
STATUTORY INSTRUMENTS

2014 No. 1512

The Merchant Shipping (International Safety Management (ISM) Code) Regulations 2014

PART 1

Interpretation and Application

Citation, commencement and revocation

1.—(1) These Regulations may be cited as the Merchant Shipping (International Safety Management (ISM) Code) Regulations 2014 and come into force on 18th July 2014.

(2) The Merchant Shipping (ISM Code) (Ro-Ro Passenger Ferries) Regulations 1997⁽¹⁾ and the Merchant Shipping (International Safety Management (ISM) Code) Regulations 1998⁽²⁾ are revoked.

Commencement Information

II [Reg. 1](#) in force at 18.7.2014, see [reg. 1\(1\)](#)

Interpretation

2.—(1) In these Regulations—

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

“audit”, in relation to a safety management system, means a systematic and independent examination, taking into account the Revised Guidelines on Implementation of the International Safety Management (ISM) Code by Administrations adopted by the IMO pursuant to Assembly Resolution A.1022(26), to determine whether the system is suitable to meet the objectives set out in paragraph 1.2 of the ISM Code, and, so far as the system has been operated, whether the system has been implemented effectively;

“Certifying Authority” means the Secretary of State or any organisation which has an agreement with the Secretary of State pursuant to Article 5(2) of [Directive 2009/15/EC](#) of the European Parliament and of the Council of 23rd April 2009 on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations⁽³⁾;

“Document of Compliance” means a document issued in accordance with paragraph 13.2 of the ISM Code;

⁽¹⁾ [S.I. 1997/3022](#), amended by [S.I. 2001/3209](#).

⁽²⁾ [S.I. 1998/1561](#), amended by [S.I. 2001/3209](#) and [2004/302](#).

⁽³⁾ OJ L131, 28.5.2009 p 47.

Status: Point in time view as at 18/07/2014.

Changes to legislation: There are currently no known outstanding effects for the The Merchant Shipping (International Safety Management (ISM) Code) Regulations 2014, PART 1. (See end of Document for details)

“EU Regulation” means Regulation (EC) No. 336/2006 of the European Parliament and of the Council of 15th February 2006 on the implementation of the International Safety Management Code within the Community and repealing Council Regulation (EC) No. 3051/95⁽⁴⁾;

“high speed craft” means a craft to which the Merchant Shipping (High Speed Craft) Regulations 2004⁽⁵⁾ apply;

“IMO” means the International Maritime Organisation;

“inspector” means a person mentioned in paragraph (a) or (c) of section 258(1) of the 1995 Act;

“Interim Document of Compliance” means a document issued in accordance with paragraph 14.1 of the ISM Code;

“Interim Safety Management Certificate” means a document issued in accordance with paragraph 14.2 of the ISM Code;

“intermediate audit” means an audit conducted for the purpose set out in paragraph 13.8 of the ISM Code;

“ISM company” means—

- (a) where a person who is not the owner of the ship has assumed responsibility for the operation of the ship and has agreed with the owner to take over all the duties and responsibilities imposed by the ISM Code, that person; or
- (b) in all other cases, the owner of the ship;

“Maritime and Coastguard Agency” means the executive agency of the Department for Transport of that name;

“master”, in the application of these Regulations to hovercraft, includes the captain of a hovercraft;

“Merchant Shipping Notice” means a notice described as such and issued by the Maritime and Coastguard Agency, and 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;

“relevant document” means a Document of Compliance, an interim Document of Compliance, a Safety Management Certificate or an interim Safety Management Certificate;

“safety management system” means a structured and documented system enabling ISM company personnel to implement effectively the ISM company’s safety and environmental protection policy;

“Safety Management Certificate” means a document issued in accordance with paragraph 13.7 of the ISM Code;

“ship” includes a hovercraft, a mobile offshore drilling unit, a passenger submersible craft and a high speed craft; and

“SOLAS” means the International Convention for the Safety of Life at Sea 1974⁽⁶⁾, its protocols of 1978⁽⁷⁾ and 1988⁽⁸⁾ and all amendments to them in force on the date these Regulations come into force.

(2) Any reference in these Regulations to SOLAS or the ISM Code includes a reference to any amendments of those documents specified in a Merchant Shipping Notice as being considered relevant for the purposes of these Regulations by the Secretary of State.

⁽⁴⁾ OJ L64, 4.3.2006 p 1.

⁽⁵⁾ S.I. 2004/302, amended by S.I. 2004/2883, 2005/2114, 2006/2055 and 2012/ 2636.

⁽⁶⁾ Cmnd. 7874.

⁽⁷⁾ Cmnd. 7346.

⁽⁸⁾ Cm. 4420.

(3) Any reference in these Regulations to a term which is defined in Article 2 of the EU Regulation and which is not defined in paragraph (1) has the meaning given in that article.

(4) In interpreting the ISM Code for the purposes of these Regulations—

- (a) the requirements of Part A of the ISM Code are to be construed as mandatory; and
- (b) references to the Administration are, in relation to United Kingdom ships, to be taken as references to the Secretary of State.

Commencement Information

I2 [Reg. 2](#) in force at 18.7.2014, see [reg. 1\(1\)](#)

Application

3. These Regulations apply to—

- (a) United Kingdom ships wherever they may be; and
- (b) other ships while they are within United Kingdom waters.

Commencement Information

I3 [Reg. 3](#) in force at 18.7.2014, see [reg. 1\(1\)](#)

Status:

Point in time view as at 18/07/2014.

Changes to legislation:

There are currently no known outstanding effects for the The Merchant Shipping (International Safety Management (ISM) Code) Regulations 2014, PART 1.