
STATUTORY INSTRUMENTS

1998 No. 1692

**MERCHANT SHIPPING
SAFETY**

**The Merchant Shipping (Co-operation with
Search and Rescue Services) Regulations 1998**

<i>Made</i>	- - - -	<i>6th July 1998</i>
<i>Laid before Parliament</i>		<i>20th July 1998</i>
<i>Coming into force</i>	- -	<i>10th August 1998</i>

The Secretary of State for the Environment, Transport and the Regions, after consulting the persons referred to in sections 86(4) of the Merchant Shipping Act 1995⁽¹⁾, in exercise of the powers conferred by sections 85(1)(a) and (b), (3), (5), (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 (Co-operation with Search and Rescue Services) Regulations 1998 and shall come into force on 10th August 1998.

Interpretation

2.—(1) In these Regulations—

“appropriate search and rescue services” means, in relation to a ship, the search and rescue services responsible for the initiation and co-ordination of all search and rescue activity for the area of operation of the ship, as specified in Merchant Shipping Notice M 1721;

“Maritime and Coastguard Agency” means the executive agency of the Department of the Environment, Transport and the Regions so named;

“Merchant Shipping Notice” means a Notice described as such and issued by the Maritime and Coastguard Agency; and any reference to a particular Merchant Shipping Notice includes a reference to any such document amending or replacing that Notice;

“passenger ship” means any ship certified to carry more than 12 passengers;

(1) 1995 c. 21.

(2) Sections 85 and 86 were amended by the Merchant Shipping and Maritime Security Act 1997 (c. 28), section 8.

“regular scheduled service” means an advertised service which provides for the carriage of passengers at specified intervals along specified routes through or within United Kingdom waters.

(2) Where a ship is managed by a person other than the owner (whether on behalf of the owner, of some other person or on his own behalf), a reference in these Regulations to the owner shall be construed as including a reference to that person.

(3) Any approval given pursuant to these Regulations shall be given in writing and shall specify the date on which it takes effect and the conditions (if any) on which it is given.

Application

3. These Regulations apply to—

- (a) United Kingdom passenger ships wherever they may be; and
- (b) other passenger ships operating on regular scheduled services while they are within United Kingdom waters,

in accordance with the phase-in arrangements specified in Merchant Shipping Notice M 1721.

Duty to prepare a plan

4.—(1) The owner of a ship to which these Regulations apply shall prepare a plan in respect of the ship setting out the steps to be taken by those on board for co-operating with the appropriate search and rescue services if the ship requires the assistance of those search and rescue services.

(2) In preparing the plan referred to in paragraph (1) above the owner of the ship shall consult the appropriate search and rescue services.

Periodic testing of plan

5.—(1) The plan referred to in regulation 4(1) above shall include provision for the performance of periodic exercises, to be conducted at reasonable intervals, by the ship and the appropriate search and rescue services in order to test the effectiveness of the plan.

(2) The performance of such periodic exercises shall be undertaken only with the prior agreement of the appropriate search and rescue services.

Approval of plan

6.—(1) The owner of the ship shall submit the plan prepared pursuant to regulation 4(1) above in respect of the ship to the Secretary of State for his approval.

(2) The Secretary of State may either—

- (a) reject the plan; or
- (b) approve the plan with or without modifications.

Ships to carry plan

7. Ships to which these Regulations apply shall carry on board a plan approved in accordance with regulation 6 above.

Penalties

8. If there is any contravention of regulation 7 above in respect of a ship, the owner shall be guilty of an offence punishable on summary conviction by a fine not exceeding the statutory maximum or on conviction on indictment by imprisonment for a term not exceeding two years or a fine, or both.

Signed by authority of the Secretary of State for the Environment, Transport and the Regions

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

6th July 1998

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement regulation 15(c) of Chapter V of the Annex to the International Convention for the Safety of Life at Sea 1974 (SOLAS) as adopted by the Conference of the Contracting Governments to SOLAS on 29 November 1995.

The Regulations require the owners of passenger ships to prepare a plan, in consultation with the appropriate search and rescue services, setting out the steps to be taken by those on board the ship if the ship requires the assistance of the search and rescue services. The ship must carry this plan at all times. Failure to carry the plan renders the owner guilty of an offence (regulation 8).

A compliance cost assessment has been produced and a copy placed in the library of both Houses of Parliament. Copies can be obtained from the Maritime and Coastguard Agency, Bay 2/21b Spring Place, 105 Commercial Road, Southampton SO15 1EG (telephone: 01703 329144).

Merchant Shipping Notices are obtainable from Eros Marketing Support Services Ltd, Unit B, Imber Court Trading Estate, Orchard Lane, East Molesey, Surrey KT8 0BN, (telephone number: 0181 957 5028). Copies of SOLAS may be obtained from the International Maritime Organisation, 4 Albert Embankment, London SE1 7SR.