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STATUTORY INSTRUMENTS

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**2022 No. 1219**

**The Merchant Shipping (High Speed Craft) Regulations 2022**

**PART 1**

**Preliminary**

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Merchant Shipping (High Speed Craft) Regulations 2022 and come into force 21 days after the day on which they are made.

(2) These Regulations extend to England and Wales, Scotland and Northern Ireland.

**Amendments and revocations**

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

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

**Interpretation**

3.—(1) In these Regulations—

“cargo craft” means a high speed craft, other than a passenger craft, which is capable of maintaining the main functions and safety systems of unaffected spaces after damage in any one compartment on board;

“Chapter X” means Chapter X (safety measures for high speed craft) in the Annex to the Convention<sup>(1)</sup>;

“constructed” means, in relation to a craft, that the keel of the craft is laid or that the craft is at a similar stage of construction;

“Convention” means the International Convention for the Safety of Life at Sea, 1974<sup>(2)</sup>;

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- (1) Chapter X in the Annex to the Convention (see the footnote to the definition of Convention in this regulation) was adopted by International Maritime Organization (IMO) Resolution MSC.36(63) on 24th May 1994 and came into force on 1st January 1996. Chapter X has been amended by IMO Resolution MSC.99(73) (Cm 6001). The amendment to Chapter X is available from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or found on the Foreign, Commonwealth and Development Office treaties database (<https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch/>).
- (2) 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, Commonwealth and Development Office treaties database (<https://treaties.fcdo.gov.uk/awweb/pdfopener?md=1&did=79786>). The Convention was modified by its Protocol of 1978 (Cmnd. 8277) (<https://treaties.fcdo.gov.uk/awweb/pdfopener?md=1&did=68013>), which was replaced and abrogated by the Protocol of 1988 (Cm 5044) (<https://treaties.fcdo.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, Commonwealth and Development Office treaties database (<https://treaties.fcdo.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).

“craft” means ships and hovercraft;

“domestic voyage” means a voyage that is not an international voyage;

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

“gross tonnage” means gross tonnage determined in accordance with regulation 6 or 12(1) of the Merchant Shipping (Tonnage) Regulations 1997(3);

“high speed craft” has the same meaning as in regulation 1.3 of Chapter X;

“High-Speed Craft Code, 1994” has the same meaning as in regulation 1.1 of Chapter X(4);

“High-Speed Craft Code, 2000” has the same meaning as in regulation 1.2 of Chapter X(5);

“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;

“maximum speed” means the speed achieved at the maximum continuous propulsion power for which the craft is certified at maximum operational weight and in smooth water;

“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;

“non-United Kingdom high speed craft” means a high speed craft other than a United Kingdom high speed craft;

“operational speed” means 90 per cent of the maximum speed of which the craft is capable;

“passenger” means 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 one year of age;

“passenger craft” means a high speed craft carrying more than 12 passengers;

“place of refuge” means any naturally or artificially sheltered area which may be used as a shelter by craft under conditions likely to endanger its safety;

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- (3) [S.I. 1997/1510](#), amended by [S.I. 1998/1916](#), [1999/3206](#) and [2020/362](#); there are other amending instruments but none is relevant.
  - (4) The High-Speed Craft Code, 1994 was adopted by International Maritime Organization (IMO) Resolution MSC.36(63) at the conference on 24th May 1994 which came into force on 1st January 1996. The Code has been amended by IMO Resolutions MSC.119(74) (Cm 6652), MSC.174(79), MSC.221(82), MSC.259(84), MSC.351(92), MSC.423(98) and MSC.438(99). The amendments to the Code are available from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or found on the Foreign, Commonwealth and Development Office treaties database (<https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch/>). See footnote (a) for further information on the Convention.
  - (5) The High-Speed Craft Code, 2000 was adopted by International Maritime Organization (IMO) Resolution MSC.97(73) on 5th December 2000 and came into force on 1st July 2002. The Code has been amended by IMO Resolutions MSC.175(79), MSC.222(82), MSC.260(84), MSC.271(85), MSC.326(90), MSC.352(92), MSC.424(98) and MSC.439(99). The amendments to the Code are available from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or found on the Foreign, Commonwealth and Development Office treaties database (<https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch/>). See footnote (a) for further information on the Convention.

“pleasure craft” means—

- (a) any craft which at the time it is being used is—
  - (i) in the case of a craft 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 craft or carrying any person, other than as a contribution to the direct expenses of the operation of the craft incurred during the voyage or excursion; or
- (b) any craft 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 craft referred to in paragraph (a) or (b), no other payments are made by or on behalf of users of the craft, 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 area” has the same meaning as in regulation 2 of the Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000(6);

“seagoing” means going to sea beyond the limits of category A, B, C or D waters, as categorised in Merchant Shipping Notice 1837 (M)(7);

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

- (a) construction identifiable with a specific craft begins, and
- (b) assembly of that craft has commenced comprising at least 50 tonnes or 3 per cent of the estimated mass of all structural material, whichever is less;

“United Kingdom high speed craft” means a high speed craft which is a United Kingdom ship or a hovercraft registered in the United Kingdom;

“valid” means in force.

(2) Where a high speed craft is operated by a person other than its owner, whether on behalf of the owner or some other person, or on that person’s own behalf, a reference in these Regulations to the owner must be construed as including a reference to that person.

(3) References to proceeding to sea or on a voyage over water include proceeding on or over land, so far as such proceeding is part of that voyage.

## Application

4.—(1) Subject to paragraphs (2) and (3), these Regulations apply to every high speed craft which—

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(6) S.I. 2000/2687, amended by S.I. 2004/302, 2010/680, 2010/1075, 2012/2636, 2018/1221 and 2020/1222; there are other amending instruments but none is relevant.

(7) Merchant Shipping Notice 1837 (M) was published in April 2013 and is available on [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/563028/MSN1837.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/563028/MSN1837.pdf) 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](mailto:infoline@mca.gov.uk)).

- (a) is a United Kingdom high speed craft, wherever it may be, or a non-United Kingdom high speed craft while it is within United Kingdom waters;
  - (b) was constructed—
    - (i) on or after 1st January 1996; or
    - (ii) before 1st January 1996 and to which repairs, alterations or modifications, or outfitting of a major character are made on or after 1st January 1996; and
  - (c) is—
    - (i) a passenger craft which does not proceed in the course of its voyage more than 4 hours at operational speed from a place of refuge when fully laden,
    - (ii) a craft which is carrying passengers for hire or reward which is not a passenger craft and which does not proceed in the course of its voyage more than 4 hours at operational speed from a place of refuge when fully laden,
    - (iii) a cargo craft of 500 gross tonnage or more which does not proceed in the course of its voyage more than 8 hours at operational speed from a place of refuge when fully laden, or
    - (iv) a cargo craft of less than 500 gross tonnage which is carrying cargo for hire or reward and which does not proceed in the course of its voyage more than 8 hours at operational speed from a place of refuge when fully laden.
- (2) These Regulations do not apply to—
- (a) a warship or a naval auxiliary;
  - (b) a craft owned or operated by a State and engaged only on governmental non-commercial service;
  - (c) a craft not propelled by mechanical means;
  - (d) a wooden craft of primitive build;
  - (e) a pleasure craft;
  - (f) a fishing craft;
  - (g) a craft 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) a craft which has been examined, and in respect of which a certificate has been issued, in accordance with a Code of Practice referred to in regulations 4 or 5 of the Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) Regulations 1998<sup>(8)</sup>;
  - (i) a craft which has been examined, and in respect of which a certificate has been issued, in accordance with a Code of Practice referred to in regulation 5 of the Merchant Shipping (Small Workboats and Pilot Boats) Regulations 1998<sup>(9)</sup>;
  - (j) a craft to which the Merchant Shipping (High Speed Offshore Service Craft) Regulations 2022 apply<sup>(10)</sup>;
  - (k) a passenger craft engaged on domestic voyages in sea areas B, C or D when—
    - (i) the displacement of that craft corresponding to the design waterline is less than 500m<sup>3</sup>; and

<sup>(8)</sup> S.I. 1998/2771, amended by S.I. 2000/482, 2005/2114, 2014/1614, 2016/353, 2018/242, 2018/1221 and 2020/673. The expression “Code of Practice” is defined in regulations 4(1A) and 5(2) respectively.

<sup>(9)</sup> S.I. 1998/1609, amended by S.I. 2016/354, 2018/1221 and 2020/673. There is another amendment which is not relevant. The expression “Code of Practice” is defined in regulation 3(1).

<sup>(10)</sup> S.I. 2022/41.

- (ii) the maximum speed of that craft, as defined in paragraph 1.4.30 of the High-Speed Craft Code, 1994 or where applicable, paragraph 1.4.38 of the High-Speed Craft Code, 2000, is less than 20 knots.

(3) A non-United Kingdom high speed craft 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 craft 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<sup>(11)</sup>,

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

### **Ambulatory reference**

5.—(1) In these Regulations, any reference to Chapter X, the High-Speed Craft Code, 1994 or the High-Speed Craft Code, 2000 is to be construed—

- (a) as a reference to Chapter X, the High-Speed Craft Code, 1994 or the High-Speed Craft Code, 2000 as modified from time to time; and
- (b) as, if Chapter X, the High-Speed Craft Code, 1994 or the High-Speed Craft Code, 2000 is replaced, a reference to the replacement.

(2) For the purposes of paragraph (1), Chapter X, the High-Speed Craft Code, 1994 or the High-Speed Craft Code, 2000 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 X, the High-Speed Craft Code, 1994 or the High-Speed Craft Code, 2000 has effect at the time such modification or replacement comes into force in accordance with Article VIII of the Convention.

### **Exemptions**

6.—(1) The Secretary of State may grant an exemption from any provision of these Regulations in respect of a craft which does not normally engage on international voyages but is, in exceptional circumstances, required to undertake a single international voyage.

(2) The Secretary of State may grant an exemption from a requirement of regulation 9 in respect of a craft where the High-Speed Craft Code, 1994 or the High-Speed Craft Code, 2000 permits an exemption to be granted by the Administration of the State whose flag the craft is entitled to fly, provided the Secretary of State is satisfied that any conditions applicable to such exemption are met.

(3) The Secretary of State may, in exceptional circumstances not provided for in paragraph (1) or (2), grant an exemption from any provision of these Regulations in respect of a craft or class of craft if satisfied that compliance with such provision is either impracticable or unreasonable in the case of that craft or class of craft.

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

(5) An exemption granted under paragraph (1), (2) or (3) may, on the giving of reasonable notice, be altered or cancelled.

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<sup>(11)</sup> Regulation 33 of Chapter V in the Annex to the Convention 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).

(6) An exemption granted under paragraph (1), (2) or (3), or an 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 an exemption granted under paragraph (1), (2) or (3), or an alteration or cancellation under paragraph (5), 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.

(8) Where an exemption is granted subject to safety requirements under paragraph (4), the exemption ceases to have effect if those requirements are not complied with.

### **Equivalents**

7.—(1) Where the provisions of Chapter X, the High-Speed Craft Code, 1994 or the High-Speed Craft Code, 2000 require that—

- (a) a particular fitting, material, appliance or apparatus be fitted on, or carried in, a craft;
- (b) any particular arrangement be made on, or in relation to, a craft; or
- (c) any particular provision be made in relation to a craft,

the Secretary of State may approve any other fitting, material, appliance, apparatus, arrangement or other provision if satisfied that it is at least as effective as that required by Chapter X, the High-Speed Craft Code, 1994 or the High-Speed Craft Code, 2000.

(2) The Secretary of State may, in circumstances not provided for in paragraph (1), in relation to any requirement of a provision of Chapter X, the High-Speed Craft Code, 1994 or the High-Speed Craft Code, 2000 for a craft or class of craft, approve an alternative arrangement if satisfied that compliance with such requirement is impracticable in the case of that craft or class of craft, subject to such safety requirements as the Secretary of State thinks fit to ensure the overall safety of the craft.

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

(4) Any approval given under paragraph (1) or (2), 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 (2), or a continuation, alteration or cancellation in paragraph (3), be in writing is satisfied where the text of the approval, continuation, alteration or cancellation is—

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

(6) Where an approval is granted subject to safety requirements under paragraph (2), the approval ceases to have effect if those requirements are not complied with.

## **Approvals**

**8.—(1)** The Secretary of State, or any person authorised by the Secretary of State, may grant an approval in relation to a United Kingdom high speed craft for anything in Chapter X, the High-Speed Craft Code, 1994 or the High-Speed Craft Code, 2000 requiring to be—

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

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

(3) Any approval given under paragraph (1), or a continuation, alteration or cancellation under paragraph (2), 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.

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

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