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STATUTORY INSTRUMENTS

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**2023 No. 246**

**The Merchant Shipping (Cargo and Passenger Ship Construction and Miscellaneous Amendments) Regulations 2023**

**PART 2**

**General**

**Application**

- 4.—(1) Subject to paragraph (2), 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) ships of war or 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 tonnage;
  - (d) ships not propelled by mechanical means;
  - (e) wooden ships of primitive build;
  - (f) pleasure vessels;
  - (g) fishing vessels;
  - (h) ships to which the Merchant Shipping (Cargo Ship Construction) Regulations 1997(1) apply;
  - (i) ships to which the Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000(2) apply;
  - (j) craft to which the Merchant Shipping (High Speed Craft) Regulations 2022(3) apply;
  - (k) 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.
- (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 the master, owner or charterer could not have prevented.
- (4) Where persons are on board a ship as a consequence of—
- (a) the circumstances described in paragraph (3); or

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(1) S.I. 1997/1509, amended by S.I. 1997/2971, 1999/643, 2004/302, 2004/2151, 2005/2114 and 2018/1221.

(2) S.I. 2000/2687, amended by S.I. 2002/1473, 2004/302, 2004/2883, 2010/680, 2012/2636, 2018/53, 2018/1221, 2020/501 and 2020/1222; there are other amending instruments but none is relevant.

(3) S.I. 2022/1219.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(b) an obligation laid upon the master to carry shipwrecked or other persons<sup>(4)</sup>, 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.

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(4) 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. This obligation is implemented in the Merchant Shipping (Safety of Navigation) Regulations 2020 (S.I. 2020/673).