

**EXPLANATORY MEMORANDUM TO**  
**THE MERCHANT SHIPPING (SAFETY OF NAVIGATION) (AMENDMENT)**  
**REGULATIONS 2011**

**2011 No. 2978**

**1.** This explanatory memorandum has been prepared by the Maritime and Coastguard Agency (MCA), an executive agency of the Department for Transport, and is laid before Parliament by Command of Her Majesty.

**2. Purpose of the instrument**

2.1 These regulations amend the Merchant Shipping (Safety of Navigation) Regulations 2000, which apply to most UK ships and to non-UK ships that operate in UK waters and which give effect to Chapter V of the International Convention for the Safety of Life at Sea 1974 and its 1988 Protocol (SOLAS V) . These regulations implement two amendments to SOLAS V. One inserted into SOLAS V the new Regulation 19-1 requiring ships to the carry LRIT (Long Range Identification and Tracking) Systems, the purpose of which is to provide a secure system for flag states to track their vessels globally. Regulation 19-1 is a response to pirate and terrorist attacks on vessels. The other amendment moved the existing requirement that owners must not restrict the master's decisions relating to safety or the environment, substituting for paragraph 3 of Regulations 34 the new separate Regulation 34-1.

**3. Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None

**4. Legislative Context**

4.1 These regulations, which enhance safety standards, are being made to implement the two amendments to SOLAS V which entered into force on 1 July 2006 (Regulation 34-1) and 1 January 2008 (Regulation 19-1). The United Kingdom is a signatory to SOLAS and obliged to give effect to the amendments..In addition, Directive 2009/17/EC, which is mainly being implemented by separate regulations, contains a provision (Article 6b) which requires ships to carry LRIT equipment complying with SOLAS V Regulation 19-1. These regulations implement that provision.

**5. Territorial Extent and Application**

5.1 This instrument applies to all of the United Kingdom.

## **6. European Convention on Human Rights**

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## **7. Policy background**

- **What is being done and why**

7.1 Regulation 19-1 introduced the mandatory carriage on ships of LRIT which automatically transmits details of the ship's position. Its purpose is to provide a secure system for flag states to track their vessels globally, as a response to pirate and terrorist attacks on vessels.

7.2 The UK has committed significant resources to the "hot spots" of the globe where LRIT was envisaged to be of use. To ensure those resources work in harmony with SOLAS (the need to carry the equipment) these regulations ensure that UK ships are fitted with the equipment as required, thus aiding in the tracking and ultimately the protection of the UK interests and flag vessels. They also apply to foreign flagged vessels visiting the UK, thus contributing to the global coverage of SOLAS.

7.3 This amendment to SOLAS arose following the events of 11 September 2001 when the political profile of maritime security was raised considerably. Following an earlier initiative in 2002, a requirement to fit Automatic Identification Systems, known as AIS, was introduced. Although AIS improves navigation safety and enables coastal States to monitor traffic within VHF range of their coasts, monitoring of traffic at longer ranges is not possible with AIS.

7.4 Following discussions at the International Maritime Organisation (IMO), the concept of LRIT was developed for vessels undertaking International voyages. The new SOLAS Chapter V Regulation 19-1, which entered into force on 1 January 2008, established a multilateral agreement whereby LRIT information that is transmitted can be shared for security functions as well as for Search and Rescue (SAR) and environmental protection purposes.

7.5 The IMO introduced new Regulation 34-1 as a substitute for paragraph 3 of Regulation 34. While the effect is not changed, implementation requires the insertion of reference to Regulation 34-1 in the 2000 Regulations.

7.6 The opportunity has also been taken to correct the requirement in the 2000 Regulations to comply with future amendments of SOLAS V provided they are specified by the MCA in Merchant Shipping Notices. The deletion of reference to the 'regulations in' SOLAS V ensures the requirement is not limited to amendments already in SOLAS V and applies to the whole of SOLAS V.

7.7 The Regulations have been developed in consultation with industry representatives via the UK Safety of Navigation Group (UKSON), in addition to the formal 6 week public consultation.

## **8. Consultation outcome**

8.1 These Regulations and the accompanying Impact Assessment (IA) and Marine Guidance Note (MGN) have been consulted on over a 6 week period from August to September 2011. The consultation was carried out in accordance with the Cabinet Office's code of practice on consultation.

8.2 The consultation package was sent out to stakeholders and interested parties, including the MAIB, The Harbour Master's Association, the General Lighthouse Authorities, the British Ports Association, the Health and Safety Executive, the Nautical Institute and the Chamber of Shipping. A full list of consultees can be found on the MCA website.

8.3 Five responses were received to this consultation. All comments were positive. Only one of the five responses was substantive and raised two minor operational queries that can be addressed without any impact on the legislation.

8.4 A summary of the comments received during the consultation, and the MCA responses to them, can be found on the MCA website at <http://mcga.gov.uk>.

## **9. Guidance**

9.1 A Marine Information Note (MIN 301) was issued informing mariners of the change to SOLAS regulations and setting out the timetable for when SOLAS required carriage of LRIT was being introduced on their vessel types. This MIN has since expired.

9.2 The Marine Guidance Note (MGN) associated with these Regulations contains details of where to get LRIT equipment tested and is available on the MCA website.

## **10. Impact**

10.1 The impact on business, charities or voluntary bodies is considered minimal because the amendments to the SOLAS regulations have been in place since 2008 and any vessels on international voyages would have needed to install LRIT systems already.

10.2 The cost of installing and testing LRIT equipment is estimated to be £5,000 per vessel.

10.3 The impact on the public sector is minimal as most of the infrastructure needed to deal with the administration and enforcement of LRIT Policy is already in place.

## **11. Regulating small business**

11.1 The legislation only applies to vessels that operate internationally, so most small businesses will be unaffected.

11.2 To minimise the impact of the requirements on firms employing up to 20 people, the UK argued successfully for a phase in period to be applied, therefore giving vessel operators more time to prepare for the costs of installation.

11.3 Small businesses have been involved in the consultation process and through the stakeholder groups UKSON, the Fishing Industry Stakeholder Group (FISG) and the VTM Operational Working Group and are aware of the steps taken to try and minimise costs.

## **12. Monitoring & review**

12.1 The implementation of the Regulations will be reviewed through the MCA's normal contact with industry and measured through the quantity and quality of data received from the vessels' LRIT systems.

## **13. Contact**

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