Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Merchant Shipping (Survey and Certification) Regulations 2015. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

STATUTORY INSTRUMENTS

2015 No. 508

MERCHANT SHIPPING

The Merchant Shipping (Survey and Certification) Regulations 2015

Made - - - -	*2nd March 2015*
Laid before Parliament	*9th March 2015*
Coming into force - -	*6th April 2015*

The Secretary of State, in exercise of the powers conferred by sections 85(1), (1B), (3) and (5) to (7) and 86(1) of the Merchant Shipping Act 1995 [F1], and having consulted the persons referred to in section 86(4) of that Act, makes the following Regulations:

F1 1995 c.21: sections 85 and 86 were amended by the Merchant Shipping and Maritime Security Act 1997 (c.28), **section 8**.

Modifications etc. (not altering text)

C1 Regulations excluded by SI 1998/2771 Sch. 1 Table (as substituted (6.4.2016) by The Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) (Amendment) Regulations 2016 (S.I. 2016/353), regs. 1(1), 3(1), **Sch. 1**)

C2 Regulations excluded by SI 1998/2771 Sch. 2 Table (as substituted (6.4.2016) by The Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) (Amendment) Regulations 2016 (S.I. 2016/353), regs. 1(1), 3(2), **Sch. 2**)

C3 Regulations excluded by S.I. 1998/1609 Sch. Table (as substituted (6.4.2016) by The Merchant Shipping (Small Workboats and Pilot Boats) (Amendment) Regulations 2016 (S.I. 2016/354), regs. 1, 4, **Sch.**)

Citation and Commencement

1. These Regulations may be cited as the Merchant Shipping (Survey and Certification) Regulations 2015 and come into force on 6th April 2015.

Revocation

2. The Instruments listed in the Schedule are revoked.

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Interpretation

3.—(1) In these Regulations—

"the Act" means the Merchant Shipping Act 1995;

"anniversary date" means the day and the month of each year which correspond to the date of expiry of the relevant certificate;

"cargo ship" means any ship that is not a—

(a) passenger ship;

(b) ship of war;

(c) fishing vessel; or

(d) pleasure vessel;

"Cargo Ship Safety Certificate", "Cargo Ship Safety Construction Certificate", "Cargo Ship Safety Equipment Certificate", "Cargo Ship Safety Radio Certificate" and "Passenger Ship Safety Certificate" means the certificates of those names issued pursuant to regulation 13;

"Certifying Authority" has the meaning given by regulation 4;

"Class II(A) ship" means a passenger ship engaged on voyages other than international voyages, which is not—

(a) a ship of Classes III to VI(A) as defined in the Merchant Shipping (Passenger Ship Construction: Ships of Classes III to VI(A)) Regulations 1998 [F2]; or

(b) a ship of Class A, B, C or D as defined in the Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000 [F3] which is a new ship, engaged on domestic voyages, for the purposes of those Regulations;

Class IX(A) ship" and "Class IX(A)(T) ship" have the same meanings as in the Merchant Shipping (Boatmasters' Qualifications, Crew and Hours of Work) Regulations 2015 [F4];

"Convention Certificate" means a certificate issued in accordance with the requirements of the SOLAS Convention;

[[F5]"the Directive" means Directive 2009/45/EC of the European Parliament and of the Council of 6th May 2009 on safety rules and standards for passenger ships;**]**

"Exemption Certificate" means the certificate of that name issued pursuant to regulation16;

"gross tons" means gross tonnage ascertained under the Merchant Shipping (Tonnage) Regulations 1997 [F6];

"international voyage" means a voyage from a port in one country to a port in another country, either of the countries being a country to which the SOLAS Convention applies;

"Maritime and Coastguard Agency" means the Maritime and Coastguard Agency, an executive agency of the Department for Transport;

"Merchant Shipping Notice" means a Notice described as such, issued by the Maritime and Coastguard Agency, 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;

"mile" means an international nautical mile of 1852 metres;

"passenger" means any person carried on a ship except—

(a) a person employed or engaged in any capacity on the business of the ship,

(b) a person on board the ship either in pursuance of the obligation laid upon the master to carry shipwrecked, distressed or other persons, or by reason of any circumstance

that neither the master nor the owner nor the charterer (if any) could have prevented or forestalled,

(c) a child of under one year of age;

"Passenger Certificate" means the certificate of that name issued pursuant to regulation 14;

"passenger ship" means a ship carrying more than 12 passengers;

[[F7]"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;**]**

"proper officer" means a consular officer appointed by Her Majesty's Government in the United Kingdom and, in relation to a port in a country outside the United Kingdom which is not a foreign country, includes an officer exercising in that port functions similar to those of a superintendent;

"radio installations" means any radio equipment other than radio navigational equipment on board a ship or provided in relation to the ship's life-saving appliances;

"ship of war" has the same meaning as in the SOLAS Convention;

"short international voyage" means an international voyage in the course of which—

(a) a ship is not more than 200 miles from a port or place in which the passengers and crew could be placed in safety; and

(b) the distance—

(i) between the last port of call in which the voyage begins and the final port of destination; or

(ii) of the return voyage

does not exceed 600 miles, where the final port of destination is the last port of call in the scheduled voyage at which the ship commences its return voyage to the country in which the voyage began; and

"SOLAS Convention" means the International Convention for the Safety of Life at Sea 1974 [F8], its Protocols of 1978 [F9] and 1988 [F10], and all amendments to them in force on the date these Regulations come into force, and references to "the 1988 Protocol" are to that 1988 Protocol;

(2) For the purpose of these Regulations, the Classes for passenger ships not engaged on international voyages are as defined in the Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000.

(3) References in the Directive to Conventions or Codes in their up to date versions which—

(a) relate to all or any of the purposes set out in section 85(1) of the Merchant Shipping Act 1995;

(b) are considered by the Secretary of State to be relevant from time to time; and

(c) are specified in a Merchant Shipping Notice;

have effect in so far as they are so specified.

F2 S.I. 1998/2515, amended by S.I. 2000/2687 and 2004/302.
F3 S.I. 2000/2687, amended by S.I. 2004/302, 2004/2883, 2010/680, 2010/1075 and 2012/2636.
F4 S.I. 2015/410.
F5 Words in reg. 3(1) substituted (15.2.2018) by The Merchant Shipping (Safety Rules and Standards for Passenger Ships) (Miscellaneous Amendments) Regulations 2018 (S.I. 2018/53), regs. 1, **2(a)**
F6 S.I. 1997/1510, amended by S.I. 1998/1916.
F7 Words in reg. 3(1) substituted (15.2.2018) by The Merchant Shipping (Safety Rules and Standards for Passenger Ships) (Miscellaneous Amendments) Regulations 2018 (S.I. 2018/53), regs. 1, **2(b)**
F8 Cmnd. 7874.
F9 Cmnd. 7346.
F10 Cm. 4420.

Certifying Authorities

4.—(1) In these Regulations, "Certifying Authority" means the Secretary of State or any person authorised by the Secretary of State.

(2) Authorisation under paragraph (1) may be given conditionally or unconditionally and is subject to paragraph (4).

(3) Without prejudice to the generality of paragraph (2), conditions may impose limitations on any person's authorisation relating to—

(a) individual ships;

(b) classes of ships; and

(c) the extent of any survey to be carried out by that person.

(4) The Secretary of State may direct, in relation to an individual case or to a class of cases, that a survey, or part of a survey, for the purpose of these Regulations is carried out by the Secretary of State and not by another Certifying Authority.

(5) A Certifying Authority other than the Secretary of State is not to be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown and its property is not to be regarded as property of, or held on behalf of, the Crown.

Application and exemption

5.—(1) Subject to paragraph (2) these Regulations apply to United Kingdom ships wherever they may be and to other ships while they are in United Kingdom waters.

(2) These Regulations do not apply to—

(a) fishing vessels,

(b) pleasure vessels,

(c) high-speed craft which comply with the requirements of the Merchant Shipping (High-Speed Craft) Regulations 2004 [F11],

(d) passenger ships to which the Merchant Shipping (Passenger Ships) (Safety Code for UK Categorised Waters) Regulations 2010 [F12] apply,

(e) vessels to which the Merchant Shipping (Technical Requirements for Inland Waterway Vessels) Regulations 2010 [F13] apply, and

(f) Class IX(A) and Class IX(A)(T) ships.

(3) The Secretary of State may grant exemptions from all or any of the provisions of these Regulations on such terms (if any) as he may specify and may, subject to giving reasonable notice, alter or cancel any such exemption.

F11 S.I. 2004/302.
F12 S.I. 2010/680, amended by S.I. 2010/1075.
F13 S.I. 2010/1075.

Surveys of passenger ships

6.—(1) Subject to paragraph (4), a United Kingdom passenger ship shall be subject to the inspections and surveys mentioned in paragraphs (2) and (3).

(2) Those inspections are an annual inspection of the ship's bottom, of which two inspections within any five year period are to take place out of the water at intervals not exceeding 36 months.

(3) Those surveys are–

(a) before the ship is put in service, a passenger ship initial survey, and

(b) before the end of every period of 12 months following the issue of the ship's Passenger Ship Safety Certificate, a passenger ship renewal survey.

(4) A United Kingdom passenger ship to which the Directive applies shall be subject to a passenger ship initial survey, and to periodical and additional surveys, as set out in the Directive.

Surveys of cargo ship safety equipment

7. A United Kingdom cargo ship of 500 gross tons or more engaged on international voyages shall be subject to the following surveys of its life-saving appliances and other equipment—

(a) before the ship is put in service, a cargo ship safety equipment initial survey;

(b) at the intervals specified in Merchant Shipping Notice MSN 1751 a cargo ship safety equipment renewal survey;

(c) within three months before or after the second or third anniversary date of a Cargo Ship Safety Equipment Certificate, a cargo ship safety equipment periodical survey; and

(d) within three months before or after each anniversary date of the ship's Cargo Ship Safety Equipment Certificate, other than where a periodical survey is required to be carried out within that period, an annual survey.

Surveys of cargo ship radio installations

8. A United Kingdom cargo ship of 300 gross tons or more engaged on international voyages shall be subject to the following surveys of its radio installations—

(a) before the ship is put in service, a cargo ship radio installations initial survey;