
STATUTORY INSTRUMENTS

1997 No. 2886

MERCHANT SHIPPING

The Merchant Shipping (Master's Discretion) Regulations 1997

Made - - - - *2nd December 1997*
Laid before Parliament *10th December 1997*
Coming into force - - *31st December 1997*

The Secretary of State for Transport, after consulting the persons referred to in section 86(4) of the Merchant Shipping Act 1995⁽¹⁾, in exercise of the powers conferred by sections 85(1)(a) and (b), (3) and (7) and 86(1) of that Act⁽²⁾, and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Merchant Shipping (Master's Discretion) Regulations 1997 and shall come into force on 31st December 1997.

Application

2. These Regulations apply to—
- (a) United Kingdom ships wherever they may be;
 - (b) ships other than United Kingdom ships while they are within United Kingdom waters; and
 - (c) hovercraft registered in the United Kingdom wherever they may be.

Master's discretion

3. The owner, charterer or manager of a ship or any other person shall not prevent or restrict the master of the ship from taking or executing any decision which, in the master's professional judgement, is necessary for the safe navigation of the ship.

Application to hovercraft

4. In the application of these Regulations to hovercraft, references in regulation 3 above to a ship shall be taken to include references to a hovercraft and references to the master of the ship shall be taken to include references to the captain of the hovercraft.

(1) 1995 c. 21.
(2) Sections 85 and 86 were amended by section 8 of the Merchant Shipping and Maritime Security Act 1997 (c. 28). Sections 85 and 86 were applied to hovercraft by the Hovercraft (Application of Enactments) Order 1989, S.I.1989/1350, to which there are amendments not relevant to these Regulations.

Penalties

5. Any contravention of these Regulations by any person without reasonable excuse shall be an offence punishable on summary conviction by a fine not exceeding the statutory maximum and on conviction on indictment by imprisonment for a term not exceeding two years or a fine, or both.

Saving

6. These Regulations shall be without prejudice to the rights and powers of pilots and harbour masters exercisable in the performance of their functions.

Signed by authority of the Secretary of State for Transport

Glenda Jackson
Parliamentary Under-Secretary of State,
Department of the Environment, Transport and
the Regions

2nd December 1997

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement Regulation 10–1 of Chapter V of the International Convention for the Safety of Life at Sea (SOLAS) 1974 adopted at the Conference of the Contracting Governments to SOLAS on 28th November 1995.

The Regulations provide that the owner, charterer or manager of a ship or any other person shall not prevent or restrict the master of the ship from taking or executing any decision which, in the master's professional judgement, is necessary for the safe navigation of the ship. The Regulations apply to hovercraft registered in the United Kingdom. Contravention of the Regulations is an offence.

Copies of SOLAS may be obtained from the International Maritime Organisation at 4, Albert Embankment, London SE1 7SR.