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STATUTORY INSTRUMENTS

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**2022 No. 1219**

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

**PART 1**

**Preliminary**

**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>;

“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<sup>(3)</sup>;

“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<sup>(4)</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).
- (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

“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;

“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

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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.fcd.o.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.fcd.o.gov.uk/responsive/app/consolidatedSearch/>). See footnote (a) for further information on the Convention.

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.

#### Commencement Information

- II** Reg. 3 in force at 19.12.2022, see [reg. 1\(1\)](#)

(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@mcga.gov.uk](mailto:infoline@mcga.gov.uk)).

**Changes to legislation:**

There are currently no known outstanding effects for the The Merchant Shipping (High Speed Craft) Regulations 2022, Section 3.