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## STATUTORY INSTRUMENTS

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# 2016 No. 1025

## The Merchant Shipping (Marine Equipment) Regulations 2016

### PART 1 U.K.

#### Preliminary

#### Citation and commencement U.K.

1. The Regulations may be cited as the Merchant Shipping (Marine Equipment) Regulations 2016 and come into force on 5th December 2016.

#### Interpretation U.K.

2.—(1) In these Regulations—

[<sup>F1</sup>“accreditation” means an attestation by the United Kingdom national accreditation body that a conformity assessment body meets the requirements set out in Schedule 3 to carry out conformity assessment activities;]

[<sup>F1</sup>“accreditation certificate” means a certificate issued by the United Kingdom national accreditation body, attesting that a conformity assessment body meets the approved body requirements set out in Schedule 3;]

“the Act” means the Merchant Shipping Act 1995;

[<sup>F2</sup>“the Agreement” means the Agreement between the United Kingdom of Great Britain and Northern Ireland and the United States of America on the Mutual Recognition of Certificates of Conformity for Marine Equipment dated 14th February 2019;]

“applicable international standards” means the design, construction and performance requirements of the international instruments which the equipment must satisfy as set out in Annex 1 or 2 of Merchant Shipping Notice MSN 1874 [<sup>F3</sup>Amendment 3];

“applicable UK standards” means the requirements set out in Annex 3 of Merchant Shipping Notice MSN 1874 [<sup>F4</sup>Amendment 3] for equipment which is not subject to applicable international standards;

[<sup>F5</sup>“approved body” means a conformity assessment body which—

- (a) has been approved by the Secretary of State pursuant to the procedure set out in Schedule 4; or
- (b) immediately before IP completion day was a notified body in respect of which the Secretary of State had taken no action to suspend or withdraw the body's status as a notified body];

[<sup>F5</sup>“approved body requirements” means the requirements set out in Schedule 3;]

[<sup>F5</sup>“authorised representative” means a person who—

- (a) immediately before IP completion day was established in an EEA state and appointed in accordance with article 13 of the Directive; or

(b) after IP completion day is appointed in accordance with regulation 16 (authorised representatives);]

“category C waters” has the meaning given in Merchant Shipping Notice MSN 1837(M) Amendment 1;

“competent national authority” means the competent national authority in each member State responsible for ensuring compliance with the requirements of the Directive;

[<sup>F6</sup>“conformity assessment” means the process demonstrating whether marine equipment complies with the requirements set out in these Regulations];

[<sup>F6</sup>“conformity assessment activities” means any activities connected with conformity assessment, including calibration, testing, certification and inspection];

[<sup>F6</sup>“conformity assessment body” means a body that performs conformity assessment activities];

[<sup>F6</sup>“conformity assessment procedure” means a procedure referred to in regulations 4 (designation of approved and nominated bodies), 11 (applications for grant of United Kingdom conformity approval) and 12 (grant of United Kingdom conformity approval: obligations of an approved body) and Schedule 2 (United Kingdom conformity assessment procedures); ]

“conformity mark” means the mark affixed to equipment by the manufacturer in accordance with regulation 15;

“the Directive” means Directive 2014/90/EU of the European Parliament and of the Council of 23rd July 2014 on marine equipment and repealing Council Directive 96/98/EC<sup>M1</sup>;

[<sup>F7</sup>“distributor” means any person in the supply chain, other than the manufacturer or the importer, who makes marine equipment available on the United Kingdom market;]

“domestic passenger ship” means a passenger ship which has been issued a certificate to embark on voyages in category C waters or seaward of those waters, but not for international voyages;

“economic operator” means a manufacturer, authorised representative, importer or distributor;

[<sup>F8</sup>“EU conformity approval” means approval issued by an EU notified body in accordance with the Directive;]

[<sup>F9</sup>“EU notified body” means a body designated by the competent national authority of an EU Member State in accordance with the Directive;]

“fishing vessel” means a vessel used to catch fish or other living resources of the sea with a registered length of 24 metres or more;

[<sup>F10</sup>“importer” means a person who—

- (a) is established in the United Kingdom; and
- (b) who places marine equipment from a country outside of the United Kingdom on the United Kingdom market;]

[<sup>F10</sup>“international conventions” means the following conventions, together with their protocols and codes of mandatory application, adopted under the auspices of the International Maritime Organisation (“IMO”), which have entered into force and which lay down specific requirements for the approval by the flag State of marine equipment to be placed on board ships—

- (a) the 1972 Convention on the International Regulations for Preventing Collisions at Sea (Colreg);
- (b) the 1973 International Convention for the Prevention of Pollution from Ships (Marpol);

(c) the 1974 International Convention for the Safety of Life at Sea (Solas);]

[<sup>F10</sup>“international instruments” means the international conventions, together with the resolutions and circulars of the IMO giving effect to those conventions as amended from time to time, and the testing standards; ]

“international voyage” means a voyage from a port in one country to a port in another country, either of the countries being a country to which the 1974 Convention for the Safety of Life at Sea <sup>M2</sup> applies;

“length” means the greater of the following distances—

- (a) the distance between the fore side of the stem and the axis of the rudder stock, or
- (b) 96 per cent of the distance between the fore side of the stem and the aft side of the stern, the points and measurements being taken respectively at and along the waterline at 85 per cent of the least moulded depth of the ship; in the case of a ship with a rake of keel, the waterline must be parallel to the designated waterline;

[<sup>F11</sup>“making available on the market” means any supply of marine equipment on the United Kingdom market in the course of a commercial activity, whether in return for payment or free of charge;]

[<sup>F11</sup>“manufacturer” means any person who—

- (a) manufactures marine equipment or has marine equipment designed or manufactured; and
- (b) markets that equipment under that person's name or trademark;]

[<sup>F11</sup>“marine equipment” means equipment falling within the scope of these Regulations; ]

<sup>F12</sup> ...

“Merchant Shipping Notice” means a notice described as such and issued by the Secretary of State and any reference to a particular Merchant Shipping Notice includes a reference to a Merchant Shipping Notice amending or replacing that Notice which is considered by the Secretary of State to be relevant from time to time;

“nominated body” means a person designated as a nominated body under regulation 4(2);

[<sup>F13</sup>“notified body” means a body which the Secretary of State had before IP completion day notified to the European Commission and the member States of the European Union in accordance with Article 17 of the Directive;]

“passenger” means every person on a ship other than—

- (a) the master and the members of the crew or other persons employed or engaged in any capacity on board a ship on the business of that ship,
- (b) a person on board the ship in pursuance of an obligation on the master to carry shipwrecked, distressed or other persons or by reason of any circumstance that neither the master nor the owner could have prevented, and
- (c) a child under one year of age;

“passenger ship” means a ship which carries more than 12 passengers;

[<sup>F14</sup>“product” means an item of marine equipment;]

[<sup>F14</sup>“RAMS” means Regulation (EC) 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No. 339/93;]

[<sup>F14</sup>“recall” means any measure aimed at achieving the return of marine equipment that has already been placed on board a United Kingdom ship or purchased with the intention of being placed on a United Kingdom ship;]

[<sup>F14</sup>“recognised third country” means a country, that is not part of the United Kingdom or the European Union, whose marine equipment accreditation and conformity assessment procedures the Secretary of State is satisfied, taking into account relevant international instruments, is equivalent to those of the United Kingdom; ]

“relevant period” means a period of at least 10 years from the date that the [<sup>F15</sup>United Kingdom] conformity mark was affixed to the equipment and not less than the expected life of the equipment;

[<sup>F16</sup>“United Kingdom conformity mark” means the mark affixed to equipment by the manufacturer in accordance with regulation 15;]

[<sup>F16</sup>“United Kingdom declaration of conformity” means a statement issued by the manufacturer in accordance with regulation 14(2);]

[<sup>F16</sup>“United Kingdom national accreditation body” means “the body appointed by the Secretary of State in accordance with Article 4 of RAMS; ]

“United Kingdom ship” means a ship which is—

- (a) a United Kingdom ship within the meaning of section 85(2) of the Act,
- (b) a Government ship within the meaning of section 308(4) of the Act, or
- (c) a hovercraft registered under the Hovercraft Act 1968 <sup>M3</sup>.

[<sup>F17</sup>“US declaration of conformity” means the Certificate of Type Approval issued by the United States Coast Guard certifying that a product fulfils the relevant legislative, regulatory, and administrative requirements of the United States of America;]

[<sup>F18</sup>“withdrawal”, in relation to marine equipment, means any measure aimed at preventing marine equipment in the supply chain from being made available on the United Kingdom market]

<sup>F19</sup>(2) .....

(3) In the application of these Regulations to a hovercraft, a reference to the master of a ship includes a reference to the captain of that hovercraft.

<sup>F20</sup>(4) .....

(5) Where a ship is managed by a person other than the owner (whether on behalf of the owner, some other person or on his own behalf), a reference in these Regulations to the owner is construed as including a reference to that person.

(6) Any direction, prohibition or restriction given under these Regulations must be given in writing and must specify the date on which it takes effect and the conditions (if any) on which it is given.

**Textual Amendments**

- F1** Words in [reg. 2\(1\)](#) inserted (31.12.2020) by [The Merchant Shipping \(Marine Equipment\) \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/470), [reg. 1\(1\)](#), [Sch. para. 1\(2\)](#) (with [regs. 5, 6](#)) (as amended by S.I. 2020/1000, [regs. 1, 7\(2\)](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F2** Words in [reg. 2\(1\)](#) inserted (31.12.2020 immediately after S.I. 2019/470 comes into force) by [The Merchant Shipping \(Marine Equipment\) \(Amendment\) \(UK and US Mutual Recognition Agreement\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/1304), [regs. 1\(2\)](#), [2\(2\)\(a\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F3** Words in [reg. 2\(1\)](#) inserted (31.12.2020) by [The Merchant Shipping \(Marine Equipment\) \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/470), [reg. 1\(1\)](#), [Sch. para. 1\(3\)](#) (with [regs. 5, 6](#)) (as amended by S.I. 2020/1000, [regs. 1, 7\(2\)](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

- F4** Words in reg. 2(1) inserted (31.12.2020) by The Merchant Shipping (Marine Equipment) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/470), reg. 1(1), **Sch. para. 1(4)** (with regs. 5, 6) (as amended by S.I. 2020/1000, regs. 1, 7(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in reg. 2(1) inserted (31.12.2020) by The Merchant Shipping (Marine Equipment) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/470), reg. 1(1), **Sch. para. 1(5)** (with regs. 5, 6) (as amended by S.I. 2020/1000, regs. 1, 7(2)(3)); 2020 c. 1, **Sch. 5 para. 1(1)**
- F6** Words in reg. 2(1) inserted (31.12.2020) by The Merchant Shipping (Marine Equipment) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/470), reg. 1(1), **Sch. para. 1(6)** (with regs. 5, 6) (as amended by S.I. 2020/1000, regs. 1, 7(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F7** Words in reg. 2(1) inserted (31.12.2020) by The Merchant Shipping (Marine Equipment) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/470), reg. 1(1), **Sch. para. 1(7)** (with regs. 5, 6) (as amended by S.I. 2020/1000, regs. 1, 7(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F8** Words in reg. 2(1) substituted (31.12.2020) by The Merchant Shipping (Marine Equipment) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/470), reg. 1(1), **Sch. para. 1(8)** (with regs. 5, 6) (as amended by S.I. 2020/1000, regs. 1, 7(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F9** Words in reg. 2(1) inserted (31.12.2020) by The Merchant Shipping (Marine Equipment) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/470), reg. 1(1), **Sch. para. 1(9)** (with regs. 5, 6) (as amended by S.I. 2020/1000, regs. 1, 7(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F10** Words in reg. 2(1) inserted (31.12.2020) by The Merchant Shipping (Marine Equipment) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/470), reg. 1(1), **Sch. para. 1(10)** (with regs. 5, 6) (as amended by S.I. 2020/1000, regs. 1, 7(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F11** Words in reg. 2(1) inserted (31.12.2020) by The Merchant Shipping (Marine Equipment) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/470), reg. 1(1), **Sch. para. 1(11)** (with regs. 5, 6) (as amended by S.I. 2020/1000, regs. 1, 7(2)); 2020 c. 1, **Sch. 5 para. 1(1)**
- F12** Words in reg. 2(1) omitted (31.12.2020) by virtue of The Merchant Shipping (Marine Equipment) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/470), reg. 1(1), **Sch. para. 1(12)** (with regs. 5, 6) (as amended by S.I. 2020/1000, regs. 1, 7(2)(3)); 2020 c. 1, **Sch. 5 para. 1(1)**
- F13** Words in reg. 2(1) substituted (31.12.2020) by The Merchant Shipping (Marine Equipment) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/470), reg. 1(1), **Sch. para. 1(13)** (with regs. 5, 6) (as amended by S.I. 2020/1000, regs. 1, 7(2)(3)); 2020 c. 1, **Sch. 5 para. 1(1)**
- F14** Words in reg. 2(1) inserted (31.12.2020) by The Merchant Shipping (Marine Equipment) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/470), reg. 1(1), **Sch. para. 1(14)** (with regs. 5, 6) (as amended by S.I. 2020/1000, regs. 1, 7(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F15** Words in reg. 2(1) inserted (31.12.2020) by The Merchant Shipping (Marine Equipment) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/470), reg. 1(1), **Sch. para. 1(15)** (with regs. 5, 6) (as amended by S.I. 2020/1000, regs. 1, 7(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F16** Words in reg. 2(1) inserted (31.12.2020) by The Merchant Shipping (Marine Equipment) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/470), reg. 1(1), **Sch. para. 1(16)** (with regs. 5, 6) (as amended by S.I. 2020/1000, regs. 1, 7(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F17** Words in reg. 2(1) inserted (31.12.2020 immediately after S.I. 2019/470 comes into force) by The Merchant Shipping (Marine Equipment) (Amendment) (UK and US Mutual Recognition Agreement) (EU Exit) Regulations 2019 (S.I. 2019/1304), regs. 1(2), **2(2)(b)**; 2020 c. 1, **Sch. 5 para. 1(1)**
- F18** Words in reg. 2(1) inserted (31.12.2020) by The Merchant Shipping (Marine Equipment) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/470), reg. 1(1), **Sch. para. 1(17)** (with regs. 5, 6) (as amended by S.I. 2020/1000, regs. 1, 7(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F19** Reg. 2(2) omitted (31.12.2020) by virtue of The Merchant Shipping (Marine Equipment) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/470), reg. 1(1), **Sch. para. 2** (with regs. 5, 6) (as amended by S.I. 2020/1000, regs. 1, 7(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F20** Reg. 2(4) omitted (31.12.2020) by virtue of The Merchant Shipping (Marine Equipment) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/470), reg. 1(1), **Sch. para. 2** (with regs. 5, 6) (as amended by S.I. 2020/1000, regs. 1, 7(2)); 2020 c. 1, Sch. 5 para. 1(1)

**Marginal Citations**

- M1** OJ L257, 28.8.2014, p.146.  
**M2** Cmnd 7874.  
**M3** 1968 c.59.

**Application** **U.K.**

3. These Regulations apply to any United Kingdom ship wherever it may be.

**Designation of [F<sup>21</sup> approved] and nominated bodies** **U.K.**

4.—[F<sup>22</sup>(1) The Secretary of State may designate any person as an approved body to carry out the procedures specified in Schedule 2 (which makes provision about United Kingdom Conformity Assessment Procedures), provided that the Secretary of State is satisfied that person meets the requirements specified in Schedule 3 (which makes provision about requirements to be met by conformity assessment bodies in order to become approved bodies).]

(2) The Secretary of State may designate any person as a nominated body to carry out the procedures specified in paragraphs 11 and 12 of Part II of [F<sup>23</sup>Merchant Shipping Notice MSN 1874 Amendment 3].

(3) A designation must be made in writing and set out—

- (a) the functions to be performed by the [F<sup>24</sup>approved] or nominated body;
- (b) the equipment to which the designation applies; and
- (c) any time limit or condition which applies to the designation.

(4) The Secretary of State may withdraw a designation—

- (a) on request by the [F<sup>25</sup>approved] or nominated body;
- (b) where the [F<sup>26</sup>approved] body ceases to comply with the requirements in [F<sup>27</sup>Schedule 3]; or
- (c) where the [F<sup>28</sup>approved body] or nominated body fails to comply with any condition imposed under paragraph (3) above.

(5) The Secretary of State may vary a designation—

- (a) on request by [F<sup>29</sup>the approved] or nominated body; or
- (b) where it appears necessary or expedient to do so.

(6) The Secretary of State may inspect [F<sup>30</sup>an approved] or nominated body to ensure it is performing its functions—

- (a) under regulation 12 or 18; and
- (b) in accordance with the conditions of its designation.

[F<sup>31</sup>(6A) The procedure for making a designation under paragraph (1) is specified in Schedule 4 (designation procedure).]

(7) Where a person applies for designation under paragraph (1) or (2), the Secretary of State must inform that person in writing of the reasons for—

- (a) refusing to designate that person as [F<sup>32</sup>an approved] or nominated body;
- (b) imposing any condition more onerous than proposed by the applicant; or
- (c) withdrawing or varying a designation.

### Textual Amendments

- F21** Word in reg. 4 heading substituted (31.12.2020) by The Merchant Shipping (Marine Equipment) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/470), reg. 1(1), **Sch. para. 3(2)** (with regs. 5, 6) (as amended by S.I. 2020/1000, regs. 1, 7(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F22** Reg. 4(1) substituted (31.12.2020) by The Merchant Shipping (Marine Equipment) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/470), reg. 1(1), **Sch. para. 3(3)** (with regs. 5, 6) (as amended by S.I. 2020/1000, regs. 1, 7(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F23** Words in reg. 4(2) substituted (31.12.2020) by The Merchant Shipping (Marine Equipment) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/470), reg. 1(1), **Sch. para. 3(4)** (with regs. 5, 6) (as amended by S.I. 2020/1000, regs. 1, 7(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F24** Word in reg. 4(3)(a) substituted (31.12.2020) by The Merchant Shipping (Marine Equipment) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/470), reg. 1(1), **Sch. para. 3(5)** (with regs. 5, 6) (as amended by S.I. 2020/1000, regs. 1, 7(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F25** Word in reg. 4(4)(a) substituted (31.12.2020) by The Merchant Shipping (Marine Equipment) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/470), reg. 1(1), **Sch. para. 3(6)(a)** (with regs. 5, 6) (as amended by S.I. 2020/1000, regs. 1, 7(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F26** Word in reg. 4(4)(b) substituted (31.12.2020) by The Merchant Shipping (Marine Equipment) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/470), reg. 1(1), **Sch. para. 3(6)(b)(i)** (with regs. 5, 6) (as amended by S.I. 2020/1000, regs. 1, 7(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F27** Words in reg. 4(4)(b) substituted (31.12.2020) by The Merchant Shipping (Marine Equipment) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/470), reg. 1(1), **Sch. para. 3(6)(b)(ii)** (with regs. 5, 6) (as amended by S.I. 2020/1000, regs. 1, 7(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F28** Words in reg. 4(4)(c) substituted (31.12.2020) by The Merchant Shipping (Marine Equipment) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/470), reg. 1(1), **Sch. para. 3(6)(c)** (with regs. 5, 6) (as amended by S.I. 2020/1000, regs. 1, 7(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F29** Words in reg. 4(5)(a) substituted (31.12.2020) by virtue of The Merchant Shipping (Marine Equipment) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/470), reg. 1(1), **Sch. para. 3(7)** (with regs. 5, 6) (as amended by S.I. 2020/1000, regs. 1, 7(2)); 2020 c. 1, **Sch. 5 para. 1(1)**
- F30** Words in reg. 4(6) substituted (31.12.2020) by The Merchant Shipping (Marine Equipment) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/470), reg. 1(1), **Sch. para. 3(8)** (with regs. 5, 6) (as amended by S.I. 2020/1000, regs. 1, 7(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F31** Reg. 4(6A) inserted (31.12.2020) by The Merchant Shipping (Marine Equipment) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/470), reg. 1(1), **Sch. para. 3(9)** (with regs. 5, 6) (as amended by S.I. 2020/1000, regs. 1, 7(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F32** Words in reg. 4(7)(a) substituted (31.12.2020) by The Merchant Shipping (Marine Equipment) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/470), reg. 1(1), **Sch. para. 3(10)** (with regs. 5, 6) (as amended by S.I. 2020/1000, regs. 1, 7(2)); 2020 c. 1, Sch. 5 para. 1(1)

## PART 2 U.K.

### Requirements for Equipment

#### Requirements for equipment U.K.

5.—(1) Subject to paragraph (2), where under international instruments equipment must be approved by the flag state administration, that equipment must comply with applicable international standards when it is placed on board a ship.

(2) When equipment is placed on board a domestic passenger ship or a fishing vessel and that equipment is listed in Annex 1 or 2 of Merchant Shipping Notice MSN 1874 [<sup>F33</sup>Amendment 3] it must comply with—

- (a) applicable international standards;
- (b) an alternative standard; or
- (c) (where there is no requirement to place that equipment on board a ship but it is placed on board voluntarily) the standard specified by the Secretary of State.

(3) When equipment listed in Annex 3 of Merchant Shipping Notice MSN 1874 [<sup>F34</sup>Amendment 3] is placed on board a ship it must comply with applicable UK standards.

[<sup>F35</sup>(4) Equipment listed in Annex 1 of Merchant Shipping Notice MSN 1874 Amendment 3 must be taken to comply with applicable international standards where it is—

- (a) approved by an approved body, accompanied by—
  - (i) a declaration of United Kingdom conformity under regulation 14; and
  - (ii) affixed with a conformity mark under regulation 15;
- (b) approved by an EU notified body, accompanied by an EU declaration of conformity and affixed with an EU conformity mark; or
- (c) approved by a recognised third country [<sup>F36</sup>other than the United States of America] and accompanied by such declarations and marks of conformity (if any) as the Secretary of State may specify.]

[<sup>F37</sup>(4A) Equipment listed in Annex 6 of Merchant Shipping Notice MSN 1874 Amendment 3 must be taken to comply with applicable international standards where it is—

- (a) approved by the United States Coast Guard;
- (b) accompanied by a US declaration of conformity; and
- (c) affixed with the United Kingdom conformity mark.

(4B) Paragraph (4A) does not apply to any equipment in respect of which approval has been suspended in accordance with Article 15 of the Agreement.]

(5) Equipment listed in [<sup>F38</sup>Annex 2 of Merchant Shipping Notice MSN 1874 Amendment 3] must be taken to comply with applicable international standards or an alternative standard where it is accompanied by a certificate under regulation 18.

(6) In this regulation—  
“alternative standard” means a standard specified as an alternative to an applicable international standard in any instrument listed [<sup>F39</sup>Annex 4 of Merchant Shipping Notice MSN 1874 Amendment 3].

#### Textual Amendments

- F33** Words in [reg. 5\(2\)](#) inserted (31.12.2020) by [The Merchant Shipping \(Marine Equipment\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/470\)](#), [reg. 1\(1\)](#), [Sch. para. 4\(2\)](#) (with [regs. 5, 6](#)) (as amended by [S.I. 2020/1000](#), [regs. 1, 7\(2\)](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F34** Words in [reg. 5\(3\)](#) inserted (31.12.2020) by [The Merchant Shipping \(Marine Equipment\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/470\)](#), [reg. 1\(1\)](#), [Sch. para. 4\(3\)](#) (with [regs. 5, 6](#)) (as amended by [S.I. 2020/1000](#), [regs. 1, 7\(2\)](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F35** [Reg. 5\(4\)](#) substituted (31.12.2020) by [The Merchant Shipping \(Marine Equipment\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/470\)](#), [reg. 1\(1\)](#), [Sch. para. 4\(4\)](#) (with [regs. 5, 6](#)) (as amended by [S.I. 2020/1000](#), [regs. 1, 7\(2\)](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)



- F36** Words in reg. 5(4)(c) inserted (31.12.2020 immediately after S.I. 2019/470 comes into force) by The Merchant Shipping (Marine Equipment) (Amendment) (UK and US Mutual Recognition Agreement) (EU Exit) Regulations 2019 (S.I. 2019/1304), regs. 1(2), **2(3)(a)**; 2020 c. 1, **Sch. 5 para. 1(1)**
- F37** Reg. 5(4A)(4B) inserted (31.12.2020 immediately after S.I. 2019/470 comes into force) by The Merchant Shipping (Marine Equipment) (Amendment) (UK and US Mutual Recognition Agreement) (EU Exit) Regulations 2019 (S.I. 2019/1304), regs. 1(2), **2(3)(b)**; 2020 c. 1, **Sch. 5 para. 1(1)**
- F38** Words in reg. 5(5) substituted (31.12.2020) by The Merchant Shipping (Marine Equipment) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/470), reg. 1(1), **Sch. para. 4(5)** (with regs. 5, 6) (as amended by S.I. 2020/1000, regs. 1, 7(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F39** Words in reg. 5(6) substituted (31.12.2020) by The Merchant Shipping (Marine Equipment) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/470), reg. 1(1), **Sch. para. 4(6)** (with regs. 5, 6) (as amended by S.I. 2020/1000, regs. 1, 7(2)); 2020 c. 1, Sch. 5 para. 1(1)

**[<sup>F40</sup>Exemptions U.K.]**

6.—(1) The Secretary of State may allow equipment that does not comply with applicable international standards to be placed on board a ship, provided that the Secretary of State is satisfied, by whatever means, that—

- (a) compliance with applicable international standards is either impracticable or unreasonable in that case or cases; and
- (b) the exemption is subject to such conditions and limitations as will provide a level of safety which is at least equivalent to that provided by applicable international standards.

(2) The Secretary of State may, on reasonable notice, alter or cancel any exemption granted under paragraph (1).

(3) An exemption granted under paragraph (1) and an alteration or cancellation under paragraph (2) must be given in writing and must specify the date on which it takes effect and the terms (if any) on which it is given.]

**Textual Amendments**  
**F40** Reg. 6 substituted (31.12.2020) by The Merchant Shipping (Marine Equipment) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/470), reg. 1(1), **Sch. para. 5** (with regs. 5, 6) (as amended by S.I. 2020/1000, regs. 1, 7(2)); 2020 c. 1, Sch. 5 para. 1(1)

**Exemptions for technical innovation U.K.]**

<sup>F417</sup>7. ....

**Textual Amendments**  
**F41** Reg. 7 omitted (31.12.2020) by virtue of The Merchant Shipping (Marine Equipment) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/470), reg. 1(1), **Sch. para. 6(a)** (with regs. 5, 6) (as amended by S.I. 2020/1000, regs. 1, 7(2)); 2020 c. 1, Sch. 5 para. 1(1)

**Exemptions for testing or evaluation U.K.]**

<sup>F428</sup>8. ....

### Textual Amendments

**F42** Reg. 8 omitted (31.12.2020) by virtue of [The Merchant Shipping \(Marine Equipment\) \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/470), reg. 1(1), **Sch. para. 6(b)** (with regs. 5, 6) (as amended by S.I. 2020/1000, regs. 1, 7(2)); 2020 c. 1, Sch. 5 para. 1(1)

### Exemptions in exceptional circumstances **U.K.**

<sup>F43</sup>9. ....

### Textual Amendments

**F43** Reg. 9 omitted (31.12.2020) by virtue of [The Merchant Shipping \(Marine Equipment\) \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/470), reg. 1(1), **Sch. para. 6(c)** (with regs. 5, 6) (as amended by S.I. 2020/1000, regs. 1, 7(2)); 2020 c. 1, Sch. 5 para. 1(1)

### Transfer of a ship **U.K.**

**10.**—(1) Where a ship is transferred to the United Kingdom register, the Secretary of State must inspect any relevant equipment to ensure—

- (a) its condition corresponds to the safety certificates for that equipment; and
- (b) the equipment complies with applicable international standards or is equivalent to equipment that complies with those standards.

(2) Where, following inspection of equipment under paragraph (1), the Secretary of State is not satisfied that the equipment complies with the applicable international standards or is equivalent to equipment that complies with those standards, the Secretary of State must direct the owner in writing to replace the equipment.

(3) Where, following inspection under paragraph (1), the Secretary of State considers that the equipment does not comply with applicable international standards but is equivalent to equipment that complies with those standards, the Secretary of State must issue a certificate for that equipment, which must—

- (a) confirm the Secretary of State's approval of the equipment;
- (b) specify any restrictions or conditions on the use of the equipment; and
- (c) be carried with the equipment.

(4) The Secretary of State may withdraw a certificate where a restriction or condition on the use of equipment is breached.

(5) In this regulation—  
“relevant equipment” means any equipment—

- (a) to which regulation 5(1) would have applied at the time the equipment was placed on board the ship if that ship had been a United Kingdom ship at that time; and
- (b) that is specified in Annex 1 of Merchant Shipping Notice MSN 1874 [<sup>F44</sup>Amendment 3].

#### Textual Amendments

- F44** Words in **reg. 10(5)** inserted (31.12.2020) by **The Merchant Shipping (Marine Equipment) (Amendment etc.) (EU Exit) Regulations 2019** (S.I. 2019/470), **reg. 1(1)**, **Sch. para. 7(2)** (with **regs. 5, 6**) (as amended by **S.I. 2020/1000**, **regs. 1, 7(2)**); 2020 c. 1, **Sch. 5 para. 1(1)**

## PART 3 **U.K.**

### [<sup>F45</sup>United Kingdom Conformity Assessment Procedures]

#### Textual Amendments

- F45** Pt. 3 heading substituted (31.12.2020) by **The Merchant Shipping (Marine Equipment) (Amendment etc.) (EU Exit) Regulations 2019** (S.I. 2019/470), **reg. 1(1)**, **Sch. para. 8** (with **regs. 5, 6**) (as amended by **S.I. 2020/1000**, **regs. 1, 7(2)**); 2020 c. 1, **Sch. 5 para. 1(1)**

### Applications for grant of [<sup>F46</sup>United Kingdom] conformity approval **U.K.**

**11.**—[<sup>F47</sup>(1) Subject to paragraph (2), for equipment listed in Annex 1 of Merchant Shipping Notice MSN 1874 Amendment 3, the manufacturer must apply to an approved body for United Kingdom conformity approval in accordance with the procedures set out in Schedule 2.]

(2) A manufacturer must not apply under paragraph (1) where an application for [<sup>F48</sup>a United Kingdom] conformity assessment has been made (whether by that manufacturer or another), in respect of that type of equipment, under these Regulations <sup>F49</sup>..., and that application has not been withdrawn.

(3) An application under paragraph (1) must be—

- (a) in writing; and
- (b) accompanied by the documentation required by [<sup>F50</sup>Schedule 2].

#### Textual Amendments

- F46** Words in **reg. 11** heading substituted (31.12.2020) by **The Merchant Shipping (Marine Equipment) (Amendment etc.) (EU Exit) Regulations 2019** (S.I. 2019/470), **reg. 1(1)**, **Sch. para. 9(2)** (with **regs. 5, 6**) (as amended by **S.I. 2020/1000**, **regs. 1, 7(2)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F47** **Reg. 11(1)** substituted (31.12.2020) by **The Merchant Shipping (Marine Equipment) (Amendment etc.) (EU Exit) Regulations 2019** (S.I. 2019/470), **reg. 1(1)**, **Sch. para. 9(3)** (with **regs. 5, 6**) (as amended by **S.I. 2020/1000**, **regs. 1, 7(2)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F48** Words in **reg. 11(2)** substituted (31.12.2020) by **The Merchant Shipping (Marine Equipment) (Amendment etc.) (EU Exit) Regulations 2019** (S.I. 2019/470), **reg. 1(1)**, **Sch. para. 9(4)(a)** (with **regs. 5, 6**) (as amended by **S.I. 2020/1000**, **regs. 1, 7(2)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F49** Words in **reg. 11(2)** omitted (31.12.2020) by virtue of **The Merchant Shipping (Marine Equipment) (Amendment etc.) (EU Exit) Regulations 2019** (S.I. 2019/470), **reg. 1(1)**, **Sch. para. 9(4)(b)** (with **regs. 5, 6**) (as amended by **S.I. 2020/1000**, **regs. 1, 7(2)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F50** Words in **reg. 11(3)(b)** substituted (31.12.2020) by **The Merchant Shipping (Marine Equipment) (Amendment etc.) (EU Exit) Regulations 2019** (S.I. 2019/470), **reg. 1(1)**, **Sch. para. 9(5)** (with **regs. 5, 6**) (as amended by **S.I. 2020/1000**, **regs. 1, 7(2)**); 2020 c. 1, **Sch. 5 para. 1(1)**

**[<sup>F51</sup>Grant of United Kingdom conformity approval: obligations of an approved body U.K.]**

- 12.**—(1) An approved body must—
- (a) decide whether to grant or refuse United Kingdom conformity approval in accordance with the provisions of Schedule 2; and
  - (b) where an application is made under Part 1 of Schedule 2 (Module B), produce an evaluation report recording the activities undertaken in accordance with paragraph 5 of that Schedule and their outcomes.
- (2) Where an approved body grants United Kingdom conformity approval, it must—
- (a) for the type approval of equipment under Part 1 (Module B) of Schedule 2, issue a certificate containing the information specified in paragraph 7 of that module;
  - (b) for approval of a quality system under Part 2 (Module D) or Part 3 (Module E) of Schedule 2, notify the manufacturer of its decision in writing, including the conclusions of the audit of the quality system and the reasons for its decision; or
  - (c) where verifying a product under Part 4 (Module F) or Part 5 (Module) G of Schedule 2, issue a certificate of conformity for that product.
- (3) Where an approved body refuses United Kingdom conformity approval, it must notify the manufacturer, giving detailed reasons for its decision.
- (4) An approved body must—
- (a) periodically audit a quality system that it has approved; and
  - (b) provide the manufacturer with a report containing the results of the audit.
- (5) Where an approved body knows or has reason to believe that—
- (a) equipment to which it has granted United Kingdom conformity approval no longer complies with applicable international standards; or
  - (b) a manufacturer has failed to comply with an obligation under regulation 20(1) to (6) (obligations of a manufacturer),
- it must require the manufacturer to take immediate corrective measures to ensure that the equipment complies with applicable international standards, and where necessary, suspend or withdraw its approval for that equipment.
- (6) Following the grant of United Kingdom conformity approval, an approved body must comply with the provision of information requirements in Schedule 2 and must, in particular, inform the Secretary of State about any refusal, restriction, suspension or withdrawal of a conformity certificate and, on request, information about the conformity assessment activities performed within the scope of that approved body's designation, and any other activity performed.]

**Textual Amendments**

- F51** Reg. 12 substituted (31.12.2020) by *The Merchant Shipping (Marine Equipment) (Amendment etc.) (EU Exit) Regulations 2019* (S.I. 2019/470), reg. 1(1), **Sch. para. 10** (with regs. 5, 6) (as amended by S.I. 2020/1000, regs. 1, 7(2)); 2020 c. 1, Sch. 5 para. 1(1)

**[<sup>F52</sup>Amendments to United Kingdom conformity approval U.K.]**

- 13.**—(1) The manufacturer of equipment granted a United Kingdom type approval certificate by an approved body must notify that body of any changes that may affect the conformity of the equipment with applicable international standards or the conditions for validity of the certificate.

(2) The manufacturer must notify the approved body that approved a quality system under regulation 12(2)(b) of any intended changes to that system.

(3) Following receipt of a notification under paragraph (1) or (2), the approved body must determine whether an amendment to the United Kingdom conformity approval certificate or to the approval of the quality system is required and notify the manufacturer accordingly.

(4) Where an amendment to the United Kingdom conformity approval certificate or to the approval of the quality system is required, the manufacturer must apply in writing for the approval to be amended and provide such documents as requested by the approved body.]

#### Textual Amendments

**F52** Reg. 13 substituted (31.12.2020) by The Merchant Shipping (Marine Equipment) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/470), reg. 1(1), **Sch. para. 11** (with regs. 5, 6) (as amended by S.I. 2020/1000, regs. 1, 7(2)); 2020 c. 1, **Sch. 5 para. 1(1)**

#### Declarations of [<sup>F53</sup>United Kingdom] conformity **U.K.**

**14.**—(1) A manufacturer must provide a declaration of conformity with all equipment for which [<sup>F54</sup>United Kingdom] conformity approval has been granted.

[<sup>F55</sup>(2) The declaration of conformity must provide the information specified in Schedule 5.]

(3) The manufacturer must provide a copy of the declaration of [<sup>F56</sup>United Kingdom] conformity [<sup>F57</sup>in English] with the equipment and send a copy of that declaration to the [<sup>F58</sup>approved] body which granted the conformity approval certificate.

(4) The owner and master of a ship must each ensure that the declaration of [<sup>F59</sup>United Kingdom] conformity is kept with the equipment on board the ship.

#### Textual Amendments

**F53** Words in reg. 14 heading inserted (31.12.2020) by The Merchant Shipping (Marine Equipment) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/470), reg. 1(1), **Sch. para. 12(2)** (with regs. 5, 6) (as amended by S.I. 2020/1000, regs. 1, 7(2)); 2020 c. 1, Sch. 5 para. 1(1)

**F54** Words in reg. 14(1) substituted (31.12.2020) by The Merchant Shipping (Marine Equipment) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/470), reg. 1(1), **Sch. para. 12(3)** (with regs. 5, 6) (as amended by S.I. 2020/1000, regs. 1, 7(2)); 2020 c. 1, Sch. 5 para. 1(1)

**F55** Reg. 14(2) substituted (31.12.2020) by The Merchant Shipping (Marine Equipment) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/470), reg. 1(1), **Sch. para. 12(4)** (with regs. 5, 6) (as amended by S.I. 2020/1000, regs. 1, 7(2)); 2020 c. 1, Sch. 5 para. 1(1)

**F56** Words in reg. 14(3) inserted (31.12.2020) by The Merchant Shipping (Marine Equipment) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/470), reg. 1(1), **Sch. para. 12(5)(a)** (with regs. 5, 6) (as amended by S.I. 2020/1000, regs. 1, 7(2)); 2020 c. 1, Sch. 5 para. 1(1)

**F57** Words in reg. 14(3) substituted (31.12.2020) by The Merchant Shipping (Marine Equipment) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/470), reg. 1(1), **Sch. para. 12(5)(b)** (with regs. 5, 6) (as amended by S.I. 2020/1000, regs. 1, 7(2)); 2020 c. 1, Sch. 5 para. 1(1)

**F58** Word in reg. 14(3) substituted (31.12.2020) by The Merchant Shipping (Marine Equipment) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/470), reg. 1(1), **Sch. para. 12(5)(c)** (with regs. 5, 6) (as amended by S.I. 2020/1000, regs. 1, 7(2)); 2020 c. 1, Sch. 5 para. 1(1)

**F59** Words in reg. 14(4) inserted (31.12.2020) by The Merchant Shipping (Marine Equipment) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/470), reg. 1(1), **Sch. para. 12(6)** (with regs. 5, 6) (as amended by S.I. 2020/1000, regs. 1, 7(2)); 2020 c. 1, **Sch. 5 para. 1(1)**

## Affixing the <sup>F60</sup>United Kingdom] conformity mark **U.K.**

15.—(1) The manufacturer must, at the end of the production stage, affix the <sup>F61</sup>United Kingdom] conformity mark to—

- (a) each item of equipment for which a declaration of <sup>F62</sup>United Kingdom] conformity is required, or
- (b) a data plate attached to that equipment, and

where relevant, embed the <sup>F63</sup>United Kingdom] conformity mark in the equipment's software.

(2) Where it is not possible or warranted due to the nature of the item of equipment to affix the <sup>F64</sup>United Kingdom] conformity mark in accordance with paragraph (1), it must be affixed to—

- (a) the packaging of the item of equipment;
- (b) a label on the item of equipment or its packaging; or
- (c) a document distributed with the item of equipment.

(3) The <sup>F65</sup>United Kingdom] conformity mark must be—

- (a) in the form specified in <sup>F66</sup>Annex 5 of MSN 1874 Amendment 3];
- (b) affixed so that it is visible, legible and indelible; and
- (c) followed by—

<sup>F67</sup>(i) the identification number of the approved body which approved the equipment and the year in which the mark was affixed, where that body is involved in the production control phase; or

(ii) the identification number assigned to the United States Coast Guard by the Secretary of State, and the year in which the mark was affixed, where equipment listed in Annex 6 of Merchant Shipping Notice MSN 1874 Amendment 3 has been approved by the United States Coast Guard and granted a US declaration of conformity.]

(4) Where the number of the <sup>F68</sup>approved] body is to be affixed under paragraph (3)(c)(i), it must be affixed by—

- (a) the <sup>F68</sup>approved] body itself; or
- (b) the manufacturer on instruction of the <sup>F68</sup>approved] body.

(5) No person may affix a mark or inscription which is likely to mislead any person with regard to the meaning or the graphics of the mark.

(6) In this regulation—

“production control phase” means the phase of production during which the manufacturer ensures that each item of equipment complies with its <sup>F69</sup>United Kingdom] conformity approval in accordance with modules D, E, F or G of <sup>F70</sup>Schedule 2].

### Textual Amendments

- F60** Words in [reg. 15](#) heading inserted (31.12.2020) by [The Merchant Shipping \(Marine Equipment\) \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/470), [reg. 1\(1\)](#), [Sch. para. 13\(2\)](#) (with [regs. 5, 6](#)) (as amended by [S.I. 2020/1000](#), [regs. 1, 7\(2\)](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F61** Words in [reg. 15\(1\)](#) inserted (31.12.2020) by [The Merchant Shipping \(Marine Equipment\) \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/470), [reg. 1\(1\)](#), [Sch. para. 13\(4\)\(a\)](#) (with [regs. 5, 6](#)) (as amended by [S.I. 2020/1000](#), [regs. 1, 7\(2\)](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

- F62** Words in reg. 15(1)(a) inserted (31.12.2020) by The Merchant Shipping (Marine Equipment) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/470), reg. 1(1), **Sch. para. 13(4)(b)** (with regs. 5, 6) (as amended by S.I. 2020/1000, regs. 1, 7(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F63** Words in reg. 15(1) inserted (31.12.2020) by The Merchant Shipping (Marine Equipment) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/470), reg. 1(1), **Sch. para. 13(4)(c)** (with regs. 5, 6) (as amended by S.I. 2020/1000, regs. 1, 7(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F64** Words in reg. 15(2) inserted (31.12.2020) by The Merchant Shipping (Marine Equipment) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/470), reg. 1(1), **Sch. para. 13(5)** (with regs. 5, 6) (as amended by S.I. 2020/1000, regs. 1, 7(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F65** Words in reg. 15(3) inserted (31.12.2020) by The Merchant Shipping (Marine Equipment) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/470), reg. 1(1), **Sch. para. 13(6)(a)** (with regs. 5, 6) (as amended by S.I. 2020/1000, regs. 1, 7(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F66** Words in reg. 15(3)(a) substituted (31.12.2020) by The Merchant Shipping (Marine Equipment) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/470), reg. 1(1), **Sch. para. 13(6)(b)** (with regs. 5, 6) (as amended by S.I. 2020/1000, regs. 1, 7(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F67** Reg. 15(3)(c)(i)(ii) substituted (31.12.2020 immediately after S.I. 2019/470 comes into force) by The Merchant Shipping (Marine Equipment) (Amendment) (UK and US Mutual Recognition Agreement) (EU Exit) Regulations 2019 (S.I. 2019/1304), regs. 1(2), **2(4)**; 2020 c. 1, **Sch. 5 para. 1(1)**
- F68** Word in reg. 15 substituted (31.12.2020) by The Merchant Shipping (Marine Equipment) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/470), reg. 1(1), **Sch. para. 13(3)** (with regs. 5, 6) (as amended by S.I. 2020/1000, regs. 1, 7(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F69** Words in reg. 15(6) substituted (31.12.2020) by The Merchant Shipping (Marine Equipment) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/470), reg. 1(1), **Sch. para. 13(7)(a)** (with regs. 5, 6) (as amended by S.I. 2020/1000, regs. 1, 7(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F70** Words in reg. 15(6) substituted (31.12.2020) by The Merchant Shipping (Marine Equipment) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/470), reg. 1(1), **Sch. para. 13(7)(b)** (with regs. 5, 6) (as amended by S.I. 2020/1000, regs. 1, 7(2)); 2020 c. 1, Sch. 5 para. 1(1)

#### Authorised Representatives **U.K.**

[<sup>F71</sup>16.—(1) Where a manufacturer is not located in the United Kingdom, that manufacturer may, by a written mandate, appoint an authorised representative with the mandate to include the name and contact address of the authorised representative.

(2) Where a manufacturer appoints an authorised representative, that representative must carry out the manufacturer's obligations under regulation 20(1)(c) and 22(2).]

#### Textual Amendments

- F71** Reg. 16 substituted (31.12.2020) by The Merchant Shipping (Marine Equipment) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/470), reg. 1(1), **Sch. para. 14** (with regs. 5, 6) (as amended by S.I. 2020/1000, regs. 1, 7(2)); 2020 c. 1, Sch. 5 para. 1(1)

## PART 4 **U.K.**

### Other Conformity Assessment Procedures

#### Application for grant of conformity approval **U.K.**

[<sup>F72</sup>17.—(1) For equipment listed in Annex 2 of Merchant Shipping Notice MSN 1874 Amendment 3, the manufacturer must apply to a nominated body for conformity approval in

accordance with the procedures set out in paragraph 10 of Merchant Shipping Notice MSN 1874 Amendment 3.

- (2) An application under paragraph (1) must be—
- (a) in writing; and
  - (b) accompanied by the documentation required by paragraph 10 of Merchant Shipping Notice MSN 1874 Amendment 3.]

#### Textual Amendments

**F72** Reg. 17 substituted (31.12.2020) by [The Merchant Shipping \(Marine Equipment\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/470\)](#), reg. 1(1), **Sch. para. 15** (with regs. 5, 6) (as amended by [S.I. 2020/1000](#), regs. 1, 7(2)); 2020 c. 1, Sch. 5 para. 1(1)

### Grant of conformity approval: obligations of nominated bodies **U.K.**

**18.**—(1) A nominated body must decide whether to grant or refuse conformity approval for equipment in accordance with the requirements of [<sup>F73</sup>paragraph 11 of Merchant Shipping Notice MSN 1874 Amendment 3].

(2) Where a nominated body grants conformity approval for equipment, it must issue a certificate containing the information specified in [<sup>F74</sup>paragraph 12 of Merchant Shipping Notice MSN 1874 Amendment 3].

(3) Where a nominated body refuses conformity approval, it must notify the manufacturer, giving detailed reasons for its decision in writing.

#### Textual Amendments

**F73** Words in reg. 18(1) substituted (31.12.2020) by [The Merchant Shipping \(Marine Equipment\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/470\)](#), reg. 1(1), **Sch. para. 16(2)** (with regs. 5, 6) (as amended by [S.I. 2020/1000](#), regs. 1, 7(2)); 2020 c. 1, Sch. 5 para. 1(1)

**F74** Words in reg. 18(2) substituted (31.12.2020) by [The Merchant Shipping \(Marine Equipment\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/470\)](#), reg. 1(1), **Sch. para. 16(3)** (with regs. 5, 6) (as amended by [S.I. 2020/1000](#), regs. 1, 7(2)); 2020 c. 1, Sch. 5 para. 1(1)

## PART 5 **U.K.**

### Obligations of Economic Operators

#### Application of Part 5 **U.K.**

**19.** This Part applies only to equipment to which regulation 5(1) applies that is listed in [<sup>F75</sup>Annex 1 of Merchant Shipping Notice MSN 1874 Amendment 3].

#### Textual Amendments

**F75** Words in reg. 19 substituted (31.12.2020) by [The Merchant Shipping \(Marine Equipment\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/470\)](#), reg. 1(1), **Sch. para. 17(2)** (with regs. 5, 6) (as amended by [S.I. 2020/1000](#), regs. 1, 7(2)); 2020 c. 1, Sch. 5 para. 1(1)



## Obligations of a Manufacturer **U.K.**

- 20.—<sup>F76</sup>(1) A manufacturer must ensure that—
- (a) a United Kingdom conformity assessment is carried out in respect of all marine equipment using one of the procedures referred to in paragraph (1A);
  - (b) marine equipment is marked in accordance with regulation 15 (affixing the United Kingdom conformity mark); and
  - (c) keep the technical documentation specified in Schedule 2 and the United Kingdom declaration of conformity for the relevant period.
- (1A) The procedures mentioned in paragraph (1)(a) are—
- (a) where the United Kingdom type-examination as outlined in Part 1 of Schedule 2 (module B) is to be used, before being placed on the market, all marine equipment must be subject to—
    - (i) production-quality assurance as outlined in Part 2 of Schedule 2 (module D);
    - (ii) product-quality assurance as outlined in Part 3 of Schedule 2 (module E); or
    - (iii) product verification as outlined in Part 4 of Schedule 2 (module F);
  - (b) where sets of marine equipment are produced individually or in small quantities and not in series or in mass, the conformity assessment procedure may be the unit verification as set out in Part 5 of Schedule 2 (module G).]
- (2) A manufacturer must undertake to fulfil any obligation arising from a quality system approved under regulation 12(2)(b) and must ensure that quality system is maintained.
- (3) A manufacturer must ensure—
- (a) its name,
  - (b) a type, batch or serial number or other element allowing identification of its product,
  - (c) its registered trade name or trade mark, and
  - (d) the address at which it can be contacted,
- is on any equipment or, where that is not possible, on the packaging of that equipment or in a document accompanying that equipment or both, as appropriate.
- (4) A manufacturer must provide with any equipment—
- (a) clear instructions and all necessary information for that equipment to be installed and operated safely; and
  - (b) any other documentation required by international instruments.
- (5) Where a manufacturer knows or has reason to believe that its equipment does not comply with applicable international standards, that manufacturer must—
- (a) take immediate corrective measures to ensure that the equipment complies with applicable international standards;
  - (b) withdraw the equipment from the <sup>F77</sup>[United Kingdom] market; or
  - (c) issue a recall of the equipment.
- (6) Where a manufacturer considers that equipment presents a risk, that manufacturer must immediately inform the <sup>F78</sup>[Secretary of State] of the risk and provide details of any non-compliance with applicable international standards and any action taken in accordance with paragraph (5).
- (7) On request by <sup>F79</sup>[the Secretary of State], a manufacturer must provide to <sup>F80</sup>[to the Secretary of State]—

- (a) samples of equipment approved by [<sup>F81</sup>an approved] body at the manufacturer's own cost; or
  - (b) access to such samples.
- (8) This regulation applies to an importer or a distributor as if that person were a manufacturer where the importer or distributor—
- (a) places equipment on the [<sup>F82</sup>United Kingdom] market or on board a ship under the importer or distributor's own name or trademark; or
  - (b) modifies equipment already placed on the [<sup>F83</sup>United Kingdom] market or on board a ship in such a way that compliance with applicable international standards may be affected.
- (9) In this regulation—  
“clear instructions” means instructions in a form and language which the user easily understands.

#### Textual Amendments

- F76** Reg. 20(1)(1A) substituted for reg. 20(1) (31.12.2020) by The Merchant Shipping (Marine Equipment) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/470), reg. 1(1), **Sch. para. 18(2)** (with regs. 5, 6) (as amended by S.I. 2020/1000, regs. 1, 7(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F77** Words in reg. 20(5)(b) inserted (31.12.2020) by The Merchant Shipping (Marine Equipment) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/470), reg. 1(1), **Sch. para. 18(3)** (with regs. 5, 6) (as amended by S.I. 2020/1000, regs. 1, 7(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F78** Words in reg. 20(6) substituted (31.12.2020) by The Merchant Shipping (Marine Equipment) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/470), reg. 1(1), **Sch. para. 18(4)** (with regs. 5, 6) (as amended by S.I. 2020/1000, regs. 1, 7(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F79** Words in reg. 20(7) substituted (31.12.2020) by The Merchant Shipping (Marine Equipment) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/470), reg. 1(1), **Sch. para. 18(5)(a)** (with regs. 5, 6) (as amended by S.I. 2020/1000, regs. 1, 7(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F80** Words in reg. 20(7) substituted (31.12.2020) by The Merchant Shipping (Marine Equipment) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/470), reg. 1(1), **Sch. para. 18(5)(b)** (with regs. 5, 6) (as amended by S.I. 2020/1000, regs. 1, 7(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F81** Words in reg. 20(7)(a) substituted (31.12.2020) by The Merchant Shipping (Marine Equipment) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/470), reg. 1(1), **Sch. para. 18(5)(c)** (with regs. 5, 6) (as amended by S.I. 2020/1000, regs. 1, 7(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F82** Words in reg. 20(8)(a) inserted (31.12.2020) by The Merchant Shipping (Marine Equipment) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/470), reg. 1(1), **Sch. para. 18(6)(a)** (with regs. 5, 6) (as amended by S.I. 2020/1000, regs. 1, 7(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F83** Words in reg. 20(8)(b) inserted (31.12.2020) by The Merchant Shipping (Marine Equipment) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/470), reg. 1(1), **Sch. para. 18(6)(b)** (with regs. 5, 6) (as amended by S.I. 2020/1000, regs. 1, 7(2)); 2020 c. 1, Sch. 5 para. 1(1)

#### Obligations of an importer **U.K.**

21. An importer which places on the [<sup>F84</sup>United Kingdom] market or on board a ship any equipment accompanied by a [<sup>F85</sup>United Kingdom] declaration of conformity under regulation 14 must ensure that—

- (a) its name,
- (b) registered trade name or trade mark, and
- (c) the address at which it can be contacted,

is on the equipment or, where that is not possible, on the packaging of the equipment or in a document accompanying the equipment or both, as appropriate.

#### Textual Amendments

- F84** Words in [reg. 21](#) inserted (31.12.2020) by [The Merchant Shipping \(Marine Equipment\) \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/470), [reg. 1\(1\)](#), [Sch. para. 19\(2\)\(a\)](#) (with [regs. 5, 6](#)) (as amended by [S.I. 2020/1000](#), [regs. 1, 7\(2\)](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F85** Words in [reg. 21](#) inserted (31.12.2020) by [The Merchant Shipping \(Marine Equipment\) \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/470), [reg. 1\(1\)](#), [Sch. para. 19\(2\)\(b\)](#) (with [regs. 5, 6](#)) (as amended by [S.I. 2020/1000](#), [regs. 1, 7\(2\)](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

#### Obligations of an economic operator **U.K.**

**22.—(1)** On receipt of a request from [<sup>F86</sup>the Secretary of State], an economic operator must identify any other economic operator—

- (a) who has supplied it with equipment, or
- (b) to whom it has supplied equipment,

during the relevant period.

**(2)** On receipt of a written request from [<sup>F87</sup>the Secretary of State], which includes the reasons for making the request, an economic operator must—

- (a) provide [<sup>F88</sup>the Secretary of State] with all information and documents necessary to show that the equipment meets applicable international standards; and
- (b) cooperate with [<sup>F89</sup>the Secretary of State] in any action it takes to eliminate risks posed by that equipment.

**(3)** Information and documents provided to [<sup>F90</sup>the Secretary of State] must be in a language easily understood by, or acceptable to, [<sup>F91</sup>the Secretary of State].

#### Textual Amendments

- F86** Words in [reg. 22\(1\)](#) substituted (31.12.2020) by [The Merchant Shipping \(Marine Equipment\) \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/470), [reg. 1\(1\)](#), [Sch. para. 20\(2\)](#) (with [regs. 5, 6](#)) (as amended by [S.I. 2020/1000](#), [regs. 1, 7\(2\)](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F87** Words in [reg. 22\(2\)](#) substituted (31.12.2020) by [The Merchant Shipping \(Marine Equipment\) \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/470), [reg. 1\(1\)](#), [Sch. para. 20\(3\)\(a\)](#) (with [regs. 5, 6](#)) (as amended by [S.I. 2020/1000](#), [regs. 1, 7\(2\)](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F88** Words in [reg. 22\(2\)\(a\)](#) substituted (31.12.2020) by [The Merchant Shipping \(Marine Equipment\) \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/470), [reg. 1\(1\)](#), [Sch. para. 20\(3\)\(b\)](#) (with [regs. 5, 6](#)) (as amended by [S.I. 2020/1000](#), [regs. 1, 7\(2\)](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F89** Words in [reg. 22\(2\)\(b\)](#) substituted (31.12.2020) by [The Merchant Shipping \(Marine Equipment\) \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/470), [reg. 1\(1\)](#), [Sch. para. 20\(3\)\(c\)](#) (with [regs. 5, 6](#)) (as amended by [S.I. 2020/1000](#), [regs. 1, 7\(2\)](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F90** Words in [reg. 22\(3\)](#) substituted (31.12.2020) by [The Merchant Shipping \(Marine Equipment\) \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/470), [reg. 1\(1\)](#), [Sch. para. 20\(4\)\(a\)](#) (with [regs. 5, 6](#)) (as amended by [S.I. 2020/1000](#), [regs. 1, 7\(2\)](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F91** Words in [reg. 22\(3\)](#) substituted (31.12.2020) by [The Merchant Shipping \(Marine Equipment\) \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/470), [reg. 1\(1\)](#), [Sch. para. 20\(4\)\(b\)](#) (with [regs. 5, 6](#)) (as amended by [S.I. 2020/1000](#), [regs. 1, 7\(2\)](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

## PART 6 U.K.

### Enforcement

#### Restricting, suspending or withdrawing [<sup>F92</sup>United Kingdom] conformity approval U.K.

23.—(1) [<sup>F93</sup>An approved] body may by giving notice to the manufacturer restrict, suspend or withdraw EU conformity approval of equipment or a quality system where a manufacturer fails—

- (a) to take corrective measures required under regulation 12(5); or
- (b) to comply with regulation 16 or 20(1) to (6).

(2) Before issuing a notice under paragraph (1), [<sup>F94</sup>an approved] body must give the manufacturer an opportunity to make written representations.

(3) A notice under paragraph (1) must—

- (a) be in writing;
- (b) specify the date on which it is to take effect; and
- (c) specify the grounds for the decision.

(4) [<sup>F95</sup>The approved] body must send a copy of any notice given under paragraph (1) to the Secretary of State.

#### Textual Amendments

- F92** Words in reg. 23 heading substituted (31.12.2020) by The Merchant Shipping (Marine Equipment) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/470), reg. 1(1), **Sch. para. 21(2)** (with regs. 5, 6) (as amended by S.I. 2020/1000, regs. 1, 7(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F93** Words in reg. 23(1) substituted (31.12.2020) by The Merchant Shipping (Marine Equipment) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/470), reg. 1(1), **Sch. para. 21(3)** (with regs. 5, 6) (as amended by S.I. 2020/1000, regs. 1, 7(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F94** Words in reg. 23(2) substituted (31.12.2020) by The Merchant Shipping (Marine Equipment) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/470), reg. 1(1), **Sch. para. 21(4)** (with regs. 5, 6) (as amended by S.I. 2020/1000, regs. 1, 7(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F95** Words in reg. 23(4) substituted (31.12.2020) by The Merchant Shipping (Marine Equipment) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/470), reg. 1(1), **Sch. para. 21(5)** (with regs. 5, 6) (as amended by S.I. 2020/1000, regs. 1, 7(2)); 2020 c. 1, Sch. 5 para. 1(1)

#### Sample checks U.K.

24. Where equipment approved by [<sup>F96</sup>an approved] body under regulation 12 is placed on the [<sup>F97</sup>United Kingdom] market or supplied for use in the United Kingdom but not yet placed on board a ship, the Secretary of State may carry out sample checks of that equipment to ensure it complies with the applicable international standards.

#### Textual Amendments

- F96** Words in reg. 24 substituted (31.12.2020) by The Merchant Shipping (Marine Equipment) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/470), reg. 1(1), **Sch. para. 22(2)** (with regs. 5, 6) (as amended by S.I. 2020/1000, regs. 1, 7(2)); 2020 c. 1, Sch. 5 para. 1(1)

**F97** Words in reg. 24 inserted (31.12.2020) by The Merchant Shipping (Marine Equipment) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/470), reg. 1(1), **Sch. para. 22(3)** (with regs. 5, 6) (as amended by S.I. 2020/1000, regs. 1, 7(2)); 2020 c. 1, Sch. 5 para. 1(1)

## Defective Equipment **U.K.**

25.—(1) The Secretary of State may—

- (a) direct an economic operator to withdraw or recall defective equipment from the [<sup>F98</sup>United Kingdom] market;
- (b) prohibit or restrict the extent to which an economic operator may place defective equipment on the [<sup>F99</sup>United Kingdom] market; or
- (c) prohibit or restrict the use of defective equipment on ships.

(2) Before issuing a direction, prohibition or restriction, the Secretary of State must notify any economic operator in writing and give the economic operator, not less than 10 days, to make written representations.

(3) The Secretary of State may withdraw or vary a direction, prohibition or restriction.

(4) In this regulation—

“defective equipment” means equipment to which regulation 5(1) applies that is specified in Annex 1 of Merchant Shipping Notice MSN 1874 [<sup>F100</sup>Amendment 3][<sup>F101</sup>or Annex 6 of Merchant Shipping Notice MSN 1874 Amendment 3] and complies with applicable international standards, but which, in the opinion of the Secretary of State—

- (a) may compromise the health and safety of the ship's crew, passengers or other persons; or
- (b) adversely affect the marine environment.

### Textual Amendments

**F98** Words in reg. 25(1)(a) inserted (31.12.2020) by The Merchant Shipping (Marine Equipment) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/470), reg. 1(1), **Sch. para. 23(2)(a)** (with regs. 5, 6) (as amended by S.I. 2020/1000, regs. 1, 7(2)); 2020 c. 1, Sch. 5 para. 1(1)

**F99** Words in reg. 25(1)(b) inserted (31.12.2020) by The Merchant Shipping (Marine Equipment) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/470), reg. 1(1), **Sch. para. 23(2)(b)** (with regs. 5, 6) (as amended by S.I. 2020/1000, regs. 1, 7(2)); 2020 c. 1, Sch. 5 para. 1(1)

**F100** Words in reg. 25(4) inserted (31.12.2020) by The Merchant Shipping (Marine Equipment) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/470), reg. 1(1), **Sch. para. 23(3)** (with regs. 5, 6) (as amended by S.I. 2020/1000, regs. 1, 7(2)); 2020 c. 1, Sch. 5 para. 1(1)

**F101** Words in reg. 25(4) inserted (31.12.2020 immediately after S.I. 2019/470 comes into force) by The Merchant Shipping (Marine Equipment) (Amendment) (UK and US Mutual Recognition Agreement) (EU Exit) Regulations 2019 (S.I. 2019/1304), regs. 1(2), **2(5)**; 2020 c. 1, **Sch. 5 para. 1(1)**

## Offences and penalties **U.K.**

26.—(1) The owner and master of a ship are each guilty of an offence, where—

- (a) equipment is placed on a ship otherwise than in compliance with regulation 5; or
- (b) any of the restrictions or conditions imposed by a certificate issued under [<sup>F102</sup>regulation 10 are not complied with].

(2) It is an offence for a person—

- (a) to affix a conformity mark to equipment which has not been granted EU conformity approval;
  - (b) to fail to comply with regulation 14, 15, 20, 21 or 22;
  - (c) to forge, counterfeit or otherwise alter, deface or remove any conformity mark or identification number affixed to equipment under these Regulations; or
  - (d) to fail to comply with a direction, prohibition or restriction given under regulation 25.
- (3) A person guilty of an offence under this regulation is liable—
- (a) on summary conviction—
    - (i) in England and Wales to a fine, and
    - (ii) in Scotland and Northern Ireland to a fine not exceeding the statutory maximum, or
  - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine, or both.
- (4) Where a body corporate is guilty of an offence under this regulation 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, any director, manager, secretary or other similar officer of the body corporate or a person who was purporting to act in any such capacity, that person as well as the body corporate is guilty of an offence.
- (5) Where the affairs of the body corporate are managed by its members, paragraph (4) applies in relation to the acts and defaults of a member in connection with that member's functions of management as if that member were a director of the body corporate.
- (6) Where an offence under this regulation is committed by a Scottish partnership is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner, that partner as well as the partnership is guilty of that offence.
- (7) In any proceedings for an offence under these Regulations, it is a defence for the person charged to show that all reasonable steps had been taken by that person to ensure compliance with the provision concerned.

#### Textual Amendments

**F102** Words in [reg. 26\(1\)\(b\)](#) substituted (31.12.2020) by [The Merchant Shipping \(Marine Equipment\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/470\)](#), [reg. 1\(1\)](#), [Sch. para. 24\(2\)](#) (with [regs. 5, 6](#)) (as amended by [S.I. 2020/1000](#), [regs. 1, 7\(2\)](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

#### Powers to detain **U.K.**

**27.**—(1) A ship is liable to be detained where a surveyor of ships is satisfied that there is or has been a failure—

- (a) to comply with regulation 5(1); or
- (b) by the owner of a ship to comply with a direction issued under regulation 10(2).

(2) Section 284(1) to (6) and (8) of the Act (enforcing detention of ship)<sup>M4</sup> applies to a ship which is liable to be detained under this regulation as if references to detention of a ship under the Act were references to detention of the ship in question under this regulation.

(3) Where a ship is liable to be detained under this regulation the person detaining the ship must serve on the master of the ship a detention notice which—

- (a) states that a surveyor of ships is of the opinion that, in relation to that ship, there is a failure to comply with the requirements of regulation 5(1) or a direction issued under regulation 10(2);
  - (b) details the reasons that the surveyor is of the opinion those requirements of regulation 5(1) or a direction issued under regulation 10(2) are not met; and
  - (c) requires the terms of the notice to be complied with until the ship is released.
- (4) Sections 96 and 97 of the Act (which relate to arbitration and compensation in connection with detention of a ship) apply in relation to a detention notice under this regulation as those sections apply to a detention notice under section 95 of the Act with the following modifications—
- (a) the arbitrator must have regard in coming to a decision to any other matters not specified in the detention notice which appear to be relevant to whether or not the ship was liable to be detained under paragraph (1); and
  - (b) the arbitrator must state in the decision whether or not there was a valid basis for detention of the ship.

**Marginal Citations**

- M4** Section 284 was amended by the [Merchant Shipping and Maritime Security Act 1997 \(c.28\)](#), [Schedule 1](#), paragraph 5.

**Application of powers of inspectors in relation to Government ships** **U.K.**

**28.** Sections 258 to 266 of the Act <sup>M5</sup> apply to these Regulations as if they were for all purposes made under section 85 of the Act and accordingly those sections apply in relation to Government ships.

**Marginal Citations**

- M5** These sections provide powers to inspect ships and their equipment, powers of inspectors in relation to premises and ships, for the service of improvement and prohibition notices and their reference to arbitration, compensation for invalid prohibition notices and offences for failing to comply with improvement and prohibition notices.

**PART 7** **U.K.**

Miscellaneous

**Market Surveillance** **U.K.**

**29.**—(1) The Secretary of State must carry out market surveillance of equipment listed in [<sup>F103</sup>Annex 1 of Merchant Shipping Notice MSN 1874 Amendment 3].

(2) In this regulation—  
“market surveillance” means the measures required under the EU market surveillance framework set out in Chapter III of Regulation (EC) No 765/2008 to ensure equipment placed on the market in the United Kingdom complies with applicable international standards.

### Textual Amendments

**F103** Words in [reg. 29\(1\)](#) substituted (31.12.2020) by [The Merchant Shipping \(Marine Equipment\) \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/470), [reg. 1\(1\)](#), [Sch. para. 25\(2\)](#) (with [regs. 5, 6](#)) (as amended by [S.I. 2020/1000](#), [regs. 1, 7\(2\)](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

### Review **U.K.**

- 30.**—(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 reasonably practicable, 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 <sup>F104</sup>... 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 these Regulations come into force.
- (5) Reports under this regulation must afterwards be published at intervals not exceeding five years.

### Textual Amendments

**F104** Words in [reg. 30\(3\)\(a\)](#) omitted (31.12.2020) by virtue of [The Merchant Shipping \(Marine Equipment\) \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/470), [reg. 1\(1\)](#), [Sch. para. 26\(2\)](#) (with [regs. 5, 6](#)) (as amended by [S.I. 2020/1000](#), [regs. 1, 7\(2\)](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

### Amendment of Regulations **U.K.**

- 31.** The Regulations specified in the Schedule are amended in accordance with the Schedule.

### Revocations **U.K.**

- 32.**—(1) The following instruments are revoked—
- (a) The Merchant Shipping (Delegation of Type Approval) Regulations 1996 <sup>M6</sup>;
  - (b) The Merchant Shipping (Marine Equipment) Regulations 1999 <sup>M7</sup>; and
  - (c) The Merchant Shipping (Marine Equipment) (Amendment) Regulations 2009 <sup>M8</sup>.
- (2) Any certificate or declaration of conformity issued or mark of conformity affixed under Part III of the Merchant Shipping (Marine Equipment) Regulations 1999 which is valid immediately before the day on which these Regulations come into force has effect on and after that date as if that certificate or declaration were issued or that mark were affixed under these Regulations.



**Marginal Citations**

**M6** [S.I. 1996/147](#) as amended by [S.I. 1997/2971](#).

**M7** [S.I. 1999/1957](#) as amended by [S.I. 2001/1638](#), 2004/302, 2004/1266, 2009/2021 and 2011/1043.

**M8** [S.I. 2009/2021](#).

Signed by authority of the Secretary of State for Transport

Department for Transport

*John Hayes*  
Minister of State

We consent

*Guto Bebb*  
*Stephen Barclay*  
Two of the Lords Commissioners of Her  
Majesty's Treasury

**Changes to legislation:**

There are currently no known outstanding effects for the The Merchant Shipping (Marine Equipment) Regulations 2016.