the punishments which may be imposed in respect of such offences and the defences to proceedings for an offence under the Regulations. (*Regulations 17 to 20*)

The Regulations amend Schedule 3A to the Merchant Shipping Act 1995 and the following Regulations:

the Merchant Shipping (Reporting Requirements for Ships Carrying Dangerous or Polluting Goods) Regulations 1995 (S.I. 1995/2498);

the Merchant Shipping (Prevention of Oil Pollution) Regulations 1996 (S.I. 1996/2154);

the Merchant Shipping (Dangerous Goods and Marine Pollutants) Regulations 1997 (S.I. 1997/2367); and

the Merchant Shipping (Safety of Navigation) Regulations 2002 (S.I. 2002/1473). (*Regulation 22 and Schedules 1, 2 and 3*)

The main purpose of the amendments to the Merchant Shipping (Reporting Requirements for Ships Carrying Dangerous or Polluting Goods) Regulations 1995 (S.I. 1995/2498) is to continue to give effect to the provisions in the MARPOL Convention and the SOLAS Convention concerning the reporting of incidents in relation to ships under 300 gross tonnage and fixed or floating installations in United Kingdom controlled waters. The amendments also give effect to the requirement for a United Kingdom ship carrying dangerous goods or harmful substances in packaged form on a voyage which does not involve a port in an EEA State to carry a manifest of those goods or substances.

The following publications may be obtained from the International Maritime Organization, 4 Albert Embankment, London SW1 7SR —

- (a) the SOLAS Convention;
- (b) the MARPOL Convention;
- (c) the International Codes referred to in the Regulations, namely the BC Code, the IBC Code, the IGC Code, the IMDG Code, the INF Code and the ISM Code;
- (d) the International Maritime Organization Resolution A.741(18) adopted on 4th November 1993;
- (e) the International Maritime Organization Resolution A.851(20) adopted on 27th November 1997;
- (f) the International Maritime Organization Resolution A.857(20) adopted on 27th November 1997.

The publications referred to in sub-paragraphs (a) to (c) (with the exception of the INF Code) are defined in regulation 2(1). The INF Code is referred to in paragraph 1(b)(v) of Schedule 1.

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The rules of VTS schemes operated in the United Kingdom can be found in the Admiralty List of Radio Signals Volume 6, which is published by the United Kingdom Hydrographic Office Admiralty Way Taunton Somerset TA1 2DN (telephone number 01823 337900; fax 01823 284077).

Merchant Shipping Notices are published by the Maritime and Coastguard Agency. Copies may be obtained from Mail Marketing (Scotland), Blooms Grove Industrial Estate, Norton Street, Nottingham NG7 3JG (telephone number 0115 9013336; fax 0115 9013334; e-mail mca@promosolution.com). They may also be accessed via the MCA's website at www.mcga.gov.uk.

A regulatory impact assessment of the effect which this instrument will have on the costs of business has been prepared and copies can be obtained from the Maritime and Coastguard Agency, Spring Place, 105, Commercial Road, Southampton, SO15 1EG. A copy has been placed in each House of Parliament.

A copy of the Transposition Note is also available from the Maritime and Coastguard Agency.

Status:

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