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## STATUTORY INSTRUMENTS

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### 1992 No. 3

## The Merchant Shipping (Radio Installations) Regulations 1992

### PART I GENERAL

#### Citation, commencement and revocation

1.—(1) These Regulations may be cited as the Merchant Shipping (Radio Installations) Regulations 1992 and shall come into force on 1st February 1992.

(2) The Merchant Shipping (Radio Installations) Regulations 1980<sup>(1)</sup>, the Merchant Shipping (Radio Installations) (Amendment) Regulations 1981<sup>(2)</sup>, the Merchant Shipping (Radio Installations) (Amendment) Regulations 1984<sup>(3)</sup>, the Merchant Shipping (Radio Installations) (Amendment No. 2) Regulations 1984<sup>(4)</sup>, the Merchant Shipping (Radio Installations) (Amendment) Regulations 1985<sup>(5)</sup> and the Merchant Shipping (Radio Installations) (Amendment) Regulations 1986<sup>(6)</sup> are hereby revoked.

(3) In these Regulations the following expressions have the following meanings—

“1949 Act” means the Merchant Shipping (Safety Convention) Act 1949<sup>(7)</sup>;

“cargo ship” means a ship other than a passenger ship;

“certificated radio operator” means a person qualified as specified in regulation 16(2), as a VHF radiotelephone operator, radiotelephone operator or radio officer;

“fishing vessel” means a vessel which is for the time being employed in sea fishing, but does not include a vessel used otherwise than for profit;

“GMDSS” means the Global Maritime Distress and Safety System;

“GMDSS ship” means a ship to which Part II of these Regulations applies;

“interference” has the same meaning as in the Wireless Telegraphy Act 1949<sup>(8)</sup>;

“non-GMDSS ship” means any ship other than a GMDSS ship;

“Organisation” means the International Maritime Organisation;

“passenger ship” means a ship carrying more than 12 passengers;

“pleasure craft” means a vessel (other than a passenger ship) primarily used for sport or recreation;

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(1) S.I. 1980/529.  
(2) S.I. 1981/582.  
(3) S.I. 1984/346.  
(4) S.I. 1984/1223.  
(5) S.I. 1985/1216.  
(6) S.I. 1986/1075.  
(7) 1949 c. 43.  
(8) 1949 c. 54.

“radio installation” means any radio installation provided on board a ship in compliance with these Regulations, including its associated antennas, inter-connecting circuits and, where appropriate, sources of electrical energy;

“Radio Regulations” means the Radio Regulations annexed to, or regarded as being annexed to, the International Telecommunication Convention 1973 and includes any amendment thereto which the Secretary of State considers relevant from time to time and specifies in a Merchant Shipping Notice;

“Safety Convention” means the International Convention for the Safety of Life at Sea 1974<sup>(9)</sup>;

“tons” means gross tons and shall be—

- (a) for a ship having alternative gross tonnage under paragraph 13 of Schedule 5 of the Merchant Shipping (Tonnage) Regulations 1982<sup>(10)</sup>, the larger of those tonnages and
- (b) for a ship having its tonnage determined both under Part II and regulation 16 of those Regulations its gross tonnage as determined under regulation 16.

(4) Any reference to a Merchant Shipping Notice includes a reference to that Merchant Shipping Notice as amended or replaced from time to time by a subsequent Merchant Shipping Notice.

## Application

**2.—**(1) These Regulations apply to sea-going United Kingdom ships and to other sea-going ships while they are within the United Kingdom or the territorial waters thereof—

Provided that these Regulations shall not apply to United Kingdom ships while they are within the Great Lakes of North America and their connecting and tributary waters as far east as the lower exit of the St Lambert Lock at Montreal in the Province of Quebec, Canada.

(2) These Regulations shall not apply to—

- (a) troopships not registered in the United Kingdom;
- (b) ships not propelled by mechanical means;
- (c) pleasure craft;
- (d) fishing vessels;
- (e) cargo ships of less than 300 tons.

(3) Every ship constructed before 1st February 1995 shall—

- (a) during the period 1st February 1992 to 31st January 1999 inclusive comply with either—
  - (i) the requirements of Part II of these Regulations, or
  - (ii) the requirements of Part III of these Regulations and in addition on and after 1st August 1993 with the requirements of regulations 8(1)(d) (NAVTEX) and 8(1)(f) (satellite EPIRB); and on and after 1st February 1995 with the requirements of the Merchant Shipping (Life-Saving Appliances) (Amendment) Regulations 1991<sup>(11)</sup> relating to the carriage of radar transponders;
- (b) on or after 1st February 1999 comply with the requirements of Part II of these Regulations.

(4) Every ship constructed on or after 1st February 1995 shall comply with the requirements of Part II of these Regulations.

(5) For the purpose of this regulation the expression “ships constructed” means “ships the keels of which are laid or which are at a similar stage of construction” and the expression “a similar stage of construction” means the stage at which—

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<sup>(9)</sup> Cmnd. 7874.

<sup>(10)</sup> S.I. 1982/841.

<sup>(11)</sup> S.I. 1991/1300.

- (a) construction identifiable with a specific ship begins; and
- (b) assembly of that ship has commenced comprising at least 50 tons of 1% of the estimated mass of all structural material, whichever is less.

### **Ships and persons in distress**

3. Nothing in these Regulations shall prohibit any ship, survival craft or person in distress from using any means at their disposal to attract attention, make known their position and obtain help.

### **Equivalents and exemptions**

4.—(1) Where these Regulations require that a particular fitting, material, appliance or apparatus, or type thereof, shall be fitted or carried in a ship, or that any particular provision shall be made, the Secretary of State may permit any other fitting, material, appliance or apparatus or type thereof to be fitted or carried, or any other provision to be made in that ship if he is satisfied by trial thereof or otherwise that such other fitting, material, appliance or apparatus, or type thereof, or provision, is at least as effective as that required by these Regulations.

(2) For the purpose of these Regulations, the results of verifications and tests carried out by the bodies and laboratories of other European member States offering suitable and satisfactory guarantees of technical and professional competence shall be accepted.

(3) The Secretary of State may exempt any individual ship or class or description of ships from any of the provisions of Part II or Part III of these Regulations, subject to such conditions as he may think fit.

### **Performance standards**

5. Equipment required to be provided under these Regulations—

(1) shall conform to performance standards adopted by the Organisation and specified in Merchant Shipping Notice No. M 1474 as having been so adopted;

(2) in the case of equipment provided on United Kingdom ships, shall in addition conform to appropriate performance specifications issued by the Department of Trade and Industry or by the Department of Transport and specified in Merchant Shipping Notice No. M 928, any document amending the same which is considered by the Secretary of State to be relevant from time to time and is specified in a Merchant Shipping Notice.