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STATUTORY INSTRUMENTS

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**2004 No. 2110**

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

**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;
- (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 [<sup>F1</sup>and whenever practicable the notification by the port authority shall be made electronically].

### Textual Amendments

- F1** 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 [<sup>F2</sup>, reading each reference in the Annex to ‘a port of a Member State of the Community’ as including a port in the United Kingdom].

(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—

- (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 (m<sup>3</sup>), excluding craft the hull of which is supported clear above the water surface in non displacement mode by aerodynamic forces generated by ground effect; <sup>F3</sup>...

<sup>F3</sup>(c) .....

#### Textual Amendments

**F2** Words in reg. 8(3) inserted (31.12.2020) by The Merchant Shipping (Miscellaneous Provisions) (Amendments etc.) (EU Exit) Regulations 2018 (S.I. 2018/1221), reg. 2(b), Sch. para. 20(6); 2020 c. 1, Sch. 5 para. 1(1)

- F3** 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**

#### **[<sup>F4</sup>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 [<sup>F5</sup>, reading each reference in the Annex to ‘a port of a Member State of the Community’ as including a port in the United Kingdom].]

#### **Textual Amendments**

- F4** 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**
- F5** Words in reg. 8A(2) inserted (31.12.2020) by [The Merchant Shipping \(Miscellaneous Provisions\) \(Amendments etc.\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1221\)](#), reg. 2(b), **Sch. para. 20(7)**; 2020 c. 1, Sch. 5 para. 1(1)

#### **Operation of automatic identification systems**

**[<sup>F6</sup>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**

- F6** 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**

**Changes to legislation:**

There are currently no known outstanding effects for the The Merchant Shipping (Vessel Traffic Monitoring and Reporting Requirements) Regulations 2004, PART 2.