
STATUTORY INSTRUMENTS

1996 No. 1815

**MERCHANT SHIPPING
SAFETY**

**The Merchant Shipping (Navigational
Warnings) Regulations 1996**

<i>Made</i>	- - - -	<i>11th July 1996</i>
<i>Laid before Parliament</i>		<i>18th July 1996</i>
<i>Coming into force</i>	- -	<i>8th August 1996</i>

The Secretary of State, after consulting persons referred to in section 86(4) of the Merchant Shipping Act 1995(1), in exercise of the powers conferred by section 85(1)(a) and (b), (3) and (5) to (7) and section 86(1) of that Act and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

1.—(1) These Regulations may be cited as the Merchant Shipping (Navigational Warnings) Regulations 1996 and shall come into force on 8th August 1996.

(2) In these Regulations—

“Admiralty List of Radio Signals” means the publication of that name published by the Hydrographer of the Navy in force at the date of these Regulations, and any amendment, correction or replacement, which the Hydrographer considers relevant from time to time;

“coast station” means a station on land intended to provide communication with ships by means of radio;

“International Code of Signals” means the publication of that name published by the International Maritime Organization in 1985, and includes any document published by the International Maritime Organization amending that publication, which the Secretary of State considers relevant from time to time and specifies in a Merchant Shipping Notice;

“Marine Safety Agency” means the Marine Safety Agency of the Department of Transport;

“Merchant Shipping Notice” means a Notice described as such and issued by the Marine Safety Agency, and any reference to a particular Merchant Shipping Notice includes a reference to any Merchant Shipping Notice amending that Notice which is considered by the Secretary of State to be relevant from time to time;

“Radio Regulations” means the Radio Regulations annexed to, or regarded as being annexed to, the International Telecommunication Convention 1992 and includes all amendments now in force and any amendment which the Secretary of State considers relevant from time to time and specifies in a Merchant Shipping Notice;

“tropical storm” means a hurricane, typhoon, cyclone, or other storm of a similar nature, and the master of a ship shall be deemed to have met with a tropical storm if he has reason to believe that there is such a storm in its vicinity.

(3) The following Regulations are revoked, namely—

- (a) the Merchant Shipping (Navigational Warnings) Regulations 1980(2);
- (b) the Merchant Shipping (Navigational Warnings) (Amendment) Regulations 1981(3);
- (c) the Merchant Shipping (Navigational Warnings) (Amendment) Regulations 1992(4).

2.—(1) The master of every United Kingdom ship, on meeting with dangerous ice, a dangerous derelict or any other direct danger to navigation, or a tropical storm, or on encountering subfreezing air temperatures associated with gale force winds causing severe ice accretion on the superstructure of ships, or winds of force 10 or above on the Beaufort Scale for which no storm warning has been received, shall send, by all means of communication at his disposal, information relating to the matters set forth in Merchant Shipping Notice No. M. 1641/NW1.

(2) Such information shall be sent to the appropriate shore-based authorities via a coast station, as listed in the Admiralty List of Radio Signals Volume 1, and shall be repeated to ships in the vicinity as practicable.

(3) Such information shall be sent on the authority of the master of the ship in English, or by means of the International Code of Signals. Where the information is being transmitted by radio messages, it may be sent in one of the working languages of the International Telecommunication Union and, where language difficulties are encountered, the IMO Standard Communication Phrases should be used.

(4) Such information, when sent on the authority of the master of the ship by means of radio, shall be preceded by the safety signal or code sequence, as prescribed by the Radio Regulations, and shall be in a format permitted under those Regulations.

3.—(1) If a master fails to report a danger to navigation as required by these Regulations, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(2) It shall be a defence for any person charged under these Regulations to show that he took all reasonable precautions to avoid the commission of the offence.

Signed by authority of the Secretary of State for Transport

11th July 1996

Goschen
Parliamentary Under-Secretary of State,
Department of Transport

(2) S.I.1980/534.
(3) S.I. 1981/406.
(4) S.I. 1992/1581.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations give effect to certain provisions of Chapter V of the Safety of Life At Sea Convention, 1974. They require the master of every United Kingdom ship to send warnings of navigational hazards encountered.

The Regulations replace the Merchant Shipping (Navigational Warnings) Regulations 1980, as amended. The warnings to be sent of certain hazards to navigation are now to be specified in a Merchant Shipping Notice, firstly Merchant Shipping Notice No. M. 1641/NW1.

No substantive changes are made.

Merchant Shipping Notices are obtainable from Eros Marketing Support Services Ltd, Unit B, Imber Court Trading Estate, Orchard Lane, East Molesley, Surrey KT8 0BN.

Radio Regulations are obtainable from the International Telecommunication Union, Place Des Nations, CH-1211 Geneve 20, Switzerland.

The International Code of Signals is obtainable from the International Maritime Organization, 4 Albert Embankment, London SE1 7SR.

The Admiralty List of Radio Signals is obtainable from branded Admiralty distributors as listed in the Catalogue of Admiralty Charts and Other Hydrographic Publications (available from the Hydrographic Office, Admiralty Way, Taunton, Somerset TA1 2DN).