

2000 No. 1334

MERCHANT SHIPPING

SAFETY

**The Merchant Shipping (Survey and Certification)
(Amendment) Regulations 2000**

<i>Made</i> - - - - -	<i>16th May 2000</i>
<i>Laid before Parliament</i>	<i>18th May 2000</i>
<i>Coming into force</i> - -	<i>8th June 2000</i>

The Secretary of State for the Environment, Transport and the Regions, after consulting the persons referred to in section 86(4) of the Merchant Shipping Act 1995(), in exercise of the powers conferred upon him by sections 85(1)(a) and (b), (3), (5) to (7) and 86(1) 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 (Survey and Certification) (Amendment) Regulations 2000 and shall come into force on 8th June 2000.

(2) In these Regulations “the principal Regulations” means The Merchant Shipping (Survey and Certification) Regulations 1995().

Amendment of interpretation provisions of the principal Regulations

2.—(1) In regulation 1(2) of the principal Regulations:—

- (a) at the end of the definition of “1974 SOLAS Convention” there shall be added the words “, and by its Protocol of 1988”;
- (b) in the definition of “Cargo Ship Safety Construction Certificate” etc, after the words ““Cargo Ship Safety Radio Certificate”” there shall be inserted the words “, “Cargo Ship Safety Certificate””;
- (c) for the definition of “Marine Safety Agency” there shall be substituted the following:—

““Maritime and Coastguard Agency” means the Maritime and Coastguard Agency, an executive agency of the Department of the Environment, Transport and the Regions;”;
- (d) for the definition of “radio installations” there shall be substituted the following:—

““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;”;

and
- (e) the definitions of “initial survey” and “relevant regulations” shall be omitted.

(a) 1995 c. 21. Sections 85 and 86 were amended by the Merchant Shipping and Maritime Security Act 1997 (c. 28), section 8.

(b) S.I. 1995/1210, amended by S.I. 1996/2418.

(2) For each reference in the principal Regulations to “the Marine Safety Agency” (except as mentioned in paragraph (1)(c) above) there shall be substituted a reference to “the Maritime and Coastguard Agency”.

Transitional provisions

3. After regulation 2 of the principal Regulations, there shall be inserted:—

“Validity of certain certificates

2A.—(1) Except in special circumstances as determined by the Maritime and Coastguard Agency, a certificate issued before 8th June 2000 by:—

- (a) an appropriate Certifying Authority, or
- (b) the government of another country in accordance with regulation 16,

shall remain valid until it expires in accordance with the provisions of these Regulations as in force before that date, and shall for any other purpose of these Regulations be treated as though it had been issued under these Regulations as amended.

(2) Except in special circumstances agreed by the Administration of a country to which the 1974 SOLAS Convention applies, a Convention Certificate which was issued, by or on behalf of the government of such a country, before the date on which the 1988 Protocol takes effect as respects that country shall remain valid until it expires in accordance with the provisions of that Convention.”

Amendment of survey requirements

4. For regulations 4 to 8 of the principal Regulations there shall be substituted:—

“Surveys of passenger ships

4. A United Kingdom passenger ship shall be subject to the following surveys:
- (a) before the ship is put in service, a passenger ship initial survey as set out in Merchant Shipping Notice M 1751,
 - (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 as set out in Merchant Shipping Notice M 1751,
 - (c) two inspections of the ship’s bottom, out of the water, to take place:
 - (i) within any five year period, and
 - (ii) at intervals not exceeding 36 months, and
 - (d) after a repair resulting from investigations prescribed in regulation 8(2) below, or whenever any important repairs or renewals are made, an additional survey as set out in Merchant Shipping Notice M 1751.

Surveys of cargo ship safety equipment

5. A United Kingdom cargo ship of 500 tons gross tonnage 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 as set out in Merchant Shipping Notice M 1751,
- (b) at the intervals specified in Merchant Shipping Notice M 1751 which, subject to the provisions of regulation 14(b), (e) and (f) of the Protocol of 1988 to the 1974 SOLAS Convention, shall be no more than five years, a cargo ship safety equipment renewal survey as set out in Merchant Shipping Notice M 1751,
- (c) within three months before or after the second or third anniversary date of a Cargo Ship Safety Equipment Certificate first being issued, a cargo ship safety equipment periodical survey as set out in Merchant Shipping Notice M 1751,
- (d) within three months before or after each anniversary date of the issue 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 as set out in Merchant Shipping Notice M 1751, and

- (e) after a repair resulting from investigations prescribed in regulation 8(2) below, or whenever any important repairs or renewals are made, an additional survey as set out in Merchant Shipping Notice M 1751.

Surveys of cargo ship radio installations

6. A United Kingdom cargo ship of 300 tons gross tonnage 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 as set out in Merchant Shipping Notice M 1751,
- (b) at the intervals specified in Merchant Shipping Notice M 1751 which, subject to the provisions of regulation 14(b), (e) and (f) of the Protocol of 1988 to the 1974 SOLAS Convention, shall be no more than five years, a cargo ship radio installations renewal survey as set out in Merchant Shipping Notice M 1751,
- (c) within three months before or after each anniversary date of the issue of the ship's Cargo Ship Safety Radio Certificate, a cargo ship radio installations periodical survey as set out in Merchant Shipping Notice M 1751, and
- (d) after a repair resulting from investigations prescribed in regulation 8(2) below, or whenever any important repairs or renewals are made, an additional survey as set out in Merchant Shipping Notice M 1751.

Surveys of cargo ship structure, machinery and equipment

7.—(1) A United Kingdom cargo ship shall be subject to the following surveys of its structure, machinery and equipment, other than equipment to which regulations 5 and 6 above apply:

- (a) before the ship is put in service, a cargo ship structure etc. initial survey, including an inspection of the outside of the ship's bottom, as set out in Merchant Shipping Notice M 1751,
- (b) at the intervals specified in Merchant Shipping Notice M 1751 (which subject to regulation 14 of the Protocol of 1988 to the 1974 SOLAS Convention shall be no more than five years), a cargo ship structure etc. renewal survey as set out in Merchant Shipping Notice M 1751,
- (c) within three months before or after the second or third anniversary date of a Cargo Ship Safety Construction Certificate being issued, a cargo ship structure etc. intermediate survey as set out in Merchant Shipping Notice M 1751,
- (d) within three months before or after each anniversary date of the issue of the ship's Cargo Ship Safety Construction Certificate, other than where a cargo ship structure etc. renewal or intermediate survey is required to be carried out within that period, a cargo ship structure etc. annual survey as set out in Merchant Shipping Notice M 1751,
- (e) two inspections of the ship's bottom, as set out in Merchant Shipping Notice M 1751, to take place:
 - (i) subject to paragraph (2) below, within any five year period, and
 - (ii) at intervals not exceeding 36 months, and
- (f) after a repair resulting from investigations prescribed in regulation 8(2) below, or whenever any important repairs or renewals are made, an additional survey as set out in Merchant Shipping Notice M 1751.

(2) For the purpose of paragraph 1(e) above, where a cargo ship structure etc. renewal survey takes place within three months after the end of the five year period of validity of a Convention Certificate, and that certificate has been extended in accordance with regulation 15(3) or (4) below, the period of extension of the certificate shall be deemed to be within the five year period.

Responsibilities of owner and master

8.—(1) The owner and master of every ship to which this regulation applies shall ensure that:

- (a) the condition of the ship and its equipment shall be maintained to conform with the provisions of regulations 4 to 7 to ensure that the ship in all respects will remain fit to proceed to sea without danger to the ship or persons on board,

- (b) after any survey of the ship required by these Regulations has been completed, no change shall be made in the structural arrangements, machinery, equipment and other items covered by the survey, without the approval of the appropriate Certifying Authority, except by direct replacement, and
- (c) whenever an accident occurs to a ship or a defect is discovered, either or which affects the safety of the ship or the efficiency or completeness of its life-saving appliances or other equipment:
 - (i) it is reported at the earliest opportunity to the appropriate Certifying Authority, or a proper officer, and
 - (ii) if a United Kingdom ship is in such a case in a port outside the United Kingdom it is also reported to the appropriate authorities of the country in which the port is situated.

(2) Whenever an accident or defect is reported to the Certifying Authority or to a proper officer under paragraph (1)(c)(i) above, the Certifying Authority or proper officer shall cause investigations to be initiated to determine whether or not a survey by a surveyor is necessary and shall, if it is found necessary, require such a survey to be carried out.

(3) This regulation applies to:

- (a) United Kingdom ships, and
- (b) except as regards paragraph (1)(a) above, other ships which have been surveyed pursuant to these Regulations.”.

Issue and form of Convention Certificates

5.—(1) In regulation 10 of the principal Regulations, at the end of paragraph (b) there shall be added:—

“(iv) in the case of a cargo ship of 500 tons gross tonnage or more engaged on international voyages, after an initial or renewal survey in accordance with regulation 5 to 7 above and as an alternative to the certificates prescribed in sub-paragraphs (i) to (iii) above, a Cargo Ship Safety Certificate.”

(2) In regulation 12(2) of the principal Regulations, before the words “and Exemption Certificate” there shall be inserted the words “Cargo Ship Safety Certificate”.

Duration and validity of Certificates

6. For regulation 13 of the principal Regulations there shall be substituted the following:—

“13.—(1) Subject to paragraphs (2) to (6) below, a Convention Certificate shall be issued from the date of the completion of the relevant survey and shall be issued for a period of validity as follows:

- (a) a Passenger Ship Safety Certificate and a short international voyage Passenger Ship Safety Certificate shall be issued for a period of validity not exceeding 12 months, and
- (b) a Cargo Ship Safety Construction Certificate, Cargo Ship Safety Equipment Certificate, Cargo Ship Safety Radio Certificate or Cargo Ship Safety Certificate shall be issued for a period of validity not exceeding five years.

(2) Where a renewal survey has been completed within a period of three months before the expiry of the relevant Convention Certificate, the new certificate may be issued:

- (a) in the case of a Passenger Ship Safety Certificate, for a period of validity not exceeding 12 months from the date of expiry of the existing certificate, and
- (b) in the case of any other certificate, for a period of validity not exceeding five years from the date of expiry of the existing certificate.

(3) Except in special circumstances as determined by the Maritime and Coastguard Agency, where a renewal survey has been completed after the expiry of the relevant Convention Certificate, the new certificate shall be issued:

- (a) in the case of a Passenger Ship Safety Certificate, for a period of validity not exceeding 12 months from the date of expiry of the existing certificate, and
- (b) in the case of any other certificate, for a period of validity not exceeding five years from the date of expiry of the existing certificate.

- (4) Where an annual, intermediate or periodical survey is completed before the period prescribed as respects such a survey in regulations 4 to 7 above:
- (a) the anniversary date shown on the relevant certificate shall be amended by endorsement to a date which shall not be more than three months later than the date on which the survey was completed,
 - (b) subsequent annual, intermediate or periodical surveys required under regulations 4 to 7 above shall be completed at the intervals prescribed by those regulations using the new anniversary date, and
 - (c) the expiry date may remain unchanged provided one or more annual, intermediate or periodical surveys, as appropriate, are carried out so that the maximum intervals between the surveys prescribed by regulations 4 to 7 are not exceeded.
- (5) The duration of certificates issued under regulation 11 above shall be as follows:
- (a) a Passenger Certificate shall be issued for a period of validity not exceeding 12 months, and
 - (b) a United Kingdom Cargo Ship Safety Construction Certificate shall be issued for a period of validity not exceeding five years.
- (6) A Convention Certificate and a certificate issued under regulation 11 above shall cease to be valid:
- (a) if its period of validity has been exceeded and the certificate has not been extended by the appropriate Certifying Authority in accordance with regulation 15 below or otherwise in accordance with the 1988 Protocol by the government of a country to which the 1974 SOLAS Convention applies,
 - (b) if the relevant surveys and inspections have not been completed within the periods specified under regulations 4 to 7 above or otherwise in accordance with the 1988 Protocol by the government of a country to which the 1974 SOLAS Convention applies, and the certificate has either not been extended in accordance with regulation 15 below or otherwise in accordance with the 1988 Protocol by the government of a country to which the 1974 SOLAS Convention applies, or the period of any such extension has expired, or
 - (c) upon transfer of the ship to the flag of another State.”

Extension of validity of Convention Certificates

7. For regulation 15 of the principal Regulations there shall be substituted the following:—

“15.—(1) Where a Convention Certificate other than a Passenger Ship Safety Certificate has been issued for a period of validity of less than five years and the surveys required under regulations 5 to 7 above have been satisfactorily completed, the appropriate Certifying Authority may extend the validity of that Certificate so that the certificate is valid for a maximum period of five years.

(2) Where a renewal survey required under regulations 5 to 7 has been satisfactorily completed before the expiry of the relevant Convention Certificate but the new certificate cannot be issued or placed on board the ship before the expiry of the existing certificate, the appropriate Certifying Authority may endorse the existing certificate as valid for a period not exceeding 5 months from the expiry date.

(3) Where a renewal survey required under regulations 5 to 7 has not been satisfactorily completed before the expiry of the relevant Convention Certificate and at the time of expiry the ship is not in a port in which it is to be surveyed, the appropriate Certifying Authority may, where it appears to it proper and reasonable to do so, extend the validity of the certificate solely for the purpose of allowing the ship to complete its voyage to its port of survey.

(4) Where no other extension has been granted, the appropriate Certifying Authority may extend the validity of a Convention Certificate of ships used solely on short international voyages for a period of no more than one month.

(5) An extension of validity under paragraph (1) or (2) above, and, except in special circumstances as determined by the Maritime and Coastguard Agency, an extension of validity under paragraph (3) or (4) above, shall be disregarded for the purposes of determining the date of expiry of an existing Convention Certificate under regulation 13(2) or (3) above.”

Availability of certificates and requirements for appropriate documentation

8.—(1) For regulation 20 of the principal Regulations there shall be substituted the following:—

“Availability of certificates

20. The owner and master of every ship issued with a Convention Certificate shall ensure that it is readily available on board for examination at all times.”

(2) In regulation 21 of the principal Regulations:

(a) at the beginning of each sub-paragraphs (b) and (c) of paragraph (1) there shall be inserted the words “subject to paragraph (1A) below”;

(b) after paragraph (1) there shall be inserted the following:—

“(1A) In the case of a cargo ship of 500 tons gross tonnage or more engaged on international voyages, as an alternative to the certificates required by paragraph 1(b) and (c) above, a Cargo Ship Safety Certificate may be issued.”; and

(c) in paragraph (4), for the words after “documentation which shows that” there shall be substituted the words “the ship has been surveyed for compliance with regulations 4 to 7 as though it were a United Kingdom ship”.

Signed by authority of the Secretary of State

16th May 2000

Keith Hill
Parliamentary Under-Secretary of State,
Department of the Environment, Transport and the Regions

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement the Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, 1974 (SOLAS), as amended, and also contain similar requirements for ships not subject to the Convention.

The main provisions of the Regulations are:

- a maximum period of validity of one year for passenger ship certificates, and a requirement for a renewal certificate each year,
- a maximum period of validity of five years for cargo ship certificates, with additional requirements for periodical, intermediate and annual surveys,
- a new Cargo Ship Safety Certificate, which may be issued in place of the various separate cargo ship certificates.

A regulatory impact assessment has been prepared and copies can be obtained from the Maritime and Coastguard Agency, Spring Place, 105 Commercial Road, Southampton SO15 1EG. A copy has been placed in the library of each House of Parliament.

Merchant Shipping Notices are obtainable from EROS Marketing Support Services, Delta House, the Imber Court Business Park, Orchard Lane, East Molesey, Surrey KT8 0BN (telephone number 0181 957 5028). The SOLAS Convention, its Protocols and amendments are obtainable from the International Maritime Organisation, 4 Albert Embankment, London SE1 7SR.

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