
 STATUTORY INSTRUMENTS

1981 No. 583

MERCHANT SHIPPING

SAFETY

**The Merchant Shipping (Radio Installations Survey)
Regulations 1981**

<i>Made - - - -</i>	<i>8th April 1981</i>
<i>Laid before Parliament</i>	<i>10th April 1981</i>
<i>Coming into Operation</i>	<i>1st May 1981</i>

The Secretary of State, after consulting with the persons referred to in section 22(2) of the Merchant Shipping Act 1979(a), in exercise of the powers conferred on him by subsection (1)(a), paragraphs (a), (p) and (q) of subsection (3), and subsections (4), (5) and (6) of section 21 and by section 22(1)(c) and (d) and (3)(b) of that Act and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Merchant Shipping (Radio Installations Survey) Regulations 1981 and shall come into operation on 1st May 1981.

(2) In these Regulations:

“international voyage” means a voyage from a port in one country to a port in another country;

“nominated surveyor” means a surveyor nominated by the Secretary of State to undertake the surveys required by these Regulations and includes a radio surveyor of the Department of Trade;

“prescribed” means prescribed in regulations made by the Secretary of State;

“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, also any officer exercising in that port functions similar to those of a superintendent;

“radio certificate” means a cargo ship safety radiotelegraphy certificate or a cargo ship safety radiotelephony certificate;

“radio installation” means any radio installation provided on board a ship in compliance with the Merchant Shipping (Radio Installations) Regulations 1980(b), including its associated antennae, inter-connecting circuits and, where appropriate, sources of electrical energy, and radio equipment for survival craft;

“Radio Installations Regulations” means the Merchant Shipping (Radio Installations) Regulations 1980;

 (a) 1979 c. 39.

(b) S.I. 1980/529.

“tons” means the gross register tonnage of a ship and the gross tonnage of a ship having alternative gross tonnages shall be taken to be the larger of those tonnages;

“United Kingdom ship” has the same meaning as in section 21(2) of the Merchant Shipping Act 1979.

Application and exemption

2.—(1) Subject to paragraph (2) of this regulation, these Regulations apply in relation to sea-going United Kingdom ships (except passenger ships, ships not propelled by mechanical means, troopships not registered in the United Kingdom, fishing vessels and pleasure craft) of 300 tons or over engaged in international voyages.

(2) The Secretary of State may grant exemptions from all or any of the provisions of these Regulations (as may be specified in the exemption) for classes of cases or individual cases on such terms (if any) as he may so specify and may, subject to giving reasonable notice, alter or cancel any such exemption.

Surveys

3.—(1) The owner of every ship in relation to which these Regulations apply and in respect of which a radio certificate has not been issued or requires to be renewed, shall cause the same to be surveyed as soon as possible after these Regulations come into operation and thereafter at annual intervals by a nominated surveyor (subject to the provisions of regulation 4) and any application for a survey shall be accompanied by such information relating to the ship as the nominated surveyor may require for the purposes of the survey.

(2) Every application for the survey of a ship under this regulation shall be made by or on behalf of the owner of the ship to the Secretary of State and be accompanied by the prescribed fee.

(3) The nominated surveyor shall, upon receipt of an application, survey the ship and satisfy himself that the radio installations:

(a) comply with the requirements of the Radio Installations Regulations applicable to the ship, or are exempt from those requirements, and

(b) are in all respects satisfactory for the service for which the ship is intended, having regard to the period for which a radio certificate in respect of the ship is to be issued.

(4) The nominated surveyor, if satisfied on the survey that he may properly do so, shall forward to the Secretary of State a Declaration of Survey containing such particulars of the ship and its radio installations as are required by the Secretary of State to enable him to issue a radio certificate in respect of the ship.

Surveys by radio surveyors of the Department of Trade

4. A survey made pursuant to regulation 3 of these Regulations in a port in the United Kingdom or the territorial waters thereof shall be carried out by a radio surveyor of the Department of Trade.

Responsibilities of owner and master

5.—(1) The owner or master of every ship in relation to which these Regulations apply shall ensure that:

(a) the condition of the radio installations is maintained so as to comply with the Radio Installations Regulations;

- (b) after any survey required by these Regulations has been completed, no material change shall be made in the radio installations subject to such survey without the approval of the Secretary of State; and
- (c) whenever an accident occurs to a ship or a defect is discovered either of which affects the efficiency or completeness of its radio installations, it shall be reported at the earliest opportunity to the Secretary of State or a proper officer, either of whom shall cause investigations to be initiated to determine whether a survey by a nominated surveyor is necessary and shall in that event require such a survey to be carried out. If the ship is in a port outside the United Kingdom the master or owner shall, in addition, make such a report immediately to the appropriate authorities of the country in which the port is situated.

(2) The nominated surveyor shall ascertain from the appropriate authorities of the country in which the port is situated that the report referred to in paragraph (1)(c) of this regulation has been made.

Procedure to be adopted when radio installations are deficient

6.—(1) In any case where the nominated surveyor determines that the condition of the radio installations does not correspond substantially with the particulars of the radio certificate or is such that the ship is not fit to proceed to sea without danger to the ship or persons on board, the nominated surveyor shall advise the owner or master of the corrective action which in his opinion is required, and shall notify the Secretary of State.

(2) If such corrective action is not taken within such period (being a reasonable period) as the nominated surveyor may specify, the nominated surveyor shall, at the end of that time, immediately notify the Secretary of State who may, on receipt of such notification, suspend the validity of the radio certificate issued in relation to the ship. The Secretary of State shall give notice of any such suspension to the owner and to the nominated surveyor; the nominated surveyor shall notify the master.

(3) The master shall thereupon deliver up the certificate issued in relation to the ship to the nominated surveyor on demand and the owner shall on receipt of notice of suspension deliver up the duplicate certificate to the Secretary of State.

(4) When the nominated surveyor is satisfied that corrective action has been taken he shall notify the Secretary of State. The Secretary of State shall thereupon, in any case where the validity of the certificate has been suspended:

- (a) restore the validity of the certificate;
- (b) give notice thereof to the owner; and
- (c) return the duplicate certificate to the owner.

The nominated surveyor shall return the certificate issued in relation to the ship to the master.

(5) Where the ship is not within a United Kingdom port and corrective action in accordance with paragraph (2) has not been taken, the nominated surveyor shall in addition immediately notify the appropriate authorities of the country in which the port is situated.

Penalties

7. If a ship to which these Regulations apply proceeds or attempts to proceed to sea without the requirements of these Regulations having been complied with,

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations give effect to certain provisions of the Protocol of 1978 relating to the International Convention for the Safety of Life at Sea 1974 (Cmnd. 7346) which was laid before Parliament in October 1978 and is obtainable from Her Majesty's Stationery Office. They introduce requirements in respect of radio installations surveys additional to those set out in the Merchant Shipping (Safety Convention) Act 1949 (c. 43). (The 1949 Act has effect (by virtue of the Merchant Shipping (Safety Convention) Act 1977 (c.24) and the Merchant Shipping (Modification of Enactments) Regulations 1981 (S.I. 1981/568)) as if it referred to the 1974 Convention and to the 1978 Protocol). The requirements are as follows:

- (1) United Kingdom sea-going ships (except passenger ships, ships not propelled by mechanical means, troopships not registered in the United Kingdom, fishing vessels and pleasure craft) of 300 tons or over engaged in international voyages must have the radio installations in the ship surveyed before the issue of a radio certificate and at annual intervals thereafter (regulation 3(1)). The survey for the issue of a radio certificate will include the radio installations specified in section 9 of the 1949 Act, but will no longer include direction-finders: these are now required to be surveyed under the Merchant Shipping (Cargo Ship Safety Equipment Survey) Regulations 1981 (S.I. 1981/573).
- (2) Section 11 of the 1949 Act applies to these certificates and requires notice of alteration in the radio installations to be given to the Secretary of State; if notice is not given the certificate is liable to cancellation. These Regulations, in addition, enable the certificate to be suspended by the Secretary of State if corrective action in respect of deficiencies in the radio installations is not taken by the owner or master (regulation 6).
- (3) Section 12 of the 1949 Act prohibits proceeding to sea without a radio certificate and, as amended by section 43(2) of and Part V of Schedule 6 to the Merchant Shipping Act 1979, specifies a maximum penalty for contravention of this prohibition of a fine on conviction on indictment and a fine not exceeding £1,000 on summary conviction.
- (4) The miscellaneous provisions set out in sections 9, 11 and 13 of the 1949 Act apply to certificates issued pursuant to these Regulations. They make provision for the issue of exemption certificates, notice of alterations and additional surveys and appeal to a court of survey, specify the duration of the certificate as one year or such shorter period as is specified therein, and provide for this period to be extended. Section 13(9) makes provision for ships to be surveyed in other countries to which the Protocol applies and this will continue; in addition surveyors may be nominated by the Secretary of State. Any survey made in the United Kingdom or the territorial waters thereof is to be undertaken by a Department of Trade surveyor. Surveys carried out elsewhere may be made by a surveyor nominated by the Secretary of State or by surveyors of countries to which the Protocol applies (regulation 4).

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