
STATUTORY INSTRUMENTS

2023 No. 984

MERCHANT SHIPPING

The Merchant Shipping (Inspections of Ro-Ro Passenger Ships and High-Speed Passenger Craft) Regulations 2023

<i>Made</i>	- - - -	<i>12th September 2023</i>
<i>Laid before Parliament</i>		<i>14th September 2023</i>
<i>Coming into force</i>	- -	<i>5th October 2023</i>

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 85(1), (3), (5), (6) and (7), 86(1)(a) to (d), 302(1) and 306A of the Merchant Shipping Act 1995⁽¹⁾, and with the consent of the Treasury.

In accordance with section 86(4) of the Merchant Shipping Act 1995 the Secretary of State has consulted the persons referred to in that section.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Merchant Shipping (Inspections of Ro-Ro Passenger Ships and High-Speed Passenger Craft) Regulations 2023 and come into force on the 5th October 2023.

(2) These Regulations extend to England and Wales, Scotland and Northern Ireland.

Interpretation

2.—(1) In these Regulations—

“the Act” means the Merchant Shipping Act 1995;

“annual flag State survey” means a survey in accordance with the HSSC carried out by the State whose flag a ship is entitled to fly;

“company”, in relation to a ro-ro passenger ship or a high-speed passenger craft, means—

(a) where Chapter 9 of SOLAS applies, a reference to the person who has assumed responsibility for the duties and responsibilities imposed by the International

(1) 1995 c. 21. Sections 85 and 86 were amended by the Merchant Shipping and Maritime Security Act 1997 (c. 28), sections 8 and 29(2) and Schedule 7. Section 85 was amended by the British Overseas Territories Act 2002 (c. 8), section 2(3). Section 306A was inserted by the Deregulation Act 2015 (c. 20). There are other amendments but none is relevant.

Management Code for Safe Operation of Ships and for Pollution Prevention (the ISM Code)(2); or

- (b) where Chapter 9 of SOLAS does not apply—
 - (i) the owner of the ship or craft; or
 - (ii) the person (such as the manager or bareboat charterer) who has assumed responsibility for the operation of the ship or craft from the owner;

“dangerous goods” means goods classified in the IMDG Code or in any other IMO publication referred to in these Regulations as dangerous for carriage by sea, and any other substance or article that the shipper has reasonable cause to believe might meet the criteria for such classification under Part 2 of the IMDG Code. This expression—

- (a) includes—
 - (i) residues in empty receptacles, empty tanks or cargo holds which have been used previously for the carriage of dangerous goods unless such receptacles, empty tanks or cargo holds have been cleaned and dried, purged, gas freed or ventilated as appropriate or, in the case of radioactive materials, have been both cleaned and adequately closed;
 - (ii) goods labelled, marked or declared as dangerous goods, and
- (b) does not include goods forming part of the equipment or stores of the ship in which they are carried;

“flag State”, in relation to a ship, means the State whose flag the ship is entitled to fly;

“gross tonnage” means gross tonnage as determined in accordance with regulation 6 or 12(1) of the Merchant Shipping (Tonnage) Regulations 1997(3);

“high-speed passenger craft” means a craft as defined in Regulation 1 of Chapter X of SOLAS, and carrying more than 12 passengers;

“HSSC” means the International Maritime Organization Survey Guidelines under the Harmonized System of Survey and Certification(4);

“IBC Code” means the 1998 Edition 2 of the IMO International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk;

“IMDG Code” means the 2020 Edition of the IMO International Maritime Dangerous Goods Code as amended;

“IMO” means the International Maritime Organization;

“inspector” means, other than in relation to the expression “port state control inspector”, a person duly authorised by the Secretary of State to carry out inspections required by these Regulations and “inspection” is to be construed accordingly;

“international conventions” means—

- (a) SOLAS;
- (b) STCW;

(2) International Management Code for the Safe Operation of Ships and for Pollution Prevention (the ISM Code) MSIS 02 revised 06-2020. The Code was adopted by the International Maritime Organization Resolution A.741(18) and may be obtained in copy from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR.

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

(4) The guidelines were adopted on 2 December 2015 by Resolution A.1104(29). The guidelines may be obtained in copy from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR and on [https://wwwcdn.imo.org/localresources/en/KnowledgeCentre/IndexofIMOResolutions/AssemblyDocuments/A.1104\(29\).pdf](https://wwwcdn.imo.org/localresources/en/KnowledgeCentre/IndexofIMOResolutions/AssemblyDocuments/A.1104(29).pdf).

- (c) the Convention on the International Regulations for Preventing Collisions at Sea, 1972(5);
- (d) the International Convention on Load Lines 1966(6);
- (e) the International Convention on Tonnage Measurement of Ships, 1969(7),

together with the protocols and amendments to these Conventions and related Codes of mandatory status;

“load line” means a mark on a ship indicating the maximum depth to which the ship may be loaded in accordance with the Merchant Shipping (Load Line) Regulations 1998(8);

“marine pollutant” means a substance classified as such in the IMDG Code, or as a noxious liquid substance in the IBC Code, oil as defined in Annex I to the MARPOL Convention, excluding bunkers and ship’s stores and any other substance, material or article that the shipper has reasonable cause to believe might meet the criteria for such classification in accordance with the Merchant Shipping (Dangerous Goods and Marine Pollutants) Regulations 1997(9);

“maritime mobile service identity number” means a unique nine-digit identification number that may have been issued in respect of a ship by the appropriate authority(10) of the flag State;

“the MARPOL Convention” means the International Convention for the Prevention of Pollution from Ships 1973, as amended by the Protocols of 1978 and 1997(11);

“the Paris MOU” means the Memorandum of Understanding on Port State Control, signed in Paris on 26 January 1982(12);

“polluting goods” means oil, noxious liquid substances and harmful substances in packaged form;

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- (5) Cmnd. 6962. The Convention was amended in 1981 and 1988. The Convention may be obtained in copy from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or found on the Foreign, Commonwealth & Development Office treaties database (<https://treaties.fcdo.gov.uk/awweb/pdfopener?md=1&did=67638>).
 - (6) Cmnd. 3708. The Convention was modified by the Protocol of 1988 and amended by IMO Resolutions A.972(24), A.1082(28) and A.1083(28). The Protocol was amended by IMO Resolutions MSC.143(77), MSC.172(79), MSC.223(82), MSC.270(85), MSC.329(90), MSC.345(91), MSC.356(92) and MSC.375(93). The Convention may be obtained in copy from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or found on the Foreign, Commonwealth & Development Office treaties database (<https://treaties.fcdo.gov.uk/awweb/pdfopener?md=1&did=66633>). The text of IMO Resolutions A.972(24), A.1082(28) and A.1083(28) may also be obtained from the International Maritime Organization at the same address, or in Marine Information Note 560(M) issued by the Maritime Coastguard Agency (MCA) and which is available in copy from the MCA of Spring Place, 105 Commercial Road, Southampton SO15 1EG or on <https://www.gov.uk>. The Protocol of 1988 (Cm 4829) may be obtained in copy from the International Maritime Organization at the same address, or found on the Foreign, Commonwealth & Development Office treaties database (<https://treaties.fcdo.gov.uk/awweb/pdfopener?md=1&did=69527>). The text of the amendments to the Protocol may be obtained from the International Maritime Organization at the same address or in Marine Information Note 560(M) issued by the MCA and available in copy from Spring Place, 105 Commercial Road, Southampton SO15 1EG or on <https://www.gov.uk>. Amendments will also be made available on the Foreign, Commonwealth & Development Office treaties database (<https://treaties.fcdo.gov.uk/data/Library2/pdf/2018-TS0011.pdf>).
 - (7) Cmnd. 4332. The Convention may be obtained in copy from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or found on the Foreign, Commonwealth & Development Office treaties database (<https://treaties.fcdo.gov.uk/awweb/pdfopener?md=1&did=68110>).
 - (8) S.I. 1998/2241, to which there are amendments not relevant to these Regulations.
 - (9) S.I. 1997/2367; relevant amending instrument is S.I. 2004/2110.
 - (10) The appropriate authority for the UK is Ofcom, the regulator for the communications services. Further information about Ofcom can be found on <https://www.ofcom.org.uk>.
 - (11) The MARPOL Convention was published in Cmnd. 5748, and amended by the Protocols of 1978 (Cmnd. 7347) and 1997 (Cm. 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. The Parliamentary Archives catalogue numbers are as follows: HL/PO/JO/10/11/1853/505 (Cmnd. 5748), HL/PO/JO/10/11/1959/2033 (Cmnd. 7347) and HL/PO/JO/10/11/3156/2285 (Cm. 4427). Annex V to MARPOL has been amended by a number of International Maritime Organization (“IMO”) Resolutions, most recently by MEPC.277(70). The amendments are available from the IMO of 4 Albert Embankment, London SE1 7SR or can be found on the Foreign, Commonwealth & Development Office treaties database (<https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch/>).
 - (12) The 43rd Amendment to the Paris MOU was adopted on 2 October 2020. The Paris MOU may be obtained in copy from the Secretariat Paris MOU on PSC, P.O. Box 16191, 2500 BC The Hague, The Netherlands, or found on <https://www.parismou.org/inspections-risk/port-state-control-inspections-paris-mou>.

“port state control inspection” means an inspection under the system for the enforcement of international standards, as provided for by the Merchant Shipping (Port State Control) Regulations 2011(13), and references to a “port state control inspector” are to an inspector duly authorised by the Secretary of State to carry out inspections required by those Regulations;

“pre-commencement inspection” means an inspection under regulation 5(2);

“prohibition of departure notice” means a notice issued in accordance with regulation 8;

“recognised organisation” means any organisation which continues to be recognised under Regulation (EC) No. 391/2009(14);

“regular service” means a series of ro-ro passenger ship or high-speed passenger craft crossings operated so as to serve traffic between the same two or more ports, or a series of voyages from and to the same port without intermediate calls, either—

(a) according to a published timetable; or

(b) with crossings so regular or frequent that they constitute a recognisable systematic series;

“relevant statutory requirement” means a requirement in a provision in a statutory instrument which implements an international convention and which is made under—

(a) the Act, including statutory instruments made under an order made under the Act, or

(b) the European Communities Act 1972(15);

“ro-ro passenger ship” means a ship with facilities to enable road or rail vehicles to roll on and roll off the ship, and carrying more than 12 passengers;

“Safety Management Certificate” means the Safety Management Certificate referred to in Regulation 4 of Chapter IX of SOLAS;

“shipper” means any person who, whether as principal or agent for another, consigns goods for carriage by sea;

“special category spaces” means special category spaces as defined in Regulation II-2/3 of SOLAS;

“sub-division load line” means a waterline used in determining the subdivision of a ship;

“SOLAS” means the International Convention for the Safety of Life at Sea, 1974(16);

“STCW” means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers 1978(17);

“United Kingdom ship” means a ship which—

(a) is registered in the United Kingdom; or

(b) is not registered under the law of any country but is wholly owned by persons each of whom is—

(13) S.I. 2011/2601, amended by S.I. 2018/1122, 2020/496.

(14) EUR 2009/391, amended by S.I. 2019/270.

(15) 1972 c. 68. The European Communities Act 1972 was repealed by section 1 of the European Union (Withdrawal) Act 2018 (c. 16).

(16) Cmnd 7874. The Convention may be obtained in copy from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or found on the Foreign, Commonwealth & Development Office treaties database (<https://treaties.fcdo.gov.uk/awweb/pdfopener?md=1&did=79786>). The Convention was modified by its Protocol of 1978 (Cmnd. 8277), which was replaced and abrogated by the Protocol of 1988 (Cm. 5044) with respect to the parties to the 1988 Protocol. The amendments to the Convention are available from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or found on the Foreign, Commonwealth & Development Office treaties database (<https://treaties.fcdo.gov.uk/awweb/pdfopener?md=1&did=68013>). 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. The Parliamentary Archives catalogue numbers for the Command Papers are HL/PO/JO/10/11/2301/2878 (Cmnd. 7874), HL/PO/JO/10/11/2302 (Cmnd. 8277) and HL/PO/JO/10/11/3156/2280 (Cm. 5044).

(17) The Convention was amended in 1991, 1994, 1995, 1997, 1998, 2004 (on two occasions), 2006 and 2010. The Convention may be obtained from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or found on the IMO website: (<https://treaties.un.org/doc/Publication/UNTS/Volume%201361/volume-1361-I-23001-English.pdf>).

- (i) a British citizen, a British overseas territories citizen or a British Overseas citizen, or
 - (ii) a body corporate which is established under the law of any part of the United Kingdom and has its principal place of business in the United Kingdom.
- (2) In these Regulations, a reference to each of the international conventions is to be construed—
- (a) as a reference to the international convention as it is modified from time to time, and
 - (b) as, if the international convention is replaced, a reference to the replacement.
- (3) For the purposes of paragraph (2), the international convention is modified or replaced if the modification or replacement takes effect in accordance with the relevant Article of the convention referred to in paragraph (4).
- (4) The relevant Article is—
- (a) for the International Convention on Load Lines 1966, Article 29,
 - (b) for SOLAS, Article VIII,
 - (c) for STCW, Article XII,
 - (d) for the Convention on the International Regulations Preventing Collisions at Sea 1972, Article VI, and
 - (e) for the International Convention on Tonnage Measurements for Ships 1969, Article 18.
- (5) In these Regulations, references to “written” or “in writing” include the provision of such communication by electronic mail, facsimile or similar means, which is capable of producing a document containing the text of any communication and in a form sufficiently permanent to be used for subsequent reference.

Application

- 3.**—(1) These Regulations apply to—
- (a) ro-ro passenger ships and high-speed passenger craft which are United Kingdom ships, wherever they may be, and
 - (b) ro-ro passenger ships and high-speed passenger craft which are non-United Kingdom ships, while they are within United Kingdom waters,
- which are operating on a regular service set out in paragraph (2).
- (2) The regular service referred to in paragraph (1) is—
- (a) a regular service between a port in the United Kingdom and a port of a country other than a member State, or
 - (b) a regular service between ports in the United Kingdom in sea areas in which ships of Class A may operate in accordance with the Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000⁽¹⁸⁾.
- (3) For the purposes of this regulation, “non-United Kingdom ship” means any ship other than a United Kingdom ship.

Professional profile of inspectors

- 4.** Any inspection under these Regulations must be carried out by a person who fulfils the minimum qualification criteria specified in Schedule 1.

⁽¹⁸⁾ S.I. 2000/2687, amended by S.I. 2004/2883, 2018/53, 1221, 2020/1222; there are other amending instruments but none is relevant.

Pre-commencement inspections

5.—(1) Paragraph (2) applies to a ship where—

- (a) it is proposed to use the ship to operate a particular regular service, or
- (b) there has been a change of company in relation to the ship and the successor proposes to use the ship to continue to operate that service.

(2) Subject to paragraph (3) and regulation 6, the Secretary of State must ensure that before the regular service begins or, as the case may be, is continued, an inspection of the ship is carried out which consists of—

- (a) verification of compliance with the requirements laid down in Part 1 of Schedule 2, and
- (b) an inspection in accordance with the requirements of Part 2 of Schedule 2, to satisfy the inspector that the ship fulfils the necessary requirements for safe operation of a regular service.

(3) A pre-commencement inspection may only be arranged if, the company or the master of the ship, notifies the Secretary of State of the information specified in paragraph (4) in accordance with paragraph (5).

(4) The information referred to in paragraph (3) is—

- (a) the name of the ship, the ship's call sign, the IMO number or the maritime mobile service identity number of the ship, and
- (b) the route of the proposed regular service, including the ports at which the service will start and finish.

(5) The information must be notified in writing to the Secretary of State at least two months before the day of the proposed commencement of the regular service.

(6) The Secretary of State may request that a company provides evidence of compliance with the requirements of Part 1 of Schedule 2 in advance but no earlier than one month before the date of the pre-commencement inspection.

Exceptions to the requirement to carry out a pre-commencement inspection

6.—(1) The Secretary of State may decide that a pre-commencement inspection need not be carried out where—

- (a) the ship was previously engaged on another regular service covered by these Regulations, and
- (b) the Secretary of State, after taking into account the result of any previous inspections carried out in respect of that ship, is satisfied that the requirement for a pre-commencement inspection is unnecessary.

(2) Where paragraph (1)(a) does not apply to a ship, the Secretary of State may—

- (a) at the request of the company, and
- (b) subject to being satisfied in accordance with paragraph (1)(b),

decide that a pre-commencement inspection of the ship is not required.

(3) Where due to unforeseen circumstances there is an urgent need for a replacement ship to be introduced rapidly to ensure continuity of service and the Secretary of State has not exercised the discretion under paragraph (1), the Secretary of State may decide that the ship may start operating provided that the Secretary of State has no reason to believe that the ship does not fulfil any of the requirements set out in Schedule 2.

(4) Where the Secretary of State decides that a replacement ship may start operating in accordance with paragraph (3), that ship may only be used to continue to operate the service if, within one month

of the ship starting to operate as a replacement ship, or any additional period that the Secretary of State may decide is appropriate, the Secretary of State ensures that an inspection of the ship is carried out consisting of—

- (a) verification of compliance with the requirements laid down in Part 1 of Schedule 2, and
- (b) an inspection in accordance with the requirements of Part 2 of Schedule 2, to satisfy the inspector that the ship fulfils the necessary requirements for safe operation of a regular service.

(5) The Secretary of State may decide not to apply certain of the requirements or procedures set out in regulation 5(2)(a) and (b) where—

- (a) they are relevant to any annual flag State survey or inspection carried out in respect of that ship within the period of six months before the pre-commencement inspection, and
- (b) the relevant procedures and guidelines for surveys specified in HSSC or procedures designed to achieve the same goal have been followed.

(6) Any decision of the Secretary of State under this regulation in respect of a ship must be communicated in writing to the company.

Regular inspections

7.—(1) Subject to paragraph (3), the Secretary of State must, in relation to each ship, ensure that the inspections set out in paragraph (2) are carried out once during the period of 12 months beginning with the date on which a ship is first used to operate a particular regular service and thereafter during each subsequent period of 12 months while the ship continues to be so used.

(2) The inspections referred to in paragraph (1) are—

- (a) an inspection in accordance with the requirements of Part 2 of Schedule 2, and
- (b) an inspection during a regular service, which must cover—
 - (i) the items listed in Schedule 3, and
 - (ii) those of the requirements listed in Schedule 2 which need to be met in the professional judgement of the inspector.

(3) Any pre-commencement inspection in relation to a particular regular service may be treated as satisfying the requirement for an inspection in relation to that service for the purposes of paragraph (2)(a) if—

- (a) the inspection under paragraph (2)(a) is required for the first time, and
- (b) the Secretary of State, after taking into account the result of the pre-commencement inspection, is satisfied that the requirement for an inspection under paragraph (2)(a) is unnecessary.

(4) The inspection referred to in paragraph (2)(a) may be carried out at the same time as, or in conjunction with, the annual flag State survey for the ship provided that the relevant procedures and guidelines for surveys specified in HSSC or procedures designed to achieve the same goal are followed.

(5) The inspection referred to in paragraph (2)(b) must take place no earlier than four months and no later than eight months after—

- (a) the date on which the ship is first used to operate a particular regular service, and
- (b) each anniversary of that date.

(6) Subject to paragraph (7), the Secretary of State may require that an inspection in accordance with Part 2 of Schedule 2 is carried out—

- (a) each time a ship undergoes repairs, alterations and modifications in respect of an item included in Part 2 of Schedule 2;
- (b) where there is a change of company in relation to a ship;
- (c) when there is a transfer of the maritime classification society⁽¹⁹⁾ which issued a class certificate for a ship.

(7) Where the Secretary of State considers that the safe operation of the ship is not affected by a change of company or transfer of maritime classification society, the Secretary of State may, after taking account of inspections previously carried out for that ship, exempt the ship from the inspection required under paragraph (6)(b) or, as the case may be, paragraph (6)(c).

Rectification of deficiencies, prohibition of departure and suspension of inspection

8.—(1) The Secretary of State must inform a company of any deficiencies which are confirmed or revealed by an inspection of one of its ships.

(2) Without prejudice to any other relevant statutory requirement, where an inspector has grounds for believing that deficiencies confirmed or revealed by an inspection are clearly hazardous to health or safety, the ship is liable to be detained by the inspector until such time as an inspector is satisfied that—

- (a) the hazard has been removed, and
- (b) the ship can, subject to any necessary conditions, proceed to sea or resume operation without risk to the health or safety of the passengers or crew, or risk to the ship or to other ships.

(3) Where a ship is liable to be detained under paragraph (2), the inspector detaining the ship must issue a prohibition of departure notice to the company and the master of the ship in accordance with paragraph (9).

(4) Where the overall condition of the ship is obviously substandard (for example where an inspector records deficiencies in several areas each of which could lead to the ship being detained) the inspector may suspend the inspection of the ship until the company has taken the necessary steps to ensure that the ship—

- (a) is no longer clearly hazardous to health or safety, or
- (b) complies with the relevant requirements of the international conventions that apply.

(5) Where an inspector suspends an inspection under paragraph (4), the inspector must issue a prohibition of departure notice to the company and the master of the ship in accordance with paragraph (9).

(6) Without prejudice to any other relevant statutory requirement, where the Secretary of State has not been able to carry out an inspection of a ship in accordance with these Regulations, the ship may be detained by the Secretary of State.

(7) Where a ship is liable to be detained under paragraph (6), the Secretary of State must issue a prohibition of departure notice to the company and the master of the ship including the reason for the detention in accordance with paragraph (9).

(8) Section 284 of the Act (enforcing detention of a ship) applies where a ship is liable to be detained under this regulation as if—

- (a) references to the owner of the ship were to the company;
- (b) references to detention of a ship under the Act were references to the detention of a ship under this regulation;

⁽¹⁹⁾ More information about UK classification societies can be found from the website: (<https://www.gov.uk/guidance/uk-authorized-recognised-organisations-ros>).

- (c) references to a notice of detention were references to a prohibition of departure notice issued under paragraph (3), (5) or (7);
 - (d) subsection (7) were omitted.
- (9) A prohibition of departure notice must—
- (a) specify—
 - (i) the deficiency in relation to which the notice has been issued under paragraph (3),
 - (ii) the reasons for the suspension in relation to which the notice is issued under paragraph (5), or
 - (iii) details of the inspection which the Secretary of State has not been able to carry out in relation to which a notice is issued under paragraph (7),
 - (b) require that the ship must not be operated on a regular service unless the deficiency or reason for suspension so specified has been remedied and the ship has been released by any person mentioned in section 284(1) of the Act,
 - (c) inform the company and the master of the ship of the right to arbitration in relation to a notice issued under paragraph (3) or (5) and the applicable procedures, and
 - (d) take immediate effect.
- (10) The risk of port congestion must not be a consideration in a decision whether to impose or to withdraw a prohibition of departure notice.
- (11) Where a deficiency referred to in paragraph (2) cannot be readily rectified in the port in which the deficiency has been confirmed or revealed, the person having powers to detain the ship may permit it to proceed to the nearest appropriate repair yard available where the deficiency can be readily rectified.
- (12) A prohibition of departure notice may only be withdrawn by the Secretary of State where—
- (a) in the case of a notice issued under—
 - (i) paragraph (3), all deficiencies have been rectified and the hazard has been removed to the satisfaction of an inspector,
 - (ii) paragraph (5), the inspection has been resumed and successfully completed, or
 - (iii) paragraph (7), an inspection of the ship in accordance with these Regulations has been carried out, and
 - (b) any requirement set out in the prohibition of departure notice and regulation 10(2) are satisfied.
- (13) Subject to paragraph (14), section 96 (references of detention notices to arbitration) and section 97 (compensation in connection with invalid detention of ship) of the Act apply in relation to a prohibition of departure notice issued under this regulation as they apply in relation to a detention notice served under section 95 (power to detain dangerously unsafe ship).
- (14) For the purposes of paragraph (13)—
- (a) section 96 applies as if—
 - (i) subsection (3) were omitted,
 - (ii) the words “as a dangerously unsafe ship” in subsection (5) were omitted,
 - (iii) subsection (11) were omitted, and
 - (b) sections 96 and 97 apply as if “the relevant inspector” means the person who issued the prohibition of departure notice under this regulation.

Inspection report

9. On completion of any inspection required by these Regulations, the inspector must—
- (a) draw up a written report in accordance with Schedule 4, and
 - (b) provide the ship’s master and the company with a copy of the report.

Costs of issuing prohibition of departure notices

10.—(1) Where a prohibition of departure notice is issued under regulation 8(3), (5) or (7), all costs of the Secretary of State relating to the issue of the notice and any subsequent inspection relating to the deficiencies which led to the issue of the notice must be covered by the company.

(2) The prohibition of departure notice must not be withdrawn until full payment is made or a sufficient guarantee is given for reimbursement of the costs.

Revocation and consequential amendments

11.—(1) The Merchant Shipping (Mandatory Surveys for Ro-Ro Ferry and High Speed Passenger Craft) Regulations 2001(20) are revoked.

- (2) Schedule 5 (consequential amendments) has effect.

Review of the Regulations

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

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

(2) The first report must be published before the end of the period of five years beginning with the date on which these Regulations come into force.

(3) Subsequent reports must be published at intervals not exceeding 5 years.

(4) Section 30(4) of the Small Business, Enterprise and Employment Act 2015(21) requires that a report published under this regulation must, in particular—

- (a) set out the objectives intended to be achieved by the regulatory provision 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.

(5) 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).

(20) S.I. 2001/152, amended by S.I. 2004/1266, 2018/1221.

(21) 2015 c. 26. Section 30 was amended by the Enterprise Act 2016 (c. 12) and the European Union (Withdrawal) Act 2018 (c. 16).

We consent to the making of these Regulations

11th September 2023

Andrew Stephenson
Scott Mann
Two of the Lords Commissioners of His
Majesty's Treasury

Signed by authority of the Secretary of State for Transport

12th September 2023

Vere
Parliamentary Under Secretary of State
Department for Transport

SCHEDULE 1

Regulation 4

Minimum criteria for an inspector

- 1.—(1) The Secretary of State is satisfied that an inspector—
 - (a) has the appropriate theoretical knowledge and practical experience of ships and their operation, and
 - (b) is competent in the enforcement of the requirements of the international conventions and the relevant Paris MOU procedures.(2) The knowledge and competence required by virtue of sub-paragraph (1) must be acquired through documented training programmes.
2. An inspector must, as a minimum, have either—
 - (a) passed professional examinations from a marine or nautical institution and gained relevant seagoing experience as a certified ship officer holding or having held a valid certificate of competency issued in accordance with the provisions of the STCW Regulation II/2 or Regulation III/2, not limited as regards the operating area or propulsion power or tonnage,
 - (b) passed a professional examination recognised by the Secretary of State to qualify as a naval architect, mechanical engineer or any other engineer working in a maritime field and worked in that capacity for at least five years, or
 - (c) a relevant university degree or equivalent and have trained and qualified as a ship safety inspector.
3. An inspector must have—
 - (a) completed a minimum of one year's service authorised by the Secretary of State either dealing with surveys and certification in accordance with the international conventions or involved in the monitoring of activities of recognised organisations, or
 - (b) gained an equivalent level of competence by following a minimum of one year's field training participating in port state control inspections under the guidance of experienced port state control inspectors.
4. An inspector who meets the criteria set out in paragraph 2(a) must have gained maritime experience of at least 5 years including a period—
 - (a) as a deck or engine officer with at least two years experience in that role working at sea,
 - (b) as an inspector satisfying the requirements of paragraph 3(a), or
 - (c) as an assistant to a Port State Control inspector carrying out inspections.
5. An inspector must have the ability to communicate orally and in writing with seafarers in English.
6. The Secretary of State is satisfied that an inspector has sufficient theoretical and practical experience in maritime security including—
 - (a) a good understanding of maritime security and how it is applied to the operations being examined;
 - (b) a good working knowledge of security technologies and techniques;
 - (c) a knowledge of inspection principles, procedures and techniques;
 - (d) a working knowledge of the operations being examined.

SCHEDULE 2

Regulations 5(2) and (6),6(3) and (4), 7(2)
and (6)

Pre-commencement inspections and regular inspections

Part 1

Specific requirements for ships in regular service

Interpretation

1. In this Part, the reference to “Annex C of Marine Guidance Note 610 (M+F)(22)” includes a reference to any document amending or replacing that Annex which is considered by the Secretary of State to be relevant from time to time.

Verification of specific requirements

2. The requirements for a ship in regular service that must be verified are—
- (a) that the master—
 - (i) is provided with information on the availability of shore-based navigational guidance systems and other information schemes to assist the master in the safe conduct of voyages before the ro-ro passenger ship or high-speed passenger craft begins to sail, and
 - (ii) makes use of the navigational guidance and information schemes referred to in Annex C to Marine Guidance Note 610 (M+F);
 - (b) that the relevant provisions of paragraphs 2 to 6 of MSC/Circular 699 of 17 July 1995 ‘Revised guidelines for passenger safety instructions’(23) are applied;
 - (c) that a written table with the shipboard working arrangements is posted in a place that is easily accessible by the crew and officers, and contains—
 - (i) the schedule of service at sea and service in port, and
 - (ii) the maximum hours of work or the minimum hours of rest required for watchkeepers;
 - (d) that the master is not constrained from taking any decision which, in the master’s professional judgement, is necessary for safe navigation and operation, in particular in severe weather and in heavy seas;
 - (e) that the master keeps a record of navigational activities and incidents which are of importance to the safety of navigation;
 - (f) that arrangements are in place to ensure that any damage to, or permanent deflection of shell doors and associated hull plating that may affect the integrity of the ro-ro passenger ship or high-speed passenger craft, and any deficiencies in the securing arrangements of such doors—
 - (i) will be promptly reported to both the administration of the flag State of the ship concerned and the Maritime and Coastguard Agency; and

(22) MGN 610 (M+F) Navigation: SOLAS Chapter V – Guidance on the Merchant Shipping (Safety of Navigation) Regulations 2020 (S.I. 2020/673). This guidance is produced by the Maritime and Coastguard Agency and may be obtained in copy from the Maritime and Coastguard Agency, Spring Place, 105 Commercial Road, Southampton SO15 1EG, and on https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/904612/MGN_610_2020.pdf.

(23) MSC/Circular.699, adopted by the Maritime Safety Committee of the International Maritime Organization on 17 July 1995. The Circular may be obtained in copy from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR and on https://www.imorules.com/MSCCIRC_699.html.

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- (ii) if applicable, where any related work to the shell doors and associated hull plating is required that this is carried out promptly and to the satisfaction of the administration of the flag State of the ship concerned and the Maritime and Coastguard Agency;
- (g) that an up-to-date voyage plan is available before the departure of the ro-ro passenger ship or high-speed passenger craft on its voyage and that in preparing the voyage plan the guidelines set out in IMO Assembly Resolution A.893(21) of 25 November 1999 ‘Guidelines for voyage planning’⁽²⁴⁾ are taken fully into account;
- (h) that general information about the services and assistance available to elderly and disabled persons on board is made known to such passengers and is made available in formats suitable for people with impaired sight.

Part 2

Procedures for inspections

International convention requirements

3.—(1) An inspection must ensure that the ship complies with all relevant statutory requirements, including in particular, those relating to—

- (a) construction;
 - (b) subdivision and stability;
 - (c) machinery and electrical installations;
 - (d) loading and stability;
 - (e) fire protection;
 - (f) maximum number of passengers;
 - (g) life-saving appliances;
 - (h) the carriage of dangerous goods, and
 - (i) radiocommunications and navigation.
- (2) An inspection must include—
- (a) the starting of the emergency generator;
 - (b) an inspection of emergency lighting;
 - (c) an inspection of the emergency source of power for radio-installations;
 - (d) a test of the public-address system;
 - (e) a fire drill, including a demonstration of the ability to use firemen’s outfits;
 - (f) the operation of the emergency fire-pump with two firehoses connected to the fire main line in operation;
 - (g) the testing of the remote emergency stop controls for fuel supply to boilers, main and auxiliary engines, and for ventilation fans;
 - (h) the testing of remote and local controls for the closing of fire dampers;
 - (i) the testing of fire detection and alarm systems;
 - (j) the testing of proper closing of fire doors;

(24) The guidelines may be obtained in copy from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR and on [https://wwwcdn.imo.org/localresources/en/KnowledgeCentre/IndexofIMOResolutions/AssemblyDocuments/A.893\(21\).pdf](https://wwwcdn.imo.org/localresources/en/KnowledgeCentre/IndexofIMOResolutions/AssemblyDocuments/A.893(21).pdf).

- (k) the operation of bilge pumps;
 - (l) the closing of watertight bulkhead doors, both from the local and remote-control positions;
 - (m) a demonstration that shows that key crew members are acquainted with the damage control plan;
 - (n) the lowering of at least one rescue boat and one lifeboat to the water, starting and testing their propulsion and steering system, and recovering them from the water into their stowed position on board;
 - (o) checking that all lifeboats and rescue boats correspond to the inventory;
 - (p) the testing of the ship's steering gear and auxiliary steering gear.
- (3) The inspection must assess the familiarisation of crew members with, and their effectiveness in—
- (a) safety procedures,
 - (b) emergency procedures,
 - (c) maintenance,
 - (d) working practices,
 - (e) passenger safety,
 - (f) bridge procedures, and
 - (g) cargo and vehicle-related operations.
- (4) Seafarers' ability to understand and, where appropriate, give orders and instructions and report back in the common working language, as recorded in the ship's logbook, must be checked.
- (5) The documented evidence that crew members have successfully followed special training must be checked, in particular with regard to—
- (a) crowd-management training,
 - (b) familiarisation training,
 - (c) safety training for personnel providing direct safety assistance to passengers in passenger spaces, and in particular to elderly and disabled persons in an emergency, and
 - (d) crisis management and human behaviour training.
- (6) The inspection must include an assessment of whether rostering patterns are causing unreasonable fatigue, particularly for watch-keeping personnel.
- (7) A check of the Certificate of competency for each member of the crew serving on board the ship to ensure that the individual complies with the relevant requirements of the Merchant Shipping (Standards of Training, Certification and Watchkeeping) Regulations 2022(25).

SCHEDULE 3

Regulation 7(2)(b)(i)

Procedures for carrying out inspections during a regular service

1. When carrying out an inspection during a regular service, the following must be checked.

Passenger information

2. In relation to passenger information—

(25) [S.I. 2022/1342](#).

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- (a) that the number of passengers for which the ship is certified is not exceeded;
- (b) that the registration of passenger information complies with the Merchant Shipping (Counting and Registration of Persons on Board Passenger Ships) Regulations 1999⁽²⁶⁾;
- (c) how the information on the total number of passengers is passed to the master and, if appropriate, how passengers undertaking a double crossing without going ashore are included in the total for the return voyage.

Loading and stability information

3. In relation to loading and stability information—

- (a) that, when applicable, reliable draught gauges are fitted and are in use;
- (b) that measures are taken to ensure that the ship is not overloaded and the appropriate subdivision load line is not submerged;
- (c) that the loading and stability assessment is carried out based on the type and extent of loading;
- (d) that goods vehicles and other cargo are weighed where required and the figures passed to the master of the ship for use in the loading and stability assessment;
- (e) that damage control plans are permanently exhibited on the bridge and other areas of the ship that the company considers appropriate and that booklets containing damage control information specified in SOLAS Chapter II-2, Regulation 19, are provided for the ship's officers.

Security for sea

4. In relation to securing the ship for sea, that there are procedures to ensure—

- (a) that the ship is secured for sea before leaving the berth, which should include a positive reporting procedure that all the shell watertight and weather-tight doors are closed;
- (b) that all the vehicle deck doors—
 - (i) are closed before the ship leaves the berth, or
 - (ii) remain open long enough only to enable the bow visor to be closed;
- (c) that the closing arrangements for the bow, stern and side doors, and provision of indicator lights and TV surveillance show their status on the navigating bridge;
- (d) that any malfunctioning of the operation of the indicator lights of watertight doors, particularly in relation to the switches at the doors, can be ascertained and reported.

Safety announcements

5. In relation to safety announcements—

- (a) that the form of routine safety announcements and the posting of instructions and guidance on emergency procedures occurs in the language or languages appropriate to the principal nationalities of passengers carried on a particular route;
- (b) that the routine safety announcement takes place at the commencement of a voyage and can be heard in all public spaces, including open decks, to which passengers have access.

Log book entries

6. In relation to log books, that entries are being made with regard to—

(26) S.I. 1999/1869, amended by S.I. 2010/680, 2010/1075, 2011/1043, 2019/649, 2021/81, 2022/1219.

- (a) the closing of the bow, stern and other watertight and weather-tight doors;
- (b) drills for sub-division watertight doors;
- (c) the testing of steering gears, and abandon ship drills;
- (d) draughts, freeboard and stability of the ship;
- (e) the common working language for the crew.

Dangerous goods, polluting goods and marine pollutants

7. In relation to dangerous goods, polluting goods or marine pollutants—
- (a) that any cargo of dangerous or polluting goods is carried in accordance with the relevant statutory requirements and, in particular that a declaration concerning dangerous or polluting goods is provided together with a manifest or stowage plan to show—
 - (i) their location on board,
 - (ii) that the carriage of the particular cargo is permitted on passenger ships, and
 - (iii) that the dangerous or polluting goods are properly marked, labelled, stowed, secured and segregated;
 - (b) that vehicles carrying dangerous or polluting goods are properly placarded and secured;
 - (c) that, when dangerous or polluting goods are carried, a copy of the relevant manifest or stowage plan is available ashore for use by the emergency services;
 - (d) that the master is aware of the notification requirements under the Merchant Shipping (Vessel Traffic Monitoring and Reporting Requirements) Regulations 2004⁽²⁷⁾ and of the instructions on the emergency procedures to be followed and the rendering of first aid should there be an incident involving the dangerous or polluting goods or marine pollutants;
 - (e) that the means of ventilating the vehicle decks is—
 - (i) in use at all times, and
 - (ii) increased when any vehicle engines are running;
 - (f) that there is some form of indication on the bridge to show that the vehicle deck ventilation is in operation.

Securing freight vehicles

8. In relation to freight vehicles, that there are documented procedures about how such vehicles are secured (for example: whether by block stow or individual lashings; whether sufficient strong points are available; what the arrangements are for securing freight vehicles when adverse weather is experienced or expected; the method of securing coaches and motor cycles, if any; whether the ship has a cargo securing manual).

Vehicle decks

9. In relation to vehicle decks—
- (a) whether special category and ro-ro cargo spaces are being continuously patrolled or monitored by a TV surveillance system so that the movement of vehicles in adverse weather and the unauthorised entry of passengers may be observed;
 - (b) that fire doors and entrances are kept shut and that notices are posted to keep passengers off the vehicle decks whilst the ship is at sea.

⁽²⁷⁾ S.I. 2004/2110, amended by S.I. 2005/1092, 2008/3145, 2011/2616, 2014/3306, 2018/68, 2018/1221, 2019/42, 2020/673.

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Closure of watertight doors

10. In relation to the closure of watertight doors—

- (a) that the policy laid down in the ship's operational instructions for the sub-division watertight doors is being followed;
- (b) that drills where the closure of watertight doors is required are carried out;
- (c) that the bridge control for the watertight doors is kept, when possible, on 'local' control;
- (d) that the doors are being kept closed in restricted visibility and any hazardous situation;
- (e) that crews are instructed in the correct way to operate the doors and are aware of the dangers of their misuse.

Fire patrols

11. In relation to fire patrols—

- (a) that an efficient fire patrol is being maintained so that any outbreak of fire may be readily detected, but
- (b) if this covers special category spaces where no fixed fire detection and alarm system is fitted, that those spaces are patrolled or monitored as indicated in paragraph 9(a).

Communications in an emergency

12. That there are sufficient crew members in accordance with the muster list to assist passengers in an emergency and that they are readily identifiable and able to communicate with the passengers in an emergency, taking into account an appropriate and adequate combination of any of the following factors—

- (a) the language or languages appropriate to the principal nationalities of passengers carried on a particular route;
- (b) the likelihood that an ability to use elementary English vocabulary for basic instructions can provide a means of communicating with a passenger in need of assistance if the passenger and crew member do not share a common language;
- (c) the possible need to communicate during an emergency by other means when verbal communication is impractical;
- (d) whether complete safety instructions have been provided to passengers in their native language or languages;
- (e) the languages in which emergency announcements may be broadcast during an emergency or drill to convey critical guidance to passengers and to facilitate crew members in assisting passengers.

Common working language between crew members

13. That a working language has been established to ensure effective crew performance in safety matters and that this working language is recorded in the ship's logbook.

Safety equipment

14. In relation to safety equipment—

- (a) that the life-saving and fire appliances, including the fire doors and other items of the structural fire protection that can be readily inspected, are being maintained;

- (b) that fire control plans are permanently exhibited or booklets containing the equivalent information are provided on the bridge and other areas of the ship that the company considers appropriate for the information of the ship's officers;
- (c) that the stowage of the lifejackets is appropriate and that the stowage of children's lifejackets may be readily identified;
- (d) that the loading of vehicles does not prevent the operation of the fire controls, emergency shut-offs, controls for the storm valves, or any other emergency control functions that may be located on the vehicle decks.

Navigational and radio equipment

15. That the navigational and radio communications equipment, including emergency position-indicating radio beacons (EPIRBs), are operational.

Supplementary emergency lighting

16. That supplementary emergency lighting is fitted, when required by the relevant statutory requirements, and that a record of deficiencies is being kept.

Means of escape

17. In relation to means of escape—

- (a) that means of escape, including escape routes, are marked, in accordance with the relevant statutory requirements, and lighted, from both the main and emergency sources of power;
- (b) that measures are taken to keep vehicles clear of escape routes where those escape routes cross or pass through vehicle decks;
- (c) that exits, particularly exits from duty free shops, which may become blocked by an excess of goods, are kept clear.

Engine room cleanliness

18. That the engine room is maintained in a clean condition in accordance with the planned maintenance requirements.

Garbage disposal

19. That the arrangements for the handling and disposal of garbage are satisfactory.

Planned maintenance

20. In relation to planned maintenance—

- (a) that the company has specific standing orders, with a planned maintenance system, for all safety related areas including bow and stern doors and side openings, together with their closing arrangements, but also covering engine room maintenance and safety equipment;
- (b) that there are plans in place for periodically checking all items so as to maintain safety standards at the highest level;
- (c) that there are procedures in place for recording deficiencies and confirming that they have been properly rectified within a time specified commensurate with the severity of the defect so that the master and the designated person ashore within the company management structure can both be made aware of the deficiencies and are notified when those deficiencies have been rectified;

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- (d) that periodic checking of the operation of the inner and outer bow door closing arrangements includes the indicators, surveillance equipment and any scuppers in the spaces between the bow visor and the inner door and especially the closing mechanisms and their associated hydraulic systems.

Making a voyage

21. When making a voyage the opportunity must be taken to check overcrowding, including the availability of seats and the blocking of passageways, stairs and emergency exits by baggage and by passengers unable to find seats. The vehicle deck must be checked to ensure that it is vacated by passengers before the ship sails and that they do not again have access until immediately prior to docking.

SCHEDULE 4

Regulation 9(a)

Inspection report

The inspection report must contain at least the following items.

1. General—

- (a) date and place of the inspection;
- (b) name of the ship inspected;
- (c) flag State;
- (d) type of ship, as indicated in the Safety Management Certificate;
- (e) IMO number;
- (f) the ship's call sign;
- (g) gross tonnage;
- (h) year of construction as determined on the basis of the date indicated in the ship's safety certificates;
- (i) the name of each classification society⁽²⁸⁾ and, where relevant any other organisation, which may have issued a classification certificate in respect of the ship;
- (j) the name of the recognised organisation and any other party by whom certificates have been issued on behalf of the flag State, in respect of the ship, in accordance with the applicable international conventions
- (k) name and address of the ship's company;
- (l) name and address of the charterer responsible for the selection of the ship and type of charter in the case of ships carrying liquid or solid cargoes in bulk;
- (m) final date of writing the inspection report;
- (n) indication that specific information on an inspection or a detention may be subject to publication.

2. Information relating to inspection—

- (a) details of certificates issued in application of the relevant international conventions and of the authority or organisation that issued each certificate, including the date of issue and expiry;

⁽²⁸⁾ More information about UK classification societies can be found from the website: (<https://www.gov.uk/guidance/uk-licensed-recognised-organisations-ros>).

- (b) port and date of the last intermediate, annual or renewal survey as defined in section 2 of Annex 4 to the HSSC and the name of the organisation which carried out the survey;
 - (c) nature of the deficiencies;
 - (d) measures taken.
3. Additional information in the event of detention—
- (a) date of the prohibition of departure notice;
 - (b) nature of the deficiencies warranting the prohibition of departure notice, with references to the international conventions, if relevant;
 - (c) indication, where relevant, of whether the recognised organisation or any other private body that carried out the survey has a responsibility in relation to the deficiency which alone, or in combination with any other deficiency, led to detention;
 - (d) measures taken.

SCHEDULE 5

Regulation 11(2)

Consequential amendments

The Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000

1. For regulation 7B(2)(b) of the Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000(29), substitute—

- “(b) that ship has been inspected in accordance with the Merchant Shipping (Inspections of Ro-Ro Passenger Ships and High-Speed Passenger Craft) Regulations 2023.”.

The Merchant Shipping (Updating of References to Maritime Conventions) Regulations 2004

2. In the Merchant Shipping (Updating of References to Maritime Conventions) Regulations 2004(30), omit regulation 7.

The Merchant Shipping (Ro-Ro Passenger Ships) (Stability) Regulations 2004

3. For regulation 7(2)(b) of the Merchant Shipping (Ro-Ro Passenger Ships) (Stability) Regulations 2004(31), substitute—

- “(b) that ship or craft has been inspected in accordance with the Merchant Shipping (Inspections of Ro-Ro Passenger Ships and High-Speed Passenger Craft) Regulations 2023.”.

The Merchant Shipping (Fees) Regulations 2018

4. In Schedule 1, Part 1 of the Merchant Shipping (Fees) Regulations 2018(32)—

- (a) in paragraph 2(1)(f), for “prevention of operation notice in accordance with regulation 9 of the Merchant Shipping (Mandatory Surveys for Ro-Ro Ferry and High Speed Passenger

(29) S.I. 2000/2687. Regulation 7B was inserted by S.I. 2004/2883, there are other amending instruments but none is relevant.

(30) S.I. 2004/1266.

(31) S.I. 2004/2884, to which there are amendments not relevant to these Regulations.

(32) S.I. 2018/1104, to which there are amendments not relevant to these Regulations.

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- Craft) Regulations 2001” substitute “prohibition of departure notice issued in accordance with regulation 8 of the Merchant Shipping (Inspections of Ro-Ro Passenger Ships and High-Speed Passenger Craft) Regulations 2023”;
- (b) in the table in paragraph 5, in Section L (survey and certification), omit the entry in the first, second and third column in relation to “the Merchant Shipping (Mandatory Surveys for Ro-Ro Ferry and High Speed Passenger Craft) Regulations 2001”;
 - (c) after the entry for the Merchant Shipping (Polar Code) (Safety) Regulations 2021, insert—
 - (i) in the first column, “The Merchant Shipping (Inspections of Ro-Ro Passenger Ships and High-Speed Passenger Craft) Regulations 2023”;
 - (ii) in the second column, “2023/984”; and
 - (iii) in the third column, “None”.
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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace the Merchant Shipping (Mandatory Surveys for Ro-Ro Ferry and High Speed Passenger Craft) Regulations 2001 ([S.I. 2001/152](#)).

These Regulations apply to ro-ro passenger ships and high-speed passenger craft operating a regular service between a port in the UK and a port of a country other than a member State and to those on domestic voyages in sea areas in which ships of class A may operate in accordance with the Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000 ([S.I. 2000/2687](#)) (regulation 3). Regulation 4 and Schedule 1 provide for the minimum qualification criteria for inspectors. The requirements for pre-commencement inspections, exemptions from pre-commencement inspections and for regular inspections are set out in regulations 5 to 7 respectively and Schedules 2 and 3.

Regulation 8 makes provision for detention of ships and service of prohibition of departure notices prohibiting a ship’s departure where any deficiencies confirmed or revealed by an inspection in relation to the ship have not been rectified and the deficiencies are hazardous to health or safety. A prohibition of departure notice may also be issued if the Secretary of State has not been able to carry out an inspection as required to do so under these Regulations. All future amendments to the provisions of the international conventions referenced in regulation 2 will be automatically incorporated into the regulation by way of ambulatory reference.

Regulation 9 and Schedule 4 require the drawing up of a written inspection report, set out what must be contained in the report and provide that a copy of the report must be given to the ship’s master and the company. The expression “company”, which is defined in regulation 2, means, in relation to a ship or craft, whoever has agreed to take over obligations imposed by the International Management Code for Safe Operation of Ships and for Pollution Prevention or in certain cases the owner or whoever has assumed operating responsibility from the owner.

Responsibility for the costs of service of prohibition of departure notices are provided for in regulation 10.

Regulation 12 requires the Secretary of State to review the operation and effect of these Regulations and publish a report before the end of the period of five years beginning with the date on which these Regulations come into force and at intervals not exceeding five years after that. Following a review,

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it will fall to the Secretary of State to consider whether the Regulations should remain as they are or be amended or revoked. A further instrument would be needed to amend or revoke the Regulations. Schedule 5 makes consequential amendments.

Marine Guidance Note (MGN) 610 (M+F), which is referred to in the Regulations, provides guidance on the requirements imposed by Chapter V of the International Convention for the Safety of Life at Sea, 1974. The MGN is available on www.gov.uk/topic/ships-cargoes/m-notices and in hard copy from the Maritime and Coastguard Agency (MCA) of Spring Place, 105 Commercial Road, Southampton SO15 1EG.

The international conventions and protocols referred to in this instrument may be obtained in copy from the International Maritime Organization (“IMO”), 4 Albert Embankment, London SE1 7SR and are available on the Foreign, Commonwealth & Development Office (FCDO) treaties database (<https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch/>). The text of the IMO Resolutions amending the conventions and protocols may be obtained from the IMO or can be found on the FCDO treaties database <https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch/>). The Paris Memorandum of Understanding may be obtained in copy from the Secretariat Paris MOU on PSC, P.O. Box 16191, 2500 BC The Hague, The Netherlands, or can be found on <https://www.parismou.org/inspections-risk/port-state-control-inspections-paris-mou>.

Future amendments to the conventions and the protocols may be obtained in copy from the IMO and after coming into force in the United Kingdom, found on the FCDO treaties database (<https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch/>). Until such publication is made on the FCDO treaties database, an amendment will be available from the MCA and on <https://www.gov.uk>. An amendment will be publicised in advance of its in-force date by means of a Parliamentary Statement to both Houses of Parliament and by way of a Marine Guidance Note, which will be available in copy from the MCA and on <https://www.gov.uk>.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary, or public sector is foreseen. The Explanatory Memorandum is published alongside this instrument on www.legislation.gov.uk.