
STATUTORY INSTRUMENTS

1995 No. 1210

**The Merchant Shipping (Survey
and Certification) Regulations 1995**

Citation, commencement, interpretation, modification, revocation and supplemental

1.—(1) These Regulations may be cited as the Merchant Shipping (Survey and Certification) Regulations 1995 and shall come into force on 1st June 1995.

(2) In these Regulations the following expressions have the following meanings respectively unless the context requires otherwise:

“1974 SOLAS Convention” means the International Convention for the Safety of Life at Sea, 1974, as amended in accordance with its Article VIII and as modified by its Protocol of 1978, as in force at the end of 1992;

“anniversary date” means the day and the month of each year which will correspond to the date of expiry of the relevant certificate;

“appropriate Certifying Authority” means:

- (a) in relation to passenger ships and safety equipment of cargo ships, the Secretary of State;
- (b) in relation to cargo ships, except in relation to their radio installations and safety equipment, the Secretary of State or any person authorised by the Secretary of State and includes in particular (if so authorised) Lloyd’s Register of Shipping, the British Committee of Bureau Veritas, the British Committee of Det Norske Veritas, the British Committee of Germanischer Lloyd, and the British Technical Committee of the American Bureau of Shipping;
- (c) in relation to radio installations of cargo ships, British Telecom;

“British Telecom” means British Telecommunications plc;

“cargo ship” means any ship that is not a—

- (a) passenger ship;
- (b) ship of war;
- (c) fishing vessel; or a
- (d) pleasure vessel;

“Cargo Ship Safety Construction Certificate”, “Cargo Ship Safety Equipment Certificate”, “Cargo Ship Safety Radio Certificate” and “Passenger Ship Safety Certificate” means the certificates of those names issued pursuant to regulation 10;

“Convention Certificate” means a certificate issued in accordance with the requirements of the 1974 SOLAS Convention;

“international voyage” means a voyage from a port in one country to a port in another country, either of the countries being a country to which the 1974 SOLAS Convention applies;

“Marine Safety Agency” means the Marine Safety Agency, an Executive Agency of the Department of Transport;

“Merchant Shipping Notice” means a Notice described as such, issued by the Marine Safety Agency, and includes a reference to any document amending or replacing that Notice which is considered by the Secretary of State to be relevant from time to time and is specified in a Merchant Shipping Notice;

“mile” means an international nautical mile of 1852 metres;

“passenger” means any person carried on a ship except:

- (a) a person employed or engaged in any capacity on the business of the ship,
- (b) a person on board the ship either in pursuance of the obligation laid upon the master to carry shipwrecked, distressed or other persons, or by reason of any circumstance that neither the master nor the owner nor the charterer (if any) could have prevented or forestalled,
- (c) a child of under one year of age;

“Passenger Certificate” and “United Kingdom Cargo Ship Safety Construction Certificate” mean the certificates of those names issued pursuant to regulation 11;

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

“pleasure vessel” means—

- (a) any vessel which at the time it is being used is:
 - (i) (a) in the case of a vessel wholly owned by an individual or individuals, used only for the sport or pleasure of the owner or the immediate family or friends of the owner; or
 - (b) in the case of a vessel owned by a body corporate, one on which the persons are employees or officers of the body corporate, or their immediate family or friends; and
 - (ii) on a voyage or excursion which is one for which the owner does not receive money for or in connection with operating the vessel or carrying any person, other than as a contribution to the direct expenses of the operation of the vessel incurred during the voyage or excursion; or
- (b) any vessel wholly owned by or on behalf of a members' club formed for the purpose of sport or pleasure which, at the time it is being used, is used only for the sport or pleasure of members of the club or their immediate family; and for the use of which any charges levied are paid into club funds and applied for the general use of the club; and
- (c) in the case of any vessel referred to in paragraph (a) or (b) above no other payments are made by or on behalf of the users of the vessel, other than by the owner;

and in this definition “immediate family” means, in relation to an individual, the husband or wife of the individual, and a relative of the individual or the relative’s husband or wife, and “relative” means brother, sister, ancestor or lineal descendant;

“proper officer” means a consular officer appointed by Her Majesty’s Government in the United Kingdom and, in relation to a port in a country outside the United Kingdom which is not a foreign country, also any officer exercising in that port functions similar to those of a superintendent;

“radio installations” means any radio installation provided on board a ship in life saving appliances, in compliance with the relevant regulations for the purposes of regulation 5;

“radio-navigational equipment” means the equipment required by Parts IV, VII, VIII and IX of the Merchant Shipping (Navigational Equipment) Regulations 1993(1);

“relevant regulations” in relation to a ship means the Regulations listed in M.Notice No. M 1612, as they apply to the subject matter of the survey in question;

“ro-ro passenger ship” means a passenger ship provided with cargo or vehicle spaces not normally subdivided in any way and extending to either a substantial length or the entire length of the ship in which vehicles or cargo can be loaded or unloaded in a horizontal direction;

“short international voyage” means an international voyage in the course of which a ship is not more than 200 miles from a port or place in which the passengers and crew could be placed in safety. Neither the distance between the last port of call in which the voyage begins and the final port of destination nor the return voyage shall exceed 600 miles. The final port of destination is the last port of call in the scheduled voyage at which the ship commences its return voyage to the country in which the voyage began;

“tanker” means a cargo ship constructed or adapted for the carriage in bulk of liquid cargoes of a flammable nature and its age shall be determined from the year of build as indicated on its certificate of registry;

“tons” means gross tons and a reference to tons:

- (a) in relation to a ship having alternative gross tonnages under paragraph 13 of Schedule 5 of the Merchant Shipping (Tonnage) Regulations 1982(2) is a reference to the larger of those two tonnages,
- (b) in relation to a ship having its tonnage determined both under Part II and regulation 16 of those Regulations is a reference to its gross tonnage as determined under regulation 16 of those Regulations.

(3) For the purpose of these Regulations, the Classes for passenger ships not engaged on international voyages are as defined in the Merchant Shipping (Passenger Ship Construction and Survey) Regulations 1984(3).

(4) Subject to paragraph (5) below the following enactments are hereby repealed:

- (a) sections 267, 271 to 283 and 363 of the Merchant Shipping Act 1894(4) except sections 280 to 282 as applied by section 27(3) of the Merchant Shipping (Load Lines) Act 1967(5) and section 3(4) of the Fishing Vessels (Safety Provisions) Act 1970(6);
- (b) sections 13, 21, 22 and 75(3) of the Merchant Shipping Act 1906(7);
- (c) sections 8 and 9 of the Merchant Shipping (Safety and Load Lines Conventions) Act 1932(8);
- (d) sections 7 to 15 and sections 17, 26, 31, 35(2), 35(5) and 36(2) of the Merchant Shipping (Safety Convention) Act 1949(9) and, in section 36, the definitions of “Accepted Safety Convention certificate”, “Country to which the Safety Convention applies”, “Declaration of survey”, “International voyage” and “Safety Convention ship”;
- (e) sections 1, 3, 4, 5, 7, 12, 13 and 17 of the Merchant Shipping Act 1964(10);
- (f) section 2(2) of the Fishing Vessels (Safety Provisions) Act 1970.

(5) The repeal of the following enactments shall not have effect until 31st December 1995 in relation to ships engaged on international voyages:

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- (2) S.I. 1982/841.
 - (3) S.I. 1984/1216, to which there are amendments not relevant to these Regulations.
 - (4) 1894 c. 60.
 - (5) 1967 c. 27.
 - (6) 1970 c. 27.
 - (7) 1906 c. 48.
 - (8) 1932 c. 9.
 - (9) 1949 c. 43.
 - (10) 1967 c. 27.

- (a) sections 267 and 271 to 283 of the Merchant Shipping Act 1894;
- (b) sections 13, 21 and 22 of the Merchant Shipping Act 1906;
- (c) in the Merchant Shipping (Safety Convention) Act 1949:
 - (i) section 15;
 - (ii) in section 36(1), the definitions of:
 - “Accepted Safety Convention certificate”;
 - “Declaration of survey”;
 - “International voyage”;
 - “Safety Convention ship”;
 - (iii) section 36(2);
- (d) section 17 of the Merchant Shipping Act 1964.

(6) In section 287(1) of the Merchant Shipping Act 1984, for “passenger steamer for which there is a passenger steamer’s certificate in force” there shall be substituted “ship carrying more than 12 passengers for which there is in force a Passenger Ship Safety Certificate or Passenger Certificate, as the case may be, issued under or recognised by regulations made under section 21 of the Merchant Shipping Act 1979”.

(7) In section 288 of the Merchant Shipping Act 1894 for “passenger steamer” there shall be substituted “ship (whether or not a United Kingdom ship) carrying more than 12 passengers”.

(8) In section 23 of the Merchant Shipping (Load Lines) Act 1967 for “Where in pursuance of any rules for the time being in force under section 1 of the Merchant Shipping (Safety Convention) Act 1949 a passenger steamer” there shall be substituted “Where in pursuance of regulations made under section 21 of the Merchant Shipping Act 1979 a passenger ship”.

(9) In the Merchant Shipping Act 1979, for paragraph 6(1) of Part II of Schedule 4 there shall be substituted “In case of a ship for which there is in force a Passenger Ship Safety Certificate or a Passenger Certificate, as the case may be, issued under or recognised by regulations made under section 21 of this Act, the ship’s certificate mentioned in paragraph 1 of article 7 shall be that certificate”.

(10) The following regulations are hereby revoked:

- (a) in the Merchant Shipping (Cargo Ship Construction and Survey) Regulations 1981⁽¹¹⁾, regulations 71 to 74, regulations 74A to 74D, both regulations numbered 75 and regulations 76 to 78;
- (b) the Merchant Shipping (Cargo Ship Safety Equipment Survey) Regulations 1981⁽¹²⁾ and the Merchant Shipping (Cargo Ship Safety Equipment Survey) (Amendment) Regulations 1985⁽¹³⁾;
- (c) in the Merchant Shipping (Passenger Ship Construction and Survey) Regulations 1984 regulations 81 to 84;
- (d) in the Merchant Shipping (Cargo Ship Construction and Survey) Regulations 1984⁽¹⁴⁾, regulations 56 to 62;
- (e) the Merchant Shipping (Radio and Radio-Navigational Equipment Survey) Regulations 1991⁽¹⁵⁾;

⁽¹¹⁾ S.I. 1981/572; amended by S.I. 1984/1219 and S.I. 1985/663.

⁽¹²⁾ S.I. 1981/573, amended by S.I. 1985/211.

⁽¹³⁾ S.I. 1985/211.

⁽¹⁴⁾ S.I. 1984/1217, to which these amendments not relevant to these Regulations.

⁽¹⁵⁾ S.I. 1991/1341.

(f) in the Merchant Shipping (Radio Installations) Regulations 1992(16), regulation 47;