
STATUTORY INSTRUMENTS

2021 No. 1401

The Merchant Shipping (Polar Code) (Safety) Regulations 2021

PART 1

Preliminary

Application

- 3.—(1) Subject to paragraph (3), these Regulations apply to—
- (a) United Kingdom ships which are operating, or which intend to operate, in polar waters and are certified in accordance with the Merchant Shipping (Survey and Certification) Regulations 2015; and
 - (b) non-United Kingdom ships certified as described in paragraph (2) which—
 - (i) commence a voyage from a port in the United Kingdom or end a voyage in a port in the United Kingdom; and
 - (ii) as part of that voyage operate, or intend to operate, in polar waters.
- (2) For the purposes of paragraph (1), a non-United Kingdom ship is certified if—
- (a) in the case of a ship flying the flag of a Convention country, it is certified in accordance with Chapter I; and
 - (b) in the case of a ship flying the flag of a non-Convention country, it is certified in accordance with the requirements of that country which demonstrate compliance with Chapter I.
- (3) These Regulations do not apply to—
- (a) ships of war and naval auxiliary ships;
 - (b) ships owned or operated by a State and engaged only on governmental non-commercial service;
 - (c) cargo ships of less than 500 gross tons;
 - (d) ships not propelled by mechanical means;
 - (e) wooden ships of primitive build;
 - (f) pleasure vessels;
 - (g) fishing vessels;
 - (h) 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.
- (4) A non-United Kingdom ship flying the flag of a State which is a non-Convention country is not subject to these Regulations if it would not have been in a United Kingdom port but for stress of weather or any other circumstances which the master, owner or charterer could not have prevented.
- (5) Where persons are on board a ship as a consequence of—
- (a) the circumstances described in paragraph (4); or

(b) an obligation laid upon the master to carry shipwrecked or other persons⁽¹⁾, 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.

(6) For the purposes of paragraph (3)—

“cargo ship” means any ship which is not a passenger ship;

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

“gross tons” means gross tonnage determined in accordance with regulation 6 or 12(1) of the Merchant Shipping (Tonnage) Regulations 1997⁽²⁾;

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

“pleasure vessel” means—

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

(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 paragraph (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.

Commencement Information

II Reg. 3 in force at 6.1.2022, see [reg. 1\(1\)](#)

(1) 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 2020 (S.I. 2020/673).

(2) S.I. 1997/1510, amended by S.I. 2020/362. There are other amendments but none is relevant to these Regulations.

Changes to legislation:

There are currently no known outstanding effects for the The Merchant Shipping (Polar Code) (Safety) Regulations 2021, Section 3.