
STATUTORY INSTRUMENTS

2023 No. 984

The Merchant Shipping (Inspections of Ro-Ro Passenger Ships and High-Speed Passenger Craft) Regulations 2023

Interpretation

2.—(1) In these Regulations—

“the Act” means the Merchant Shipping Act 1995;

“annual flag State survey” means a survey in accordance with the HSSC carried out by the State whose flag a ship is entitled to fly;

“company”, in relation to a ro-ro passenger ship or a high-speed passenger craft, means—

- (a) where Chapter 9 of SOLAS applies, a reference to the person who has assumed responsibility for the duties and responsibilities imposed by the International Management Code for Safe Operation of Ships and for Pollution Prevention (the ISM Code)(1); or
- (b) where Chapter 9 of SOLAS does not apply—
 - (i) the owner of the ship or craft; or
 - (ii) the person (such as the manager or bareboat charterer) who has assumed responsibility for the operation of the ship or craft from the owner;

“dangerous goods” means goods classified in the IMDG Code or in any other IMO publication referred to in these Regulations as dangerous for carriage by sea, and any other substance or article that the shipper has reasonable cause to believe might meet the criteria for such classification under Part 2 of the IMDG Code. This expression—

- (a) includes—
 - (i) residues in empty receptacles, empty tanks or cargo holds which have been used previously for the carriage of dangerous goods unless such receptacles, empty tanks or cargo holds have been cleaned and dried, purged, gas freed or ventilated as appropriate or, in the case of radioactive materials, have been both cleaned and adequately closed;
 - (ii) goods labelled, marked or declared as dangerous goods, and
- (b) does not include goods forming part of the equipment or stores of the ship in which they are carried;

“flag State”, in relation to a ship, means the State whose flag the ship is entitled to fly;

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

“high-speed passenger craft” means a craft as defined in Regulation 1 of Chapter X of SOLAS, and carrying more than 12 passengers;

(1) International Management Code for the Safe Operation of Ships and for Pollution Prevention (the ISM Code) MSIS 02 revised 06-2020. The Code was adopted by the International Maritime Organization Resolution A.741(18) and may be obtained in copy from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR.

(2) S.I. 1997/1510, to which there are amendments not relevant to these Regulations.

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

“HSSC” means the International Maritime Organization Survey Guidelines under the Harmonized System of Survey and Certification(3);

“IBC Code” means the 1998 Edition 2 of the IMO International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk;

“IMDG Code” means the 2020 Edition of the IMO International Maritime Dangerous Goods Code as amended;

“IMO” means the International Maritime Organization;

“inspector” means, other than in relation to the expression “port state control inspector”, a person duly authorised by the Secretary of State to carry out inspections required by these Regulations and “inspection” is to be construed accordingly;

“international conventions” means—

- (a) SOLAS;
- (b) STCW;
- (c) the Convention on the International Regulations for Preventing Collisions at Sea, 1972(4);
- (d) the International Convention on Load Lines 1966(5);
- (e) the International Convention on Tonnage Measurement of Ships, 1969(6),

together with the protocols and amendments to these Conventions and related Codes of mandatory status;

“load line” means a mark on a ship indicating the maximum depth to which the ship may be loaded in accordance with the Merchant Shipping (Load Line) Regulations 1998(7);

“marine pollutant” means a substance classified as such in the IMDG Code, or as a noxious liquid substance in the IBC Code, oil as defined in Annex I to the MARPOL Convention, excluding bunkers and ship’s stores and any other substance, material or article that the shipper has reasonable cause to believe might meet the criteria for such classification in accordance with the Merchant Shipping (Dangerous Goods and Marine Pollutants) Regulations 1997(8);

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- (3) The guidelines were adopted on 2 December 2015 by Resolution A.1104(29). The guidelines may be obtained in copy from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR and on [https://wwwcdn.imo.org/localresources/en/KnowledgeCentre/IndexofIMOResolutions/AssemblyDocuments/A.1104\(29\).pdf](https://wwwcdn.imo.org/localresources/en/KnowledgeCentre/IndexofIMOResolutions/AssemblyDocuments/A.1104(29).pdf).
 - (4) Cmnd. 6962. The Convention was amended in 1981 and 1988. 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 & Development Office treaties database (<https://treaties.fcdo.gov.uk/awweb/pdfopener?md=1&did=67638>).
 - (5) Cmnd. 3708. The Convention was modified by the Protocol of 1988 and amended by IMO Resolutions A.972(24), A.1082(28) and A.1083(28). The Protocol was amended by IMO Resolutions MSC.143(77), MSC.172(79), MSC.223(82), MSC.270(85), MSC.329(90), MSC.345(91), MSC.356(92) and MSC.375(93). 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 & Development Office treaties database (<https://treaties.fcdo.gov.uk/awweb/pdfopener?md=1&did=66633>). The text of IMO Resolutions A.972(24), A.1082(28) and A.1083(28) may also be obtained from the International Maritime Organization at the same address, or in Marine Information Note 560(M) issued by the Maritime Coastguard Agency (MCA) and which is available in copy from the MCA of Spring Place, 105 Commercial Road, Southampton SO15 1EG or on <https://www.gov.uk>. The Protocol of 1988 (Cm 4829) may be obtained in copy from the International Maritime Organization at the same address, or found on the Foreign, Commonwealth & Development Office treaties database (<https://treaties.fcdo.gov.uk/awweb/pdfopener?md=1&did=69527>). The text of the amendments to the Protocol may be obtained from the International Maritime Organization at the same address or in Marine Information Note 560(M) issued by the MCA and available in copy from Spring Place, 105 Commercial Road, Southampton SO15 1EG or on <https://www.gov.uk>. Amendments will also be made available on the Foreign, Commonwealth & Development Office treaties database (<https://treaties.fcdo.gov.uk/data/Library2/pdf/2018-TS0011.pdf>).
 - (6) Cmnd. 4332. 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 & Development Office treaties database (<https://treaties.fcdo.gov.uk/awweb/pdfopener?md=1&did=68110>).
 - (7) S.I. 1998/2241, to which there are amendments not relevant to these Regulations.
 - (8) S.I. 1997/2367; relevant amending instrument is S.I. 2004/2110.

“maritime mobile service identity number” means a unique nine-digit identification number that may have been issued in respect of a ship by the appropriate authority⁽⁹⁾ of the flag State;

“the MARPOL Convention” means the International Convention for the Prevention of Pollution from Ships 1973, as amended by the Protocols of 1978 and 1997⁽¹⁰⁾;

“the Paris MOU” means the Memorandum of Understanding on Port State Control, signed in Paris on 26 January 1982⁽¹¹⁾;

“polluting goods” means oil, noxious liquid substances and harmful substances in packaged form;

“port state control inspection” means an inspection under the system for the enforcement of international standards, as provided for by the Merchant Shipping (Port State Control) Regulations 2011⁽¹²⁾, and references to a “port state control inspector” are to an inspector duly authorised by the Secretary of State to carry out inspections required by those Regulations;

“pre-commencement inspection” means an inspection under regulation 5(2);

“prohibition of departure notice” means a notice issued in accordance with regulation 8;

“recognised organisation” means any organisation which continues to be recognised under Regulation (EC) No. 391/2009⁽¹³⁾;

“regular service” means a series of ro-ro passenger ship or high-speed passenger craft crossings operated so as to serve traffic between the same two or more ports, or a series of voyages from and to the same port without intermediate calls, either—

(a) according to a published timetable; or

(b) with crossings so regular or frequent that they constitute a recognisable systematic series;

“relevant statutory requirement” means a requirement in a provision in a statutory instrument which implements an international convention and which is made under—

(a) the Act, including statutory instruments made under an order made under the Act, or

(b) the European Communities Act 1972⁽¹⁴⁾;

“ro-ro passenger ship” means a ship with facilities to enable road or rail vehicles to roll on and roll off the ship, and carrying more than 12 passengers;

“Safety Management Certificate” means the Safety Management Certificate referred to in Regulation 4 of Chapter IX of SOLAS;

“shipper” means any person who, whether as principal or agent for another, consigns goods for carriage by sea;

“special category spaces” means special category spaces as defined in Regulation II-2/3 of SOLAS;

⁽⁹⁾ The appropriate authority for the UK is Ofcom, the regulator for the communications services. Further information about Ofcom can be found on <https://www.ofcom.org.uk>.

⁽¹⁰⁾ The MARPOL Convention was published in Cmnd. 5748, and amended by the Protocols of 1978 (Cmnd. 7347) and 1997 (Cm. 4427). 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 are as follows: HL/PO/JO/10/11/1853/505 (Cmnd. 5748), HL/PO/JO/10/11/1959/2033 (Cmnd. 7347) and HL/PO/JO/10/11/3156/2285 (Cm. 4427). Annex V to MARPOL has been amended by a number of International Maritime Organization (“IMO”) Resolutions, most recently by MEPC.277(70). The amendments are available from the IMO of 4 Albert Embankment, London SE1 7SR or can be found on the Foreign, Commonwealth & Development Office treaties database (<https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch/>).

⁽¹¹⁾ The 43rd Amendment to the Paris MOU was adopted on 2 October 2020. The Paris MOU may be obtained in copy from the Secretariat Paris MOU on PSC, P.O. Box 16191, 2500 BC The Hague, The Netherlands, or found on <https://www.parismou.org/inspections-risk/port-state-control-inspections-paris-mou>.

⁽¹²⁾ S.I. 2011/2601, amended by S.I. 2018/1122, 2020/496.

⁽¹³⁾ EUR 2009/391, amended by S.I. 2019/270.

⁽¹⁴⁾ 1972 c. 68. The European Communities Act 1972 was repealed by section 1 of the European Union (Withdrawal) Act 2018 (c. 16).

“sub-division load line” means a waterline used in determining the subdivision of a ship;

“SOLAS” means the International Convention for the Safety of Life at Sea, 1974⁽¹⁵⁾;

“STCW” means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers 1978⁽¹⁶⁾;

“United Kingdom ship” means a ship which—

- (a) is registered in the United Kingdom; or
- (b) is not registered under the law of any country but is wholly owned by persons each of whom is—
 - (i) a British citizen, a British overseas territories citizen or a British Overseas citizen, or
 - (ii) a body corporate which is established under the law of any part of the United Kingdom and has its principal place of business in the United Kingdom.

(2) In these Regulations, a reference to each of the international conventions is to be construed—

- (a) as a reference to the international convention as it is modified from time to time, and
- (b) as, if the international convention is replaced, a reference to the replacement.

(3) For the purposes of paragraph (2), the international convention is modified or replaced if the modification or replacement takes effect in accordance with the relevant Article of the convention referred to in paragraph (4).

(4) The relevant Article is—

- (a) for the International Convention on Load Lines 1966, Article 29,
- (b) for SOLAS, Article VIII,
- (c) for STCW, Article XII,
- (d) for the Convention on the International Regulations Preventing Collisions at Sea 1972, Article VI, and
- (e) for the International Convention on Tonnage Measurements for Ships 1969, Article 18.

(5) In these Regulations, references to “written” or “in writing” include the provision of such communication by electronic mail, facsimile or similar means, which is capable of producing a document containing the text of any communication and in a form sufficiently permanent to be used for subsequent reference.

⁽¹⁵⁾ 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 & 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), which was replaced and abrogated by the Protocol of 1988 (Cm. 5044) 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 & Development Office treaties database (<https://treaties.fcdo.gov.uk/awweb/pdfopener?md=1&did=68013>). 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/10/11/2301/2878 (Cmnd. 7874), HL/PO/JO/10/11/2302 (Cmnd. 8277) and HL/PO/JO/10/11/3156/2280 (Cm. 5044).

⁽¹⁶⁾ The Convention was amended in 1991, 1994, 1995, 1997, 1998, 2004 (on two occasions), 2006 and 2010. The Convention may be obtained from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or found on the IMO website: (<https://treaties.un.org/doc/Publication/UNTS/Volume%201361/volume-1361-I-23001-English.pdf>).