

SCHEDULE 1

Regulation 2

Part 1

Amendments to the Merchant Shipping (Radio Installations) Regulations 1998

1. The Merchant Shipping (Radio Installations) Regulations 1998(1) are amended as follows.
2. In regulation 2 (interpretation)—
 - (a) omit the definition of “1984 Regulations”;
 - (b) after the definition of “cargo ship”, insert—

““category A, B, C and D waters” means the waters specified as such in Merchant Shipping Notice (MSN) 1837(M) Amendment 2(2);”;
 - (c) omit the definitions of “certificated radio operator”;
 - (d) omit the definition of “first periodical survey”;
 - (e) before the definition of “general radiotelecommunications” insert—

““fishing vessel” means a ship used for catching fish, whales, seals, walrus or other living resources of the sea;”;
 - (f) after the definition of “general radiotelecommunications” insert—

““gross tonnage” means gross tonnage as determined in accordance with regulation 6 or 12(1) of the Merchant Shipping (Tonnage) Regulations 1997;”;
 - (g) in the definition of “interference”, for “Wireless Telegraphy Act 1949(3)” substitute “Wireless Telegraphy Act 2006(4)”;
 - (h) after the definition of “interference”, insert—

““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 country other than the United Kingdom and a port in any other country or territory which is outside the United Kingdom;”;
 - (i) omit the definition of “Maritime and Coastguard Agency”;
 - (j) for the definition of “Merchant Shipping Notice” substitute—

““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;”;
 - (k) omit the definitions of “non-GMDSS ship” and “Organisation”;
 - (l) after the definition of “Merchant Shipping Notice”, as substituted by sub-paragraph (j), insert—

““non-United Kingdom ship” means any ship other than a United Kingdom ship;
“passenger” is a person other than—

(1) S.I. 1998/2070, amended by S.I. 2000/2687; there are other amending instruments but none is relevant.

(2) 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 (MCA) of Spring Place, 105 Commercial Road, Southampton SO15 1EG (telephone 020 3817 2000 and email infoline@mcga.gov.uk).

(3) 1949 c. 54.

(4) 2006 c. 36.

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- (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; and
 - (b) a child under one year of age;”;
 - (m) in the definition of “Radio Regulations”, for “International Telecommunication Convention” to the end substitute “Constitution and Convention of the International Telecommunication Union, 1992;”;
 - (n) omit the definitions of “similar stage of construction” and “tons”.
3. For regulation 3 (application) substitute—
- “3.—(1) Subject to paragraph (2), these Regulations apply to—
- (a) United Kingdom ships, wherever they may be; or
 - (b) non-United Kingdom ships in United Kingdom waters.
- (2) These Regulations do not apply to—
- (a) ships of war and naval auxiliaries;
 - (b) ships owned or operated by a state and engaged only on governmental non-commercial service;
 - (c) ships engaged on an international voyage;
 - (d) ships operating only in category A, B, C and D waters;
 - (e) ships not propelled by mechanical means;
 - (f) cargo ships of less than 300 gross tonnage;
 - (g) pleasure vessels;
 - (h) fishing vessels;
 - (i) ships to which the Merchant Shipping (Radiocommunications) (Amendment) Regulations 2021⁽⁵⁾ apply;
 - (j) ships to which the Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000 apply;
 - (k) ships to which the Merchant Shipping (High Speed Craft) Regulations 2004 apply; and
 - (l) ships while being navigated within the Great Lakes of North America and their connecting and tributary waters as far east as the lower exit of St. Lambert Lock in Montreal in the Province of Quebec, Canada.”.
4. In regulation 5 (equivalents and exemptions)—
- (a) in paragraph (2), for “the bodies and laboratories of any EEA State” substitute “bodies and laboratories”;
 - (b) for paragraph (3) substitute—

“(3) Where paragraph (4) applies, the Secretary of State may grant an exemption from the requirements of these Regulations in respect of a ship provided the functional requirements in paragraph 2 of Merchant Shipping Notice 1903 (M)⁽⁶⁾ are satisfied in respect of that ship.
 - (4) This paragraph applies—

⁽⁵⁾ S.I. 2021/1316.

⁽⁶⁾ Merchant Shipping Notice 1903 (M) is available on <https://www.gov.uk/government/collections/merchant-shipping-notice-1903> 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).

- (a) if the conditions in respect of that ship affecting safety are such as to render the full application of the requirements in regulation 8 unreasonable; or
 - (b) in exceptional circumstances in respect of a single voyage in relation to which the ship is not equipped.
- (5) Where paragraph (4) does not apply, the Secretary of State may, in exceptional circumstances, grant an exemption from any provision of these Regulations 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.
- (6) An exemption granted under paragraph (3) or (5) may—
- (a) be granted subject to such safety requirements as the Secretary of State thinks fit to ensure the overall safety of the ship; and
 - (b) on the giving of reasonable notice, be altered or cancelled.
- (7) An exemption granted under paragraph (3) or (5), or an alteration or cancellation under paragraph (6)(b), 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.
- (8) The requirement that an exemption granted under paragraph (3) or (5), or an alteration or cancellation under paragraph (6)(b), be in writing is satisfied where the text of the exemption, alteration or cancellation is—
- (a) transmitted by electronic means;
 - (b) received in legible form; and
 - (c) capable of being used for subsequent reference.
- (9) Where an exemption granted under paragraph (3) or (5) is granted subject to safety requirements under paragraph (6)(a), the exemption ceases to have effect if those requirements are not complied with.”.
5. In regulation 6 (performance standards), in paragraph (1)—
- (a) omit sub-paragraphs (a) and (c);
 - (b) omit “and those standards” to the end.
6. In regulation 7 (interpretation of Part II)—
- (a) in the definition of “DSC”, for “a Merchant Shipping Notice” substitute “Section 5 of Annex 1 to Merchant Shipping Notice 1874 (M+F) Amendment 4”;
 - (b) omit the definition of “EPIRB”;
 - (c) in the definition of ““GMDSS general operator’s certificate” and “GMDSS restricted operator’s certificate””, for “section 7(2) of the Wireless Telegraphy Act 1949” substitute “Part 2 of the Wireless Telegraphy Act 2006”;
 - (d) omit the definitions of “INMARSAT” and “radar transponder”;
 - (e) after the definition of “radio log” insert—
““recognised mobile satellite service” means any service which operates through a satellite system and is recognized by the International Maritime Organization, for use in the GMDSS;”.
7. For regulation 8, substitute—

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“8. A ship must comply with each requirement applicable to that ship prescribed by Merchant Shipping Notice 1903 (M).”.

8. Regulations 11 to 15 are omitted.
9. In regulation 16 (radio watches)—
 - (a) in paragraph (1), in sub-paragraph (d), for “an INMARSAT” substitute “a recognised mobile satellite service”;
 - (b) omit paragraphs (3) and (4).
10. In regulation 17 (sources of energy)—
 - (a) in paragraph (2)—
 - (i) omit “INMARSAT”;
 - (ii) omit “1984 Regulations or the”;
 - (iii) after “the Merchant Shipping (Cargo Ship Construction) Regulations 1997(7)” insert “or the Merchant Shipping (Passenger Ship Construction: Ships of Classes I, II or II(A)) Regulations 1998(8)”.
 - (b) in paragraph (10), in sub-paragraphs (e) and (f), for “an INMARSAT” substitute “a”.
11. In regulation 18 (serviceability and maintenance requirements), in paragraph (6), for “Merchant Shipping Notice No M 1475” substitute “Merchant Shipping Notice 1690 (M) Amendment 1(9)”.
12. In regulation 19 (radio personnel)—
 - (a) in paragraph (3), for “subsection D of Section IIIA of Article 55 of the Radio Regulations” substitute “Section III of Article 47 of the Radio Regulations”; and
 - (b) in paragraph (4), for “sub-section C of Section IIIA of Article 55 of the Radio Regulations” substitute “Section III of Article 47 of the Radio Regulations”.
13. Omit regulations 21 to 48.
14. For regulation 49 (power to detain) substitute—

“Power to detain

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

(2) Subject to paragraph (10), a ship which does not comply with a requirement in these Regulations or Merchant Shipping Notice 1903 (M) applicable to that ship may be detained.

(3) Section 284 of the Act 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

(7) S.I. 1997/1509, amended by S.I. 1999/643; there are other amending instruments but none is relevant.

(8) S.I. 1998/2514, amended by S.I. 2000/2687; there are other amending instruments but none is relevant.

(9) Merchant Shipping Notice 1690 (M) is available on <https://www.gov.uk/government/collections/merchant-shipping-notice-1690> 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).

(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.

(5) Subject to paragraph (6), section 96 (references of detention notices to arbitration) 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 non-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.

(10) A ship must not be detained in a port where repair facilities are not readily available by reason of malfunction of the equipment for providing general radiocommunications referred to in paragraph 2.1.8 of Merchant Shipping Notice 1903 (M) if the ship is capable of performing all other distress and safety functions as required by that Merchant Shipping Notice.”.

15. In regulation 50 (penalties), in paragraph (1), omit “radiotelephone operator or radio officer or a”.

16. After regulation 51 insert—

“Review of Regulations

52.—(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 24th December 2026.

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

(4) 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.

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(5) 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).”.

17. Omit Schedules 1 and 4 to 7.

Part 2

Amendments to other instruments

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

18. The Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) Regulations 1998⁽¹⁰⁾ are amended as follows.

19. In Schedule 1 (large vessels), in the table, in respect of the entry for the Merchant Shipping (Radio Installations) Regulations 1998, in the third column after “2011/1043” insert “; 2016/1025; 2021/1316”.

The Merchant Shipping (Fees) Regulations 2018

20. The Merchant Shipping (Fees) Regulations 2018⁽¹¹⁾ are amended as follows.

21. 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 H (radio and navigational equipment), in respect of the entry for the Merchant Shipping (Radio Installations) Regulations 1998, in the third column, at the end insert “2021/1316”.

SCHEDULE 2

Regulation 12

Equipment tests and reserve power checks

1. At least once every day—
 - (a) the proper functioning of the DSC facilities must be tested, without radiation of signals, by use of the means provided on the equipment;
 - (b) batteries providing a source of energy for any part of the radio installations must be tested and, where necessary, brought up to the fully charged condition.
2. At least once every week—
 - (a) subject to paragraph 3, the proper operation of the DSC facilities must be tested by means of a test call, when within communication range of a coast station fitted with DSC equipment;
 - (b) where the reserve source of energy is not a battery (for example, a motor generator), the reserve source of energy must be tested.
3. Where a ship has been out of communication range of a coast station fitted with DSC equipment for a period of longer than one week, a test call must be made on the first opportunity that the ship is within communication range of such a coast station.
4. At least once every month—

⁽¹⁰⁾ S.I. 1998/2771, amended by S.I. 2000/482, 2016/353, 2018/242, 2020/501 and 2020/673; there are other amending instruments but none is relevant.

⁽¹¹⁾ S.I. 2018/1104, to which there are amendments not relevant to these Regulations.

- (a) each satellite EPIRB must be examined to determine its capability to operate properly, particularly its ability to float free (where required to do so) in the event of the ship sinking, its security and for signs of damage;
- (b) each search and rescue locating device (radio or AIS) must be checked for security and signs of damage;
- (c) each survival craft two-way VHF equipment must be tested on a frequency other than 156.8 MHz (VHF Channel 16);
- (d) a check must be made on—
 - (i) the security and condition of all batteries providing a source of energy for any part of a radio installation; and
 - (ii) the battery connections and compartment.

5. In this Schedule—

“AIS” means automatic identification system;

“DSC” means Digital Selective Calling being a technique using digital codes which enables a radio station to establish contact with, and transfer information to, another station or group of stations, and complying with the relevant recommendations as specified in Section 5 of Annex 1 to Merchant Shipping Notice 1874 (M+F) Amendment 4(12);

“EPIRB” means an emergency position indicating radio beacon capable of transmitting a distress alert either through the COSPAS/SARSAT polar orbiting satellite service operating in the 406 MHz band;

“mobile-satellite service” means a radiocommunication service between—

- (a) mobile earth stations and one or more space stations, or between space stations used by this service; or
 - (b) mobile earth stations by means of one or more space stations,
- and this service may also include feeder links necessary for its operation;

“satellite EPIRB” means an EPIRB which is in the mobile-satellite service.

(12) Merchant Shipping Notice 1874 (M+F) Amendment 4 is available on <https://www.gov.uk/government/publications/msn-1874mf-amendment-4-marine-directive-other-approval-and-standards> 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).