
STATUTORY INSTRUMENTS

2004 No. 2110

**The Merchant Shipping (Vessel Traffic Monitoring
and Reporting Requirements) Regulations 2004**

PART 4

INCIDENTS AND ACCIDENTS AT SEA

Reporting of incidents and accidents at sea

12.—(1) When a ship is involved in—

- (a) an accident;
- (b) an incident; or
- (c) a pollution event likely to result in the pollution of United Kingdom waters or the coastline of the United Kingdom,

in controlled waters, the master of that ship shall immediately send to Her Majesty's Coastguard responsible for the area in which it occurred by the quickest means possible a report containing the information specified in paragraph (3).

(2) If a slick of polluting goods or containers or packages drifting at sea are seen from a ship in controlled waters, the master of that ship shall immediately send to Her Majesty's Coastguard responsible for the area in which the sighting occurred by the quickest means possible—

- (a) details of the sighting;
- (b) the information specified in paragraph (3)(a) and (b); and
- (c) any other relevant information referred to in IMO Resolution A.851(20) adopted by the Assembly of the IMO on 27th November 1997.

(3) The information referred to in paragraph (1) shall comprise—

- (a) the identity of the ship;
- (b) the position of the ship;
- (c) the last port from which the ship departed;
- (d) the next port of call;
- (e) the number of people aboard the ship;
- (f) the date on which, and the time at which, the accident, the incident or the polluting event, as the case may be, occurred;
- (g) details of the accident, the incident or the polluting event, as the case may be;
- (h) the name of the body or person from whom information regarding any dangerous goods or polluting goods on board the ship may be obtained together with the necessary information to enable that person or body, as the case may be, to be contacted.

(4) The master shall also ensure that a report referred to in paragraph (1) shall comply as to form and content with the standard reporting requirements.

(5) When a United Kingdom ship is involved in—

- (a) an accident;
- (b) an incident; or
- (c) a pollution event,

outside controlled waters, the master of that ship shall report without delay the particulars of the accident, incident or pollution event, as the case may be, to the fullest extent possible together with the information specified in paragraph (9) in accordance with paragraph (6).

(6) A report referred to in paragraph (5)—

- (a) shall be sent,
 - (i) where the accident, incident or pollution event, as the case may be, is a threat to the coastline, or a related interest of the United Kingdom, to Her Majesty’s Coastguard responsible for the area in which it occurred,
 - (ii) where the accident, incident or pollution event, as the case may be, is a threat to the coastline, or to a related interest, of another State, to the State in question; and
- (b) as to form and content, shall comply with the standard reporting requirements.

(7) When a ship is involved in a discharge, or a probable discharge, of dangerous packaged goods, the master of that ship shall report without delay the particulars of the discharge or probable discharge to the fullest extent possible together with the information specified in paragraph (9) in accordance with paragraph (8).

(8) A report referred to in paragraph (7)—

- (a) shall be sent—
 - (i) where the discharge is a threat to the coastline, or to a related interest, of the United Kingdom, to Her Majesty’s Coastguard responsible for the area in which it occurred;
 - (ii) where the discharge is a threat to the coastline, or to a related interest, of another State, to the State in question; and
- (b) shall as to form and content comply with the standard reporting requirements.

(9) The information referred to in paragraphs (5) and (7) shall comprise—

- (a) the identity of the ship;
- (b) the time and location of the incident;
- (c) the quantity and type of dangerous goods involved; and
- (d) details of assistance and salvage measures.

(10) In this regulation—

- (a) “controlled waters” means the areas of sea specified by the Merchant Shipping (Prevention of Pollution) (Limits) Regulations 1996⁽¹⁾ as areas within which the jurisdiction and rights of the United Kingdom are exercisable in accordance with Part XII of the United Nations Convention on the Law of the Sea⁽²⁾ for the protection and preservation of the marine environment;
- (b) “dangerous packaged goods” means dangerous goods in packaged form including those in freight containers, portable tanks, road and rail vehicles and shipborne barges;
- (c) “pollution event” means a discharge, or the threat of a discharge, of polluting goods into the sea; and
- (d) “the standard reporting requirements” means the requirements stated in—

(1) S.I.1996/2128, as amended by S.I. 1997/506.

(2) Cmnd. 8941.

- (i) part 2 (Standard Reporting Format and Procedures), or
- (ii) sections 3.1, 3.2 and 3.3 of part 3 (Guidelines for Detailed Reporting Requirements), of the Appendix to the Annex to Resolution A.851(20) adopted by the Assembly of the IMO on 27th November 1997.

Measures to be taken in the event of exceptionally bad weather or sea conditions

13.—(1) This regulation applies whenever, in the event of exceptionally bad weather or sea conditions, the MCA are of the opinion, based on information provided to them by the Meteorological Office, that there is—

- (a) a serious threat of pollution in United Kingdom waters or the territorial sea of any other EEA State; or
- (b) a risk to human life.

(2) Whenever possible, the MCA shall provide to the master of every ship which intends to enter or leave a port in a relevant area full details of—

- (a) the weather conditions and the sea state ; and
- (b) the danger such weather conditions and sea state may cause to—
 - (i) the ship, or
 - (ii) any people or cargo on board the ship.

(3) Without prejudice to any measures which may be taken to give assistance to ships in distress, the MCA may give a recommendation described in paragraph (4) to the master of a ship in, or about to enter, a relevant area.

(4) The recommendation referred to in paragraph (3) is a recommendation that the ship—

- (a) should enter or leave a port in a relevant area;
- (b) should not enter or leave a port in a relevant area;
- (c) should not be bunkered;
- (d) should only be bunkered subject to certain conditions,

until the MCA are of the opinion that there is no longer a serious threat of pollution or a risk to human life as described in paragraph (1).

(5) If the MCA are of the opinion that a ship in a relevant area—

- (a) should not be bunkered; or
- (b) should only be bunkered subject to certain conditions,

the MCA shall inform the master of the ship of that opinion.

(6) If the master of a ship is informed of an opinion pursuant to paragraph (5), the master shall ensure that the ship is not bunkered or that the conditions subject to which the ship should be bunkered are complied with, as the case may be.

(7) A recommendation or an opinion given pursuant to this regulation—

- (a) shall be given to the master of the ship in question by the quickest means available; and
- (b) if not given in writing, shall be confirmed in writing as soon as is practicably possible.

(8) Where the MCA give a recommendation or an opinion pursuant to this regulation, the master of the ship in question shall inform the owner of that ship as soon as is practicably possible and by the quickest means available of the recommendation or the opinion.

(9) If, as a result of the exercise of his professional judgement, the master decides not to act in accordance with a recommendation given pursuant to this regulation, the master shall inform the MCA of the reasons for his decision.

(10) In this regulation—

- (a) “relevant area” means an area in United Kingdom waters in respect of which exceptionally bad weather or sea conditions are forecast;
- (b) “professional judgement” means professional judgement as regards matters relating to safe navigation or the protection of the marine environment.

Measures to be taken in the event of incidents or accidents at sea

14.—(1) This regulation applies to the master of—

- (a) a cargo ship of not less than 300 gross tonnage and not more than 500 gross tonnage on an international voyage;
- (b) a cargo ship on a domestic voyage;
- (c) a passenger ship other than—
 - (i) a passenger ship of class I, II or II(A), or
 - (ii) a ro-ro ferry.

(2) A master to whom this regulation applies shall inform the owner of the ship in question by the quickest means available of any accident or incident at sea in which the ship is involved or which affects the ship as soon as possible after the accident or incident occurs.

(3) In this regulation—

- (a) “international voyage” means a voyage from a country to which the SOLAS Convention applies to a port outside that country, or conversely;
- (b) “passenger ship of class I, II or II(A)” means a passenger ship so classified within the meaning of the Merchant Shipping (Passenger Ship Construction: Ships of Classes I, II and II(A)) Regulations 1998(3); and
- (c) “ro-ro ferry” means a seagoing passenger vessel with facilities to enable road or rail vehicles to roll on and roll off the vessel, and carrying more than 12 passengers.

Obligations of shipowners in relation to accidents and incidents

15.—(1) When the owner of a ship is informed by the master of that ship of an accident or incident at sea either in accordance with the ISM Code or in accordance with regulation 14 that owner—

- (a) shall inform the relevant authority immediately of the accident or incident; and
- (b) shall give such assistance as may be reasonably required by the relevant authority.

(2) In this regulation—

- (a) “coastal authority” means—
 - (i) a person or body who provides a VTS,
 - (ii) a person or body who is responsible for a mandatory reporting system approved by the IMO, or
 - (iii) a person or body who is responsible for the co-ordination of search and rescue operations at sea or the co-ordination of operations to deal with pollution at sea; and
- (b) “the relevant authority” means—

(3) 1998/2514, amended by S.I. 2000/2687; there are other amending instruments but none is relevant.

- (i) Her Majesty's Coastguard, where the accident or incident occurs in United Kingdom waters, or
- (ii) the coastal authority of the EEA State, other than the United Kingdom, in whose territorial waters the accident or incident occurred.