

**2020 No. 362**

**MERCHANT SHIPPING**

**The Merchant Shipping (Tonnage) (Amendment) Regulations  
2020**

<i>Made</i>	- - - -	<i>25th March 2020</i>
<i>Laid before Parliament</i>		<i>30th March 2020</i>
<i>Coming into force</i>	- -	<i>20th April 2020</i>

The Secretary of State, in exercise of the powers conferred by section 19 of the Merchant Shipping Act 1995(a), makes the following Regulations.

**Citation and commencement**

1. These Regulations may be cited as the Merchant Shipping (Tonnage) (Amendment) Regulations 2020 and come into force on 20th April 2020.

**Amendment of the Merchant Shipping (Tonnage) Regulations 1997**

2. The Merchant Shipping (Tonnage) Regulations 1997(b) are amended in accordance with regulations 3 to 8.

3. In regulation 2(1) (definitions)—

(a) for the definition of “Load Line Rules” substitute—

““Load Line Rules” means—

(a) the Merchant Shipping (Load Line) Regulations 1998(c) or the Merchant Shipping (International Load Line Convention) (Amendment) Regulations 2018(d), whichever is relevant;

(b) in relation to any ship not registered in the United Kingdom any corresponding rules of the country in which the ship is registered;”;

(b) in the definition of “moulded draught”, in paragraph (b), for “the Merchant Shipping (Passenger Ship Construction) Regulations 1980 or the Merchant Shipping (Passenger Ship Construction) Regulations 1984” substitute “the Merchant Shipping (Passenger Ship Construction: Ships of Classes I, II and II(A)) Regulations 1998(e) or the Merchant

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(a) 1995 c. 21.

(b) S.I. 1997/1510, to which there are amendments not relevant to these Regulations.

(c) S.I. 1998/2241, amended by S.I. 2000/1335, 2011/603 and 2018/155.

(d) S.I. 2018/155.

(e) S.I. 1998/2514, amended by S.I. 2000/2687, 2004/302 and 2018/1221 (which contains prospective amendments); there are other amending instruments but none is relevant.

Shipping (Passenger Ship Construction: Ships of Classes III to VI(A)) Regulations 1998(a)".

4. For regulation 3 (application) substitute—

**“Application**

3.—(1) Subject to paragraphs (2) and (3), this Part applies to ships, being ships of 24 metres in length or over, registered or to be registered in the United Kingdom under Part II of the Act and for which the ascertainment of tonnage is required under Regulations made under section 10 of the Act.

(2) A ship which is not subject to the Convention at the time of its departure on any voyage will not become subject to the Convention on account of any deviation from its intended voyage due to stress of weather or any other circumstances beyond the control of the owner or the master of that ship.

(3) In applying the provisions of these Regulations, the Secretary of State must give due consideration to any deviation or delay caused to any ship owing to stress of weather or any other circumstances beyond the control of the owner or the master of that ship.”.

5. In regulation 8 (segregated ballast oil tankers), for “Regulation 13 of Annex I of the International Convention for the Prevention of Pollution from Ships 1973, as modified by the Protocol of 1978 relating to that Convention” substitute “Regulation 18 of Annex I of the International Convention for the Prevention of Pollution from Ships 1973**(b)**”.

6. In regulation 11 (change of net tonnage necessitating issue of a certificate), in paragraph (2), for “the Merchant Shipping (Passenger Ship Construction) Regulations 1980 or the Merchant Shipping (Passenger Ship Construction) Regulations 1984” substitute “the Merchant Shipping (Passenger Ship Construction: Ships of Classes I, II and II(A)) Regulations 1998 or the Merchant Shipping (Passenger Ship Construction: Ships of Classes III to VI(A)) Regulations 1998”.

7. After regulation 15 (ascertainment of tonnage and certification) insert—

**“Inspection**

15A.—(1) Subject to paragraph (2), a non-United Kingdom ship is subject to inspection by the Secretary of State when it is in a United Kingdom port for the purpose of verifying that—

- (a) a valid International Tonnage Certificate (1969) has been issued in relation to the ship, and
- (b) the main characteristics of the ship correspond with the information contained in the certificate.

(2) The inspection may not cause any delay to the ship.

(3) In the event that the inspection reveals that the main characteristics of the ship do not correspond with the information contained in its International Tonnage Certificate (1969) to the effect that the gross tonnage or net tonnage exceeds the value recorded in the certificate,

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(a) S.I. 1998/2515, amended by S.I. 2000/2687, 2004/302, 2010/1075 and 2018/1221 (which contains prospective amendments); there are other amending instruments but none is relevant.

(b) This Convention was published in Cmnd. 5748, and amended by the Protocol of 1978 (Cmnd. 7347) and 1997 (Cmnd. 4427). Hard copies of the Command Papers are available for inspection free of charge but by appointment at the Parliamentary Archives, Houses of Parliament, London, SW1A 0PW. IMO Resolution MEPC.21(22) introduced Protocol I to the Convention, which was amended by MEPC.68(38). Annex I was revised and replaced by IMO Resolution MEPC.117(52). It is further amended and supplemented by IMO Resolutions MEPC.139(53), 141(54), 154(55), 164(56), 186(59), 187(59), 189(60), 216(63), 237(65), 238(65), 246(66), 248(66), 256(67), 265(68), 266(68) and 276(70). The MEPC Resolutions may be obtained from the IMO Library at [www.imo.org/en/MediaCentre/Pages/Default.aspx](http://www.imo.org/en/MediaCentre/Pages/Default.aspx) or in hard copy from the Maritime and Coastguard Agency (telephone: +44 (0) 203 817 2000 or e-mail: [infoline@mcga.gov.uk](mailto:infoline@mcga.gov.uk)). The 2017 Consolidated Version of the Convention, which contains all amendments up to the date of publication of this instrument, may be obtained from IMO Publishing: ISBN: 978-92-801-16571.

the Secretary of State must without delay notify in writing the Government of the State whose flag the ship is flying of this determination.

(4) The requirement that the notification referred to in paragraph (3) should be in writing is satisfied where the text of a notification is—

- (a) transmitted by electronic means,
- (b) received in legible form, and
- (c) capable of being used for subsequent reference.”.

8. After regulation 16 (penalties) insert—

## “PART VI

### Review

#### **Review**

17.—(1) The Secretary of State must from time to time—

- (a) carry out a review of the regulatory provisions contained in these Regulations; and
- (b) publish a report setting out the conclusions of the review.

(2) The first report must be published before 20th April 2025.

(3) Subsequent reports must be published at intervals not exceeding five years.

(4) Section 30(3) of the Small Business, Enterprise and Employment Act 2015(a) requires that a review carried out under this regulation must, so far as is reasonable, have regard to how the obligations under the Convention are implemented in other countries which are subject to the obligations.

(5) Section 30(4) of the Small Business, Enterprise and Employment Act 2015 requires that a report published under this regulation must, in particular—

- (a) set out the objectives intended to be achieved by the regulatory provisions referred to in paragraph (1)(a);
- (b) assess the extent to which those objectives are achieved;
- (c) assess whether those objectives remain appropriate; and
- (d) if those objectives remain appropriate, assess the extent to which they could be achieved in another way which involves less onerous regulatory provision.

(6) In this regulation “regulatory provision” has the same meaning as in sections 28 to 32 of the Small Business, Enterprise and Employment Act 2015 (see section 32 of that Act).”.

Signed by authority of the Secretary of State for Transport

25th March 2020

*Kelly Tolhurst*  
Parliamentary Under Secretary of State  
Department for Transport

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(a) 2015 c. 26. Section 30(3) was amended by the Enterprise Act 2016 (c. 12), section 19 and the European Union (Withdrawal) Act 2018 (c. 16), Schedule 8, Part 2, paragraph 36.

## EXPLANATORY NOTE

*(This note is not part of these Regulations)*

These Regulations amend the Merchant Shipping (Tonnage) Regulations 1997 (SI 1997/1510) (“the 1997 Regulations”) to implement further provisions of the International Convention on Tonnage Measurement of Ships, 1969 (“the Convention”) in the United Kingdom.

The Convention contains provision governing the determination of the tonnage of ships engaged on international voyages. Article 5 of the Convention makes provision for force majeure (e.g. if a ship deviates from its intended voyage due to adverse weather). Article 12 of the Convention makes provision for the inspection of ships flying the flag of one contracting state when those ships are in the port of another contracting state. These Regulations amend the 1997 Regulations to implement Articles 5 and 12 in the United Kingdom and make certain other consequential amendments.

Regulation 3 amends regulation 2 of the 1997 Regulations to update existing definitions and references to other secondary legislation. Regulation 4 amends regulation 3 of the 1997 Regulations to implement Article 5 of the Convention (force majeure). Regulations 5 and 6 amend regulations 8 and 11 of the 1997 Regulations to update references to other instruments.

Regulation 7 inserts new regulation 15A into the 1997 Regulations to implement Article 12 of the Convention (inspection).

Regulation 8 inserts new regulation 17 into the 1997 Regulations which requires the Secretary of State to review the operation and effect of the 1997 Regulations and publish a report before 20th April 2025 and at intervals not exceeding five years after that date. Following a review, it will fall to the Secretary of State to consider whether the 1997 Regulations should remain unaltered, or be amended or revoked. A further instrument would be needed to amend or revoke the 1997 Regulations.

The Convention may be obtained in copy from the International Maritime Organization (IMO), 4 Albert Embankment, London SE1 7SR and is available on the Foreign and Commonwealth Office (FCO) treaties database (<http://treaties.fco.gov.uk/treaties/treaty.htm>). The text of the IMO Resolutions amending the Convention may be obtained from the IMO or on the FCO treaties database (<http://treaties.fco.gov.uk/treaties/treaty.htm>).

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.

An Explanatory Memorandum is published alongside the instrument on [www.legislation.gov.uk](http://www.legislation.gov.uk).

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