

2020 No. 501

MERCHANT SHIPPING

SAFETY

The Merchant Shipping (Life-Saving Appliances and Arrangements) Regulations 2020

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The Secretary of State, after consulting the persons referred to in section 86(4) of the Merchant Shipping Act 1995(a), and in exercise of the powers conferred by sections 85(1), (3)(a), (c), (d), (e), (f), (g), (h), (j), (k), (l), (m), (n), (o), (p) and (q), and (5) to (7), 86(1)(a), (b), (c) and (d), 302(1) and 306A of that Act, and with the consent of the Treasury, makes the following Regulations.

PART 1

Preliminary

Citation, commencement, amendments and revocations

1.—(1) These Regulations may be cited as the Merchant Shipping (Life-Saving Appliances and Arrangements) Regulations 2020 and come into force on 9th June 2020.

(2) The amendments listed in Part 1 of Schedule 1 have effect.

(3) The Regulations listed in the first column of the Table in Part 2 of Schedule 1 are revoked to the extent specified in the third column of that Table.

Interpretation

2. In these Regulations—

(a) 1995 c. 21; sections 85 and 86 were amended by the Merchant Shipping and Maritime Security Act 1997 (c. 28), sections 8 and 29(2) and Schedule 7. Section 85 was amended by the British Overseas Territories Act 2002 (c. 8), section 2(3). Section 306(A) was inserted by the Deregulation Act 2015 (c. 20), section 106. There are other amendments but none is relevant.

“Category A, B, C or D waters” means the waters specified as such in Merchant Shipping Notice 1837(M) Amendment 2(a);

“Chapter III” means Chapter III in the Annex to the Convention (relating to life-saving appliances and arrangements)(b);

“Convention” means the International Convention for the Safety of Life at Sea, 1974(c);

“fishing vessel” means a ship used for catching fish, whales, seals, walrus or other living resources of the sea;

“international voyage” means a voyage between—

- (a) a port in the United Kingdom and a port outside the United Kingdom; or
- (b) a port in a Convention country (other than the United Kingdom) and a port in any other country or territory (whether a Convention country or not) which is outside the United Kingdom,

and, for the purposes of paragraph (b), “Convention country” means a country or territory which is either a country the Government of which is party to the Convention or a territory to which the Convention extends whether or not it is subject to the amendments to, or reservations in respect of, the Convention;

“long international voyage” means an international voyage which is not a short international voyage;

“Merchant Shipping Notice” means a notice described as such and issued by the Maritime and Coastguard Agency (an executive agency of the Department for Transport) and includes a reference to any document amending or replacing that notice which is considered by the Secretary of State to be relevant from time to time and is specified in a Merchant Shipping Notice;

“mile” means a nautical mile of 1,852 metres;

“new ship” means a ship the keel of which is laid, or which is at a similar stage of construction, on or after 1st July 1998;

“passenger” is a person 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; or
- (b) a child under 1 year of age;

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

“pleasure vessel” means—

- (a) any vessel which at the time it is being used is—

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- (a) Merchant Shipping Notice 1837(M) Amendment 2 is available on <https://www.gov.uk/government/publications/msn-1837-m-amendment-2-categorisation-of-waters>, and in hard copy from the Maritime and Coastguard Agency of Spring Place, 105 Commercial Road, Southampton SO15 1EG (telephone 020 3817 2000 and email infoline@mcga.gov.uk).
 - (b) Chapter III was revised and replaced by International Maritime Organization (IMO) Resolution MSC.47(66) (Cm 4064) and has been further amended by IMO Resolutions MSC.91(72) (Cm 9698), MSC.134(76) (Cm 6587), MSC.152(78) (Cm 7205), MSC.170(79), MSC.201(81), MSC.216(82), MSC.256(84), MSC.317(89), MSC.325(90), MSC.338(91), MSC.350(92), MSC.404(96) and MSC.421(98). The amendments to Chapter III are available from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or found on the Foreign and Commonwealth Office treaties database (<https://treaties.fco.gov.uk/responsive/app/consolidatedSearch/>). See footnote (c) for further information on the Convention.
 - (c) Cmnd 7874. The Convention may be obtained in copy from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or found on the Foreign and Commonwealth Office treaties database (<https://treaties.fco.gov.uk/awweb/pdfopener?md=1&did=79786>). The Convention was modified by its Protocol of 1978 (Cmnd. 8277) (<https://treaties.fco.gov.uk/awweb/pdfopener?md=1&did=68013>), which was replaced and abrogated by the Protocol of 1988 (Cm 5044) (<https://treaties.fco.gov.uk/awweb/pdfopener?md=1&did=69573>) with respect to the parties to the 1988 Protocol. The amendments to the Convention are available from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or found on the Foreign and Commonwealth Office treaties database (<https://treaties.fco.gov.uk/responsive/app/consolidatedSearch/>). Hard copies of the Command Papers are available for inspection free of charge but by appointment at the Parliamentary Archives, Houses of Parliament, London SW1A 0PW. The Parliamentary Archives catalogue numbers for the Command Papers are HL/PO/JO/10/11/2031/2878 (Cmnd 7874), HL/PO/JO/10/11/1959/2032 (Cmnd 8277) and HL/PO/JO/10/11/3156/2280 (Cm 5044).

- (i) in the case of a vessel wholly owned by—
 - (aa) an individual or individuals, used only for the sport or pleasure of the owner or the immediate family or friends of the owner; or
 - (bb) a body corporate, used only for sport or pleasure and on which the persons on board are employees or officers of the body corporate, or their immediate family or friends; and
- (ii) on a voyage or excursion which is one for which the owner does not receive money for or in connection with operating the vessel or carrying any person, other than as a contribution to the direct expenses of the operation of the vessel incurred during the voyage or excursion; or
- (b) any vessel wholly owned by or on behalf of a members' club formed for the purpose of sport or pleasure which, at the time it is being used, is used only for the sport or pleasure of members of that club or their immediate family, and for the use of which any charges levied are paid into club funds and applied for the general use of the club,

where, in the case of any vessel referred to in paragraphs (a) or (b), no other payments are made by or on behalf of users of the vessel, other than by the owner; and in this definition “immediate family” means, in relation to an individual, the spouse or civil partner of the individual, and a relative of the individual or the individual’s spouse or civil partner; and “relative” means brother, sister, ancestor or lineal descendant;

“sea” includes any estuary or arm of the sea but does not include Category A, B, C or D waters;

“short international voyage” means an international voyage—

- (a) in the course of which a ship is not more than 200 miles from a port or place in which the passengers and crew could be placed in safety; and
- (b) which does not exceed 600 miles in distance between the last port of call in the country in which the voyage begins and the final port of destination,

and, for the purposes of paragraph (b), the final port of destination is the last port of call in the scheduled voyage at which the ship commences its return voyage to the country in which the voyage began;

“similar stage of construction” means the stage at which—

- (a) construction identifiable with a specific ship begins; and
- (b) assembly of that ship has commenced comprising at least 50 tons or 1% of the estimated mass of all structural material, whichever is less.

Classification of ships

3. For the purposes of these Regulations, ships are classified as set out in Schedule 2.

General application

4.—(1) Subject to paragraphs (2) and (3), these Regulations apply to—

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

(2) These Regulations do not apply to—

- (a) passenger ships of Classes III, IV, V, VI and VI(A);
- (b) ships of war and naval auxiliaries;
- (c) ships owned or operated by a State and engaged only on governmental non-commercial service;
- (d) wooden ships of primitive build;
- (e) pleasure vessels of less than 13.7 metres in length;

- (f) fishing vessels;
- (g) ships solely navigating the Great Lakes of North America and the River St Lawrence as far east as a straight line drawn from Cap des Rosiers to West Point, Anticosti Island and, on the north side of Anticosti Island, the 63rd meridian;
- (h) non-United Kingdom ships which are pleasure vessels of any size;
- (i) high-speed craft to which the Merchant Shipping (High Speed Craft) Regulations 2004(a) apply.

(3) A non-United Kingdom ship flying the flag of a State which is not a party to the Convention is not subject to these Regulations if it would not have been in United Kingdom waters but for stress of weather or any other circumstances which neither the master nor the owner or the charterer could have prevented.

(4) Where persons are on board a ship as a consequence of—

- (a) the circumstances described in paragraph (3); or
- (b) an obligation laid upon the master to carry shipwrecked or other persons(b),

those persons are not to be taken into account for the purpose of determining the application to that ship of any provision of these Regulations.

(5) For the purposes of this regulation, “non-United Kingdom ship” means any ship other than a United Kingdom ship.

Ambulatory reference

5.—(1) In these Regulations, any reference to Chapter III is to be construed—

- (a) as a reference to Chapter III as modified from time to time; and
- (b) as, if Chapter III is replaced, a reference to the replacement.

(2) For the purposes of paragraph (1), Chapter III is modified or replaced if the modification or replacement takes effect in accordance with Article VIII of the Convention.

(3) A modification or replacement of Chapter III has effect at the time such modification or replacement comes into force in accordance with Article VIII of the Convention.

Approval and replacement of life-saving appliances and arrangements

6.—(1) Unless approved under the Merchant Shipping (Marine Equipment) Regulations 2016(c), life-saving appliances required by Part B of Chapter III or Merchant Shipping Notice 1676 (Amendment 1)(d) and placed on board a United Kingdom ship must be approved by the Secretary of State, or any person authorised by the Secretary of State.

(2) Unless approved under the Merchant Shipping (Survey and Certification) Regulations 2015(e), life-saving arrangements required by Part B of Chapter III or Merchant Shipping Notice 1676 (Amendment 1) on board a United Kingdom ship, must be approved by the Secretary of State, or any person authorised by the Secretary of State.

(a) S.I. 2004/302. The Regulations were amended by S.I. 2004/2883, S.I. 2005/2114, S.I. 2012/2636, S.I. 2016/1025 and prospectively by S.I. 2018/1221. There is another amending instrument which is not relevant.

(b) Regulation 33 in Chapter V of the Convention (safety of navigation) places an obligation on the master to provide assistance to persons in distress at sea and this obligation is implemented in the Merchant Shipping (Safety of Navigation) Regulations 2002 (S.I. 2002/1473).

(c) S.I. 2016/1025. The Regulations are amended by this instrument and prospectively by S.I. 2019/470 and S.I. 2019/1304. There is another amending instrument which is not relevant. Annex 2 of Merchant Shipping Notice 1874 (M+F) Amendment 3 (“MSN 1874 Amendment 3”) lists the life-saving appliances that the Secretary of State considers comply with Chapter III and the requirements of the LSA Code. MSN 1874 Amendment 3 is available in hard copy from the Maritime and Coastguard Agency of Spring Place, 105 Commercial Road, Southampton SO15 1EG (telephone 020 3817 2000 and email infoline@mcga.gov.uk).

(d) Merchant Shipping Notice 1676 (Amendment 1) is available on www.gov.uk/topic/ships-cargoes/m-notices and in hard copy from the Maritime and Coastguard Agency (MCA) of Spring Place, 105 Commercial Road, Southampton SO15 1EG (telephone 020 3817 2000 and email infoline@mcga.gov.uk).

(e) S.I. 2015/508, amended by S.I. 2018/53 and prospectively by S.I. 2018/1221.

(3) The Secretary of State, or any person authorised by the Secretary of State, may grant an approval in relation to a United Kingdom ship for anything in Chapter III requiring to be—

- (a) approved by the Administration of the State whose flag the ship is entitled to fly;
- (b) done to the satisfaction of such Administration; or
- (c) acceptable to that Administration^(a).

(4) An approval given under paragraph (1), (2) or (3) may, on the giving of reasonable notice, be continued, altered or cancelled.

(5) Any approval given under paragraph (1), (2) or (3), or a continuation, alteration or cancellation under paragraph (4), must—

- (a) be in writing;
- (b) specify the date on which it takes effect; and
- (c) specify the terms, if any, on which it is given.

(6) The requirement that the approval referred to in paragraph (1), (2) or (3), or a continuation, alteration or cancellation under paragraph (4), be in writing is satisfied where the text of the approval is—

- (a) transmitted by electronic means;
- (b) received in legible form; and
- (c) capable of being used for subsequent reference.

(7) Subject to paragraph (8), any item of life-saving equipment marked with an expiry date—

- (a) ceases to be approved for the purposes of these Regulations on the expiry date; and
- (b) must be replaced on or before the expiry date.

(8) The emergency pack of an inflatable liferaft, which is inspected at the time of the annual servicing of the liferaft and has more than six months remaining before the expiry date at the time of that inspection, may be retained until the next annual service.

Equivalents

7.—(1) Where Part B of Chapter III or Merchant Shipping Notice 1676 (Amendment 1) require that—

- (a) a particular life-saving appliance or type of life-saving appliance (which may include any fitting, material or apparatus) be fitted on, or carried in, a ship;
- (b) any particular life-saving arrangement be made on, or in relation to, a ship; or
- (c) any particular provision be made in relation to a ship,

the Secretary of State may approve any other life-saving appliance, life-saving arrangement or other provision if satisfied that it is at least as effective as that required by Part B of Chapter III or Merchant Shipping Notice 1676 (Amendment 1), as the case may be.

(2) Before giving approval to a novel life-saving arrangement, the Secretary of State must be satisfied that such arrangement has—

- (a) successfully undergone an engineering analysis in accordance with regulation 38.3 of Chapter III (elements of engineering analysis), in the case of ships engaged on international voyages to which Part B of Chapter III applies; or
- (b) successfully complied with the engineering analysis required by Merchant Shipping Notice 1676 (Amendment 1), in the case of ships engaged on international voyages to which Part B of Chapter III does not apply, and in the case of ships engaged on non-international voyages.

^(a) Guidance in relation to the matters requiring the approval of the Secretary of State in Chapter III, and on matters which are acceptable to, or required to be to the satisfaction of, the Secretary of State, is contained in Merchant Shipping Notice 1676 (Amendment 1).

(3) An approval given under paragraph (1) may, on the giving of reasonable notice, be continued, altered or cancelled.

(4) Any approval given under paragraph (1), or a continuation, alteration or cancellation under paragraph (3), must—

- (a) be in writing;
- (b) specify the date on which it takes effect; and
- (c) specify the terms, if any, on which it is given.

(5) The requirement that the approval referred to in paragraph (1), or a continuation, alteration or cancellation under paragraph (3), be in writing is satisfied where the text of the approval is—

- (a) transmitted by electronic means;
- (b) received in legible form; and
- (c) capable of being used for subsequent reference.

Exemptions

8.—(1) Subject to paragraph (3), the Secretary of State may exempt from any provision of Part B of Chapter III or Merchant Shipping Notice 1676 (Amendment 1)—

- (a) a ship or class of ship which, during a voyage, does not proceed more than 20 miles from the nearest land, and where the Secretary of State is satisfied that the sheltered nature and conditions of such a voyage makes it unreasonable or unnecessary to apply the provisions of Part B of Chapter III or Merchant Shipping Notice 1676 (Amendment 1);
- (b) a ship employed in special trades^(a) for the carriage of large numbers of special trade passengers (such as the pilgrim trade) where—
 - (i) the Secretary of State is satisfied that it is impracticable to enforce compliance with the requirements of Part B of Chapter III or Merchant Shipping Notice 1676 (Amendment 1); and
 - (ii) the ship complies with—
 - (aa) the rules annexed to the Special Trade Passenger Ships Agreement, 1971^(b); and
 - (bb) the rules annexed to the Protocol on Space Requirements for Special Trade Passenger Ships, 1973^(c);
- (c) a ship which does not normally engage on international voyages but is, in exceptional circumstances, required to undertake a single international voyage;
- (d) a ship which embodies features of a novel kind if research into the development of those features and their incorporation in ships engaged on international voyages may be seriously impeded if the ship had to comply with the requirements of Part B of Chapter III or Merchant Shipping Notice 1676 (Amendment 1).

(2) Subject to paragraph (3), the Secretary of State may, in exceptional circumstances not provided for in paragraph (1), exempt from any of the provisions of Part B of Chapter III or Merchant Shipping Notice 1676 (Amendment 1) a ship or class of ship if satisfied that compliance with such provision is either impracticable or unreasonable in the case of that ship or class of ship.

(3) An exemption under paragraph (1) or (2) may be granted subject to such safety requirements as the Secretary of State thinks fit to ensure the overall safety of the ship.

(a) “Special trade” is defined in Rule 2 of the Special Trade Passenger Ships Agreement, 1971 (Cmnd 7761).

(b) Cmnd 7761. The Special Trade Passenger Ships Agreement, 1971 is available from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or found on the Foreign and Commonwealth Office treaties database (<http://foto.archivalware.co.uk/data/Library2/pdf/1980-TS0007.pdf>).

(c) Cmnd 7761. The rules annexed to the Protocol on Space Requirements for Special Trade Passenger Ships, 1973 are available from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or found on the Foreign and Commonwealth Office treaties database (<http://foto.archivalware.co.uk/data/Library2/pdf/1980-TS0007.pdf>).

(4) An exemption granted under paragraph (1) or (2) may, on the giving of reasonable notice, be altered or cancelled.

(5) An exemption granted under paragraph (1) or (2), or an alteration or cancellation under paragraph (4), must—

- (a) be in writing;
- (b) specify the date on which it takes effect; and
- (c) specify the terms, if any, on which it is given.

(6) The requirement that an exemption granted under paragraph (1) or (2), or an alteration or cancellation under paragraph (4), be in writing is satisfied where the text of the approval is—

- (a) transmitted by electronic means;
- (b) received in legible form; and
- (c) capable of being used for subsequent reference.

(7) Where an exemption is granted subject to safety requirements, the exemption ceases to have effect if those requirements are not complied with.

PART 2

Requirements for ships constructed before 1st July 1998 and engaged on international voyages

Application

9. This Part applies to ships of Classes I, II, VII, VII(A), VII(T), VIII, VIII(T), IX, XI and XII, the keels of which were laid, or which were at a similar stage of construction, before 1st July 1998, and engaged on international voyages.

Compliance by ships constructed before 1st July 1998

10.—(1) A ship to which this Part applies must comply with each requirement applicable to that ship prescribed by Merchant Shipping Notice 1676 (Amendment 1).

(2) Except for ships of Classes XI and XII, a ship to which this Part applies must comply with each provision of Part B of Chapter III that applies to it^(a).

(3) For the purposes of paragraph (1), where there is a conflict between the requirements of Merchant Shipping Notice 1676 (Amendment 1) and Part B of Chapter III, the latter takes precedence.

Replacement of life-saving appliances and arrangements

11.—(1) This regulation does not apply to ships of Classes XI and XII.

(2) Subject to paragraphs (3) and (4), on a ship to which this Part applies, where—

- (a) life-saving appliances or arrangements are replaced; or
- (b) the ship undergoes repairs, alterations or modifications of a major character which involves replacement of, or any addition to, its life-saving appliances or arrangements,

the replacement or additional life-saving appliances or arrangements must, so far as is reasonably practicable, comply with the requirements of Part B of Chapter III.

(a) Ships constructed before 1st July 1998 are subject to certain specified requirements in Part B of Chapter III, including the provisions that apply to “all ships”. The expression “all ships” is defined in Chapter III and includes all references to “all passenger ships” (including “all ro-ro passenger ships”) and “all cargo ships”.

(3) Any life-saving appliance or arrangement complying with the requirements of Part B of Chapter III is not required to comply with the requirements of Merchant Shipping Notice 1676 (Amendment 1) which would otherwise apply.

(4) Where—

- (a) a survival craft, other than an inflatable liferaft, is replaced but its launching appliance is not; or
- (b) a launching appliance for a survival craft, other than an inflatable liferaft, is replaced but the survival craft is not,

the survival craft or the launching appliance (as the case may be) must be of the same type as that replaced.

(5) For the purposes of paragraph (4), “survival craft” means a craft capable of sustaining the lives of persons in distress from the time of abandoning the ship.

PART 3

Requirements for ships constructed before 1st July 1998 and engaged on non-international voyages

Application

12. This Part applies to ships of Classes II(A), VII(A), VIII(A), VIII(A)(T), IX, IX(A), IX(A)(T), XI and XII, the keels of which were laid, or which were at a similar stage of construction, before 1st July 1998, and not engaged on international voyages.

Compliance by ships constructed before 1st July 1998

13. A ship to which this Part applies must comply with each requirement applicable to that ship prescribed by Merchant Shipping Notice 1676 (Amendment 1).

PART 4

Requirements for new ships engaged on international voyages

Application

14. This Part applies to new ships of Classes I, II, VII, VII(T), VIII, VIII(T), IX, XI and XII engaged on international voyages.

Compliance by new ships of Classes I, II, VII, VII(T), VIII, VIII(T) and IX engaged on international voyages

15. A new ship of Class I, II, VII, VII(T), VIII, VIII(T) or IX, when engaged on an international voyage, must comply with each provision of Part B of Chapter III that applies to it.

Compliance by new ships of Classes XI and XII engaged on international voyages

16. A new ship of Class XI or XII, when engaged on an international voyage, must comply with each requirement applicable to that ship prescribed by Merchant Shipping Notice 1676 (Amendment 1).

Alternative design and arrangements for new ships

17. —(1) Life-saving appliances and arrangements for new ships to which regulation 15 applies, may deviate from the requirements of Part B of Chapter III, provided that the alternative design

and arrangements meet the intent of the requirements in Part B of Chapter III and provide an equivalent level of safety.

(2) In relation to a ship to which regulation 15 applies—

- (a) an alternative design or arrangement must be subjected to an engineering analysis in accordance with regulation 38.3 of Chapter III (elements of engineering analysis); and
- (b) a copy of the engineering analysis must be provided by the owner to the Secretary of State.

(3) In relation to the alternative design or arrangement and the engineering analysis mentioned in paragraph (2)—

- (a) the Secretary of State must evaluate and, if satisfied that the requirements of regulation 38.3 of Chapter III are met, approve the engineering analysis; and
- (b) any amendment to the alternative design or arrangement must, provided the Secretary of State is satisfied that such alternative design or arrangement is at least as effective as that required by these Regulations, be approved by the Secretary of State.

(4) Where the assumptions and operational restrictions that were stipulated in the alternative design or arrangement mentioned in paragraph (2) are changed—

- (a) a further engineering analysis must be carried out which takes into account the changed assumptions and operational restrictions; and
- (b) where the alternative design or arrangement requires amendment, this must be evaluated and approved by the Secretary of State, if satisfied that such alternative design or arrangement is at least as effective as that required by these Regulations.

(5) An approval given under paragraph (3) or (4) may, on the giving of reasonable notice, be continued, altered or cancelled.

(6) An approval given under paragraph (3) or (4), or a continuation, alteration or cancellation under paragraph (5), must—

- (a) be in writing;
- (b) specify the date on which it takes effect; and
- (c) specify the terms, if any, on which it is given.

(7) The requirement that the approval referred to in paragraph (3) or (4), or a continuation, alteration or cancellation under paragraph (5), be in writing is satisfied where the text of the approval is—

- (a) transmitted by electronic means;
- (b) received in legible form; and
- (c) capable of being used for subsequent reference.

(8) A copy of an approval given under paragraph (3) or (4), or a continuation or alteration under paragraph (5), and which confirms that the alternative design or arrangement complies with Chapter III, must be carried on board the ship.

PART 5

Requirements for new ships engaged on non-international voyages and new ships engaged on international voyages to which Part B of Chapter III does not apply

Application

18. This Part applies to new ships of—

- (a) Classes II(A), VIII(A), VIII(A)(T), IX, IX(A), IX(A)(T), XI and XII which are not engaged on international voyages; and

- (b) Classes I, II, VII, VII(T), VIII, VIII(T) and IX which are engaged on international voyages but to which Part B of Chapter III does not apply^(a).

Compliance by new ships

19. A ship to which this Part applies must comply with each requirement applicable to that ship prescribed by Merchant Shipping Notice 1676 (Amendment 1).

PART 6

Control and enforcement

Offences and penalties

20.—(1) If a ship proceeds or attempts to proceed to sea or on any voyage, or arrives within United Kingdom waters, in breach of any of the requirements of these Regulations, Part B of Chapter III or Merchant Shipping Notice 1676 (Amendment 1) applicable to that ship, the owner and the master are each guilty of an offence in respect of each case of non-compliance.

(2) An offence under paragraph (1) is punishable—

(a) on summary conviction—

(i) in England and Wales by a fine; or

(ii) in Scotland or Northern Ireland by a fine not exceeding the statutory maximum; or

(b) on conviction on indictment by imprisonment for a term not exceeding two years, or a fine, or both.

(3) It is a defence for a person charged with an offence under this regulation to prove that the person charged took all reasonable steps to avoid the commission of the offence.

Detention

21.—(1) For the purposes of this regulation, any reference to “the Act” is a reference to the Merchant Shipping Act 1995.

(2) Any ship which does not comply with the requirements of these Regulations, Part B of Chapter III or Merchant Shipping Notice 1676 (Amendment 1) applicable to that ship, may be detained.

(3) Section 284 of the Act^(b) applies where a ship is liable to be detained under this regulation as if—

(a) references to detention of a ship under the Act were references to detention of the ship in question under this regulation; and

(b) subsection (7) were omitted.

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

(a) states the grounds of the detention; and

(b) requires the terms of the notice to be complied with until the ship is released by any person mentioned in section 284(1) of the Act.

(a) Part B of Chapter III does not apply to cargo ships of under 500 gross tons unless expressly provided otherwise in Chapter III. Part B applies to all passenger ships.

(b) Section 284 was amended by Schedule 1 to the Merchant Shipping and Maritime Security Act 1997 (c. 28) and S.I. 2015/664.

(5) Subject to paragraph (6), section 96 (references of detention notices to arbitration)^(a) and section 97 (compensation in connection with invalid detention of a ship) of the Act apply in relation to a detention notice issued pursuant to this regulation as they apply in relation to detention notices issued pursuant to section 95 (power to detain dangerously unsafe ship).

(6) For the purposes of paragraph (5)—

(a) section 96 of the Act applies as if—

(i) subsection (3) were omitted;

(ii) the words “as a dangerously unsafe ship” in subsection (5) were omitted;

(iii) subsection (11) were omitted; and

(b) sections 96 and 97 of the Act apply as if “the relevant inspector” means a person issuing the detention notice pursuant to this regulation.

(7) Subject to paragraph (8), where a ship other than a United Kingdom ship is detained, the Secretary of State must immediately inform the ship’s flag administration in writing.

(8) If it is not possible to inform the ship’s flag administration in accordance with paragraph (7), the Secretary of State must inform the Consul of the State of the flag administration, or in the absence of a Consul, the nearest diplomatic representative of the State of the flag administration.

(9) For the purposes of paragraphs (7) and (8), “flag administration” in relation to a ship means the administration of the State whose flag the ship is entitled to fly.

Review of the Regulations

22.—(1) The Secretary of State must from time to time—

(a) carry out a review of the regulatory provision contained in these Regulations; and

(b) publish a report setting out the conclusions of the review.

(2) The first report must be published before 9th June 2025.

(3) Subsequent reports must be published at intervals not exceeding 5 years.

(4) Section 30(3) of the Small Business, Enterprise and Employment Act 2015^(b) requires that a review carried out under this regulation must, so far as is reasonable, have regard to how the obligations under the Convention are implemented in other countries which are subject to the obligations.

(5) Section 30(4) of the Small Business, Enterprise and Employment Act 2015 requires that a report published under this regulation must, in particular—

(a) set out the objectives intended to be achieved by the regulatory provision referred to in paragraph (1)(a);

(b) assess the extent to which those objectives are achieved;

(c) assess whether those objectives remain appropriate; and

(d) if those objectives remain appropriate, assess the extent to which they could be achieved in another way which involves less onerous regulatory provision.

(6) In this regulation, “regulatory provision” has the same meaning as in sections 28 to 32 of the Small Business, Enterprise and Employment Act 2015 (see section 32 of that Act).

(a) Section 96(7) was amended by Part 1 of Schedule 10 to the Tribunals, Courts and Enforcement Act 2007 (c. 15) and by Schedule 11 to the Constitutional Reform Act 2005 (c. 4). Section 96(10) was repealed by Schedule 4 to the Arbitration Act 1996 (c. 23).

(b) 2015 c. 26. Section 30(3) was amended by section 19 of the Enterprise Act 2016 (c. 12) and Schedule 8 to the European Union (Withdrawal) Act 2018 (c. 16).

Signed by authority of the Secretary of State for Transport

At 9.49 a.m. on 18th May 2020

Kelly Tolhurst
Parliamentary Under Secretary of State
Department for Transport

I consent to the making of these Regulations

14th May 2020

Maggie Throup
Lord Commissioner of Her Majesty's Treasury

SCHEDULE 1

Regulation 1

Part 1

Amendments

Merchant Shipping (Entry into Dangerous Spaces) Regulations 1988

1. The Merchant Shipping (Entry into Dangerous Spaces) Regulations 1988^(a) are amended as follows.

2. In the words before sub-paragraph (a) in regulation 3(1), insert “and to regulation 6(1)”.

3. For regulation 6 (drills), substitute—

“**6.**—(1) This regulation does not apply to ships to which either Part 2 or Part 4 of the Merchant Shipping (Life-Saving Appliances and Arrangements) Regulations 2020^(b) applies.

(2) Subject to paragraph (1), the master of—

- (a) any tanker or gas carrier of 500 tons and over, and
- (b) any other ship of 1000 tons and over,

must ensure that drills simulating the rescue of a crew member from a dangerous space are held at intervals not exceeding two months, and that a record of such drills is entered in the official log book.”

(a) S.I. 1988/1638. There are amending instruments but none is relevant.

(b) S.I. 2020/501.

Merchant Shipping (Small Workboats and Pilot Boats) Regulations 1998

4. The Merchant Shipping (Small Workboats and Pilot Boats) Regulations 1998(a) are amended as follows.

5. In the Schedule, in the table—

- (a) omit the entry for the Merchant Shipping (Life-Saving Appliances for Ships Other Than Ships of Classes III to VI(A)) Regulations 1999;
- (b) at the end—
 - (i) in the first column, insert “The Merchant Shipping (Life-Saving Appliances and Arrangements) Regulations 2020”;
 - (ii) in the second column, insert “2020/501”.

Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) Regulations 1998

6. The Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) Regulations 1998(b) are amended as follows.

7. In Schedule 1 (large vessels), in the table—

- (a) omit the entry for the Merchant Shipping (Life-Saving Appliances for Ships Other Than Ships of Classes III to VI(A)) Regulations 1999;
- (b) at the end—
 - (i) in the first column, insert “The Merchant Shipping (Life-Saving Appliances and Arrangements) Regulations 2020”;
 - (ii) in the second column, insert “2020/501”.

8. In Schedule 2 (small vessels), in the table—

- (a) omit the entry for the Merchant Shipping (Life-Saving Appliances for Ships Other Than Ships of Classes III to VI(A)) Regulations 1999;
- (b) at the end—
 - (i) in the first column, insert “The Merchant Shipping (Life-Saving Appliances and Arrangements) Regulations 2020”;
 - (ii) in the second column, insert “2020/501”.

Merchant Shipping (Musters, Training and Decision Support Systems) Regulations 1999

9. The Merchant Shipping (Musters, Training and Decision Support Systems) Regulations 1999(c) are amended as follows.

10. In regulation 3(2)—

- (a) at the end of sub-paragraph (d)(ii), omit “and”; and
- (b) in sub-paragraph (e), after the words “Merchant Shipping (High Speed Craft) Regulations 2004 apply” insert—
 - “; and
 - (f) ships to which either Part 2 or Part 4 of the Merchant Shipping (Life-Saving Appliances and Arrangements) Regulations 2020 applies.”.

(a) S.I. 1998/1609. There are amending instruments but none is relevant.

(b) S.I. 1998/2771, amended by S.I. 2016/353. There are other amending instruments but none is relevant.

(c) S.I. 1999/2722, amended by S.I. 2004/302 and S.I. 2005/2114.

Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000

11. The Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000(a) are amended as follows.

12. Omit regulation 5(1)(c).

13. In the Schedule, omit paragraph 3.

Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Work at Height) Regulations 2010

14. The Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Work at Height) Regulations 2010(b) are amended as follows.

15. In regulation 5(3)—

(a) omit sub-paragraph (c);

(b) at the end of sub-paragraph (d), omit “and”;

(c) in sub-paragraph (e), after the words “the Merchant Shipping (Safety of Navigation) Regulations 2002” insert—

“; and

(f) the Merchant Shipping (Life-Saving Appliances and Arrangements) Regulations 2020”.

Merchant Shipping (Marine Equipment) Regulations 2016

16. The Merchant Shipping (Marine Equipment) Regulations 2016 are amended as follows.

17. In Schedule 1, omit paragraph 6.

Merchant Shipping (Fees) Regulations 2018

18. The Merchant Shipping (Fees) Regulations 2018(c) are amended as follows.

19. In Schedule 1 (fees under the Merchant Shipping Act 1995), in the table in paragraph 5 (fees for inspections, etc) of Part 1 (surveys, inspections and applications for exemption), in Section E (fire and life-saving)—

(a) omit the entry for the Merchant Shipping (Life-Saving Appliances for Ships Other Than Ships of Classes III to VI(A)) Regulations 1999;

(b) at the end—

(i) in the first column, insert “The Merchant Shipping (Life-Saving Appliances and Arrangements) Regulations 2020”;

(ii) in the second column, insert “2020/501”;

(iii) in the third column, insert “None”.

Part 2

Revocations

Regulations revoked

References

Extent of revocation

-
- (a) S.I. 2000/2687. There are amending instruments but none is relevant.
(b) S.I. 2010/332.
(c) S.I. 2018/1104. There is an amending instrument which is not relevant.

The Merchant Shipping (Life-Saving Appliances For Ships Other Than Ships Of Classes III to VI(A)) Regulations 1999	S.I. 1999/2721	The whole Regulations
The Merchant Shipping (Life-Saving Appliances For Ships Other Than Ships Of Classes III to VI(A)) (Amendment) Regulations 2000	S.I. 2000/2558	The whole Regulations
The Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000	S.I. 2000/2687	Paragraph 3 of the Schedule
The Merchant Shipping (Life-Saving Appliances) (Amendment) Regulations 2001	S.I. 2001/2642	Regulation 6
The Merchant Shipping (Safety of Navigation) Regulations 2002	S.I. 2002/1473	Paragraph 7 of Schedule 1
The Merchant Shipping (Life-Saving Appliances For Ships Other Than Ships Of Classes III to VI(A)) (Amendment) Regulations 2004	S.I. 2004/2259	The whole Regulations
The Merchant Shipping (Miscellaneous Provisions) (Amendments etc.) (EU Exit) Regulations 2018	S.I. 2018/1221	Paragraph 13 of the Schedule

SCHEDULE 2

Regulation 3

Classification of Ships

<i>Passenger ships</i>	<i>Description of class of ship</i>
Class I	ships engaged on voyages any of which are long international voyages;
Class II	ships engaged only on short international voyages;
Class II(A)	ships engaged on voyages of any kind other than international voyages, which are not—
	(i) ships of Classes III to VI(A) as defined in the Merchant Shipping (Passenger Ship Construction: Ships of Classes III to VI(A)) Regulations 1998(a);
	(ii) ships of Classes A, B, C or D as defined in the Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000 and engaged on domestic voyages for the purposes of those Regulations;
Class III	ships engaged only on voyages in the course of which they are at no time more than 70 miles by sea from their point of departure and not more than 18 miles from the coast of the United Kingdom, and which are at sea only in favourable weather and during restricted periods;
Class IV	ships engaged only on voyages in Category A, B, C or D waters;
Class V	ships engaged only on voyages in Category A, B or C waters;
Class VI	ships engaged only on voyages with not more than 250 passengers on board, to sea, or in Category A, B, C or D waters, in all cases in favourable weather and during restricted periods, in the course of which the ships are at no time more than 15 miles, exclusive of any Category A, B, C or D waters, from their point of departure nor more than 3 miles from land;
Class VI(A)	ships carrying not more than 50 passengers for a distance of not more than 6 miles on voyages to or from isolated communities on the islands or coast of the United Kingdom, and which do not proceed for a distance of more than 3 miles from land;

(a) S.I. 1998/2515. There are amending instruments but none is relevant.

<i>Non-passenger ships</i>	<i>Description of class of ship</i>
Class VII	ships, other than ships of Classes I, VII(A), VII(T), XI and XII, engaged on voyages any of which are long international voyages;
Class VII(A)	ships employed as fish processing or canning factory ships, and ships engaged in the carriage of persons employed in the fish processing or canning industries;
Class VII(T)	tankers engaged on voyages any of which are long international voyages;
Class VIII	ships, other than ships of Classes II, VIII(T), IX, XI and XII, engaged only on short international voyages;
Class VIII(A)	ships, other than ships of Classes II(A) to VI(A) inclusive, VIII(A)(T), IX, IX(A), IX(A)(T), XI and XII, engaged only on voyages which are not international voyages;
Class VIII(T)	tankers engaged on voyages any of which are short international voyages;
Class VIII(A)(T)	tankers engaged only on voyages which are not international voyages;
Class IX	tugs and tenders, other than ships of Classes II, II(A), III, VI and VI(A), which proceed to sea but are not engaged on long international voyages;
Class IX(A)	ships, other than ships of Classes IV to VI inclusive, which do not proceed to sea;
Class IX(A)(T)	tankers which do not proceed to sea;
Class XI	sailing ships, other than fishing vessels and ships of Class XII, which proceed to sea;
Class XII	pleasure vessels of 13.7 metres in length or over.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement amendments to Chapter III (life-saving appliances and arrangements) in the Annex to the International Convention on the Safety of Life at Sea, 1974 (“the Convention”), including amendments to the International Life-Saving Appliances Code (“the LSA Code”). They also make provision for life-saving appliances and arrangements in respect of ships to which the Convention does not apply.

The Regulations revoke and replace the Merchant Shipping (Life-Saving Appliances For Ships Other Than Ships Of Classes III To VI(A)) Regulations 1999 (S.I. 1999/2721) and those regulations that amend them. They also amend the Merchant Shipping (Musters, Training and Decision Supports Systems) Regulations 1999 (S.I. 1999/2722) and regulation 6 of the Merchant Shipping (Entry into Dangerous Spaces) Regulations 1988 (S.I. 1988/1638), which implemented certain provisions of Chapter III, in order to remove from their scope ships subject to Parts 2 and 4 of these Regulations. All ships to which Chapter III applies are now regulated in respect of life-saving appliances and arrangements by these Regulations.

The Regulations apply, with certain limited exceptions, to United Kingdom ships and to non-United Kingdom ships in United Kingdom waters, including ships from countries which are not parties to the Convention. They apply to passenger ships of Classes I, II and II(A), and to non-passenger ships of Classes VII, VII(A), VII(T), VIII, VIII(A), VIII(T), VIII(A)(T), IX, IX(A), IX(A)(T), XI and XII. These classes of ship are defined in Schedule 2.

The Regulations contain requirements for the carriage of life-saving appliances and arrangements for existing and new ships and which may be on international or non-international voyages. They deal separately with ships constructed before 1st July 1998 (Parts 2 and 3) and ships constructed on or after 1st July 1998 (Parts 4 and 5).

All future amendments to the provisions of Part B of Chapter III, and the LSA Code, will be automatically incorporated into the Regulations by way of ambulatory reference (regulation 5).

The Regulations provide for the approval of life-saving appliances and arrangements (regulation 6), the approval of equivalents (regulation 7), the granting of exemptions (regulation 8) and the approval of alternative design and arrangements for new ships on international voyages (regulation 17).

The detail of the requirements for ships constructed before 1st July 1998 (whether engaged on international or non-international voyages) is contained in Merchant Shipping Notice 1676 (Amendment 1), which is given statutory force by these Regulations (regulations 10 and 13). The provisions relating to “all ships” in Part B of Chapter III also apply to ships constructed before 1st July 1998 (regulation 10).

Passenger ships and cargo ships constructed on or after 1st July 1998 must comply with the requirements contained in Part B of Chapter III of the Convention that apply to them (regulation 15). Separate provision is also made for ships of Class XI (sailing ships, other than fishing vessels and ships of Class XII, which proceed to sea) and Class XII (pleasure vessels of 13.7 metres in length or over) engaged on international voyages and to which the Convention does not apply; the requirements applicable to them are prescribed by Merchant Shipping Notice 1676 (Amendment 1) (regulation 16).

New ships engaged only on non-international voyages, and those new ships to which the Convention does not apply due to size, must comply with the requirements prescribed in Merchant Shipping Notice 1676 (Amendment 1) (regulation 19).

The Regulations also provide that where any ship proceeds or attempts to proceed to sea in breach of the requirements of the Regulations, Part B of Chapter III or Merchant Shipping Notice 1676 (Amendment 1), this is an offence by the owner and master (regulation 20). In cases of non-

compliance with the Regulations, Part B of Chapter III or Merchant Shipping Notice 1676 (Amendment 1), a ship may also be detained (regulation 21).

Regulation 22 requires the Secretary of State to review the operation and effect of these Regulations and publish a report before 9th June 2025 and at intervals not exceeding five years after that. Following a review, it will fall to the Secretary of State to consider whether the Regulations should remain as they are, or be amended or revoked. A further instrument would be needed to amend or revoke the Regulations.

Merchant Shipping Notice 1676 (Amendment 1) also provides guidance on how the Secretary of State will exercise discretion in relation to new ships on international voyages where Chapter III or the LSA Code permits this.

All Merchant Shipping Notices referred to in these Regulations are available on www.gov.uk/topic/ships-cargoes/m-notices and in hard copy from the Maritime and Coastguard Agency (MCA) of Spring Place, 105 Commercial Road, Southampton SO15 1EG (telephone 020 3817 2000 and email infoline@mca.gov.uk).

The Convention and its Protocol of 1988 may be obtained in copy from the International Maritime Organization (IMO), 4 Albert Embankment, London SE1 7SR and both are available on the Foreign and Commonwealth Office (FCO) treaties database (<https://treaties.fco.gov.uk/responsive/app/consolidatedSearch/>). The text of the IMO Resolutions amending the Convention and Protocol may be obtained from the IMO or can be found on the FCO treaties database (<https://treaties.fco.gov.uk/responsive/app/consolidatedSearch/>).

Future amendments to the Convention and to the Protocol may be obtained in copy from the IMO and, after coming into force in the United Kingdom, found on the Foreign and Commonwealth Office (FCO) treaties database (<https://treaties.fco.gov.uk/responsive/app/consolidatedSearch/>). Until such publication is made on the FCO treaties database, an amendment will be available from the MCA and on <https://www.gov.uk>. An amendment will be publicised in advance of its in-force date by means of a Parliamentary Statement to both Houses of Parliament and by way of a Marine Guidance Note, which will be available in copy from the MCA and on <https://www.gov.uk>.

A full impact assessment has not been produced for this instrument as the Regulations relate to the updating and maintenance of existing regulatory standards and no, or no significant, impact on the private or voluntary sector is foreseen.

An Explanatory Memorandum is published alongside the instrument on www.legislation.gov.uk.

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