

---

STATUTORY INSTRUMENTS

---

**2004 No. 2110**

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

**PART 4**

**INCIDENTS AND ACCIDENTS AT SEA**

**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.