

STATUTORY INSTRUMENTS

1999 No. 1869

MERCHANT SHIPPING SAFETY

The Merchant Shipping (Counting and Registration of Persons on Board Passenger Ships) Regulations 1999

<i>Made</i>	- - - -	<i>30th June 1999</i>
<i>Laid before Parliament</i>		<i>1st July 1999</i>
<i>Coming into force</i>	- -	<i>22nd July 1999</i>

The Secretary of State for the Environment, Transport and the Regions, after consulting with the persons referred to in section 86(4) of the Merchant Shipping Act 1995⁽¹⁾, in exercise of the powers conferred by sections 85(1)(a) and (b), (3), (5) to (7) and 86(1) of that Act⁽²⁾, and of all other powers enabling him in that behalf, makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Merchant Shipping (Counting and Registration of Persons on Board Passenger Ships) Regulations 1999 and shall come into force on 22nd July 1999.

Commencement Information

II Reg. 1 in force at 22.7.1999, see [reg. 1](#)

Revocations

2. The following Regulations are hereby revoked—
- (a) the Merchant Shipping (Passenger Boarding Cards) Regulations 1988⁽³⁾;
 - (b) the Merchant Shipping (Passenger Boarding Cards) (Application to non-UK Ships) Regulations 1988⁽⁴⁾;

⁽¹⁾ 1995 c. 21.

⁽²⁾ Sections 85 and 86 were amended by the Merchant Shipping and Maritime Security Act 1997 (c. 28), section 8. Sections 85 and 86 are applied to hovercraft by the Hovercraft (Application of Enactments) Order 1989, S.I. 1989/1350.

⁽³⁾ S.I. 1988/191.

⁽⁴⁾ S.I. 1988/641.

*Status: Point in time view as at 29/03/2023.**Changes to legislation: There are currently no known outstanding effects for the The Merchant Shipping (Counting and Registration of Persons on Board Passenger Ships) Regulations 1999. (See end of Document for details)*

(c) the Merchant Shipping (Passenger Counting and Recording Systems) Regulations 1990⁽⁵⁾.

Commencement Information

I2 Reg. 2 in force at 22.7.1999, see [reg. 1](#)

Interpretation

3.—(1) In these Regulations—

“appropriate search and rescue services” means, in relation to a ship involved in an emergency, the search and rescue services for the area in which the ship is located;

[^{F1}“Area D” has the meaning given in regulation 3A(1)(d) of the Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000;]

[^{F1}“automatic identification system” means equipment fitted on board a ship which meets the requirements specified in Merchant Shipping Notice 1794 (M) Amendment 1;]

[^{F1}“Category A, B, C or D waters” means those categories of waters in the United Kingdom as specified in Merchant Shipping Notice 1837 (M) Amendment 2;]

“Community ship” means a ship which is registered in, or which is entitled to fly the flag of, a member State;

“the Directive” means Council Directive [98/41/EC](#) on the registration of persons sailing on board passenger ships operating to or from ports of the member States of the Community;

[^{F2}“high speed craft” has the meaning given in [^{F3}regulation 3 of the Merchant Shipping (High Speed Craft) Regulations 2022];]

“international voyage” means a voyage from a country to which the International Convention for the Safety of Life at Sea applies⁽⁶⁾ to a port outside that country, or conversely;

“landing point” means any berth, excursion point, floating pier or stage, link span, pier, port, stop or anchorage point from or to where passengers are embarked or disembarked;

^{F4} ...

[^{F5}“Merchant Shipping Notice” means a notice described as such and issued by the Maritime and Coastguard Agency (an executive agency of the Department for Transport) 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 a nautical mile of 1852 metres;

[^{F6}“National Single Window” means the technical platform for receiving, exchanging and forwarding information electronically, as specified in Merchant Shipping Notice 1794 (M) Amendment 1;]

“passenger registrar” means the person appointed by the owner of a ship pursuant to regulation 8(1)(b) below;

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

“person” means any person on board a ship irrespective of their age;

(5) S.I. [1990/659](#).

(6) Cmnd. 7874.

[^{F7}“pleasure vessel” has the same meaning as in regulation 2 of The Merchant Shipping (Life-Saving Appliances and Arrangements) Regulations 2020;]

^{F8} ...

“regular community service” means a regular service in a sea area where the annual probability of the significant wave height exceeding two metres is less than 10% and–

- (a) the voyage does not exceed thirty miles or thereabouts from the point of departure; or
- (b) the primary purpose of the service is to provide regular links to outlying communities for customary purposes;

“regular service” means a series of ship crossings operated so as to serve traffic between the same two or more ports [^{F9}, 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;

“search and rescue services” means the search and rescue services responsible for the initiation and co-ordination of all maritime search and rescue activity required to provide assistance in the event of an emergency involving a ship or its aftermath;

“ship” includes hovercraft;

“United Kingdom passenger ship” means a passenger ship which is a United Kingdom ship;

“voyage” includes an excursion.

(2) Where a ship is managed or operated by a person other than the owner (whether on behalf of the owner or some other person, or on his own behalf), a reference in these Regulations to the owner shall be construed as including a reference to that other person.

(3) Any approval or exemption given pursuant to these Regulations shall be given in writing and shall specify the date on which it takes effect and the conditions (if any) on which it is given.

- F1** Words in [reg. 3\(1\)](#) inserted (22.2.2021) by [The Merchant Shipping \(Counting and Registration of Persons on Board Passenger Ships\) \(Amendment\) Regulations 2021 \(S.I. 2021/81\)](#), regs. 1, [2\(2\)\(a\)](#)
- F2** Words in [reg. 3\(1\)](#) inserted (22.2.2021) by [The Merchant Shipping \(Counting and Registration of Persons on Board Passenger Ships\) \(Amendment\) Regulations 2021 \(S.I. 2021/81\)](#), regs. 1, [2\(2\)\(b\)](#)
- F3** Words in [reg. 3\(1\)](#) substituted (19.12.2022) by [The Merchant Shipping \(High Speed Craft\) Regulations 2022 \(S.I. 2022/1219\)](#), [reg. 1\(1\)](#), [Sch. para. 9](#) (with [reg. 4\(2\)-\(4\)](#))
- F4** Words in [reg. 3\(1\)](#) omitted (22.2.2021) by virtue of [The Merchant Shipping \(Counting and Registration of Persons on Board Passenger Ships\) \(Amendment\) Regulations 2021 \(S.I. 2021/81\)](#), regs. 1, [2\(2\)\(c\)](#)
- F5** Words in [reg. 3\(1\)](#) substituted (22.2.2021) by [The Merchant Shipping \(Counting and Registration of Persons on Board Passenger Ships\) \(Amendment\) Regulations 2021 \(S.I. 2021/81\)](#), regs. 1, [2\(2\)\(d\)](#)
- F6** Words in [reg. 3\(1\)](#) inserted (22.2.2021) by [The Merchant Shipping \(Counting and Registration of Persons on Board Passenger Ships\) \(Amendment\) Regulations 2021 \(S.I. 2021/81\)](#), regs. 1, [2\(2\)\(e\)](#)
- F7** Words in [reg. 3\(1\)](#) inserted (22.2.2021) by [The Merchant Shipping \(Counting and Registration of Persons on Board Passenger Ships\) \(Amendment\) Regulations 2021 \(S.I. 2021/81\)](#), regs. 1, [2\(2\)\(g\)](#)
- F8** Words in [reg. 3\(1\)](#) omitted (22.2.2021) by virtue of [The Merchant Shipping \(Counting and Registration of Persons on Board Passenger Ships\) \(Amendment\) Regulations 2021 \(S.I. 2021/81\)](#), regs. 1, [2\(2\)\(f\)](#)
- F9** Words in [reg. 3\(1\)](#) inserted (22.2.2021) by [The Merchant Shipping \(Counting and Registration of Persons on Board Passenger Ships\) \(Amendment\) Regulations 2021 \(S.I. 2021/81\)](#), regs. 1, [2\(2\)\(h\)](#)

Commencement Information

- I3** Reg. 3 in force at 22.7.1999, see [reg. 1](#)

Application

- 4.—(1) These Regulations shall apply to any—
- (a) United Kingdom passenger ship wherever it may be; and
 - (b) other passenger ship while it is within United Kingdom waters.
- (2) These Regulations shall not apply to any—
- (a) ship of war;
 - (b) troop ship; ^{F10} ...
 - [^{F11}(c) pleasure vessel;]
 - [^{F12}(d) passenger ship to which the Merchant Shipping (Passenger Ships) (Safety Code for UK Categorised Waters) Regulations 2010 apply, or
 - (e) vessel to which the Merchant Shipping (Technical Requirements for Inland Waterway Vessels) Regulations 2010 apply].

F10 Word in reg. 4(2)(b) omitted (6.4.2010) by virtue of *The Merchant Shipping (Passenger Ships) (Safety Code for UK Categorised Waters) Regulations 2010* (S.I. 2010/680), reg. 1(2), **Sch.** (with reg. 3)

F11 Reg. 4(2)(c) substituted (22.2.2021) by *The Merchant Shipping (Counting and Registration of Persons on Board Passenger Ships) (Amendment) Regulations 2021* (S.I. 2021/81), regs. 1, **2(3)**

F12 Reg. 4(2)(d)(e) substituted (20.4.2010) by *The Merchant Shipping (Technical Requirements for Inland Waterway Vessels) Regulations 2010* (S.I. 2010/1075), reg. 1(2), **Sch. 2** (with reg. 3)

Commencement Information

- I4** Reg. 4 in force at 22.7.1999, see **reg. 1**

Passenger counting

5.—(1) The owner of any passenger ship shall ensure that, in respect of any United Kingdom passenger ship when it leaves any landing point and in respect of any other passenger ship when it leaves any landing point in the United Kingdom, there is a system capable of counting all persons on board which—

- (a) [^{F13}in the case of a passenger ship engaged on a short international voyage or a passenger ship of Class II(A)] within the meaning of the Merchant Shipping (Passenger Ship Construction: Ships of Classes I, II and II(A)) Regulations 1998(7), in respect of passengers, uses a system of individual passenger boarding cards;
 - (b) conforms to the requirements of paragraphs (2) to (5) below and Merchant Shipping Notice [^{F14}1794 (M) Amendment 1]; and
 - (c) is approved by the Secretary of State.
- (2) The system of counting established pursuant to paragraph (1) above shall be such that—
- (a) all persons boarding such a ship at a landing point at the beginning of a voyage are counted individually on, or just prior to, boarding and, as the case may be—
 - (i) all persons disembarking at subsequent landing points, during the course of a voyage, are counted individually as they disembark;
 - (ii) all persons boarding at subsequent landing points, during the course of a voyage, are counted individually on, or just prior to, boarding; and
 - (iii) the number of persons remaining on board at each landing point is determined; or

(7) S.I. 1998/2514.

- (b) the number of persons is determined and recorded according to an alternative method approved by the Secretary of State, which shall be of equivalent effectiveness to the system set out in paragraph (2)(a) above.
- (3) If the counting system established in respect of a passenger ship pursuant to paragraph (1) above includes a system of individual passenger boarding cards no passenger shall be permitted to board the ship unless he has been issued with an individual boarding card.
- (4) Immediately before a passenger ship leaves any landing point the total number of persons on board at that time as determined by means of the counting system shall be communicated to the master of the ship and the passenger registrar [^{F15}and, subject to paragraphs (4A) and (4B), reported in the National Single Window or communicated to the appropriate search and rescue services by means of the passenger ship's automatic identification system].
- [^{F16}(4A) Before 20th December 2023, the total number of persons on board a passenger ship may alternatively be communicated to the master of the ship and the passenger registrar with no further requirement of reporting in the National Single Window or communication by means of the ship's automatic identification system.
- (4B) The requirement to report in the National Single Window or communicate the total number of passengers on board a passenger ship by means of the automatic identification system does not apply in relation to a ship that operates exclusively on Category A, B, C or D waters.]
- (5) If, in respect of any person on board a ship, any person has declared a need for special care or assistance in emergency situations, the owner shall ensure that such information is properly recorded and communicated to the master of the ship.
- (6) No passenger ship shall leave any landing point if—
- the requirements of paragraphs (4) or (5) above have not been complied with; or
 - the total number of persons on board the ship exceeds the number of persons the ship is permitted to carry.
- (7) The arrangements made in pursuance of the requirements in paragraph (1) above shall be described in written instructions which shall be kept on board the ship at all times in the custody of the master.
- [^{F17}(8) In this regulation—
- “short international voyage” means an international voyage—
- in the course of which a passenger ship is not more than 200 miles from a port or place in which the passengers and crew could be placed in safety; and
 - which does not exceed 600 miles in distance between the last port of call in the country in which the voyage begins and the final port of destination.]

F13 Words in reg. 5(1)(a) substituted (29.3.2023) by The Merchant Shipping (Cargo and Passenger Ship Construction and Miscellaneous Amendments) Regulations 2023 (S.I. 2023/246), reg. 1(1), **Sch. para. 12(a)**

F14 Words in reg. 5(1)(b) substituted (22.2.2021) by The Merchant Shipping (Counting and Registration of Persons on Board Passenger Ships) (Amendment) Regulations 2021 (S.I. 2021/81), regs. 1, **2(4)(a)**

F15 Words in reg. 5(4) inserted (22.2.2021) by The Merchant Shipping (Counting and Registration of Persons on Board Passenger Ships) (Amendment) Regulations 2021 (S.I. 2021/81), regs. 1, **2(4)(b)**

F16 Reg. 5(4A)(4B) inserted (22.2.2021) by The Merchant Shipping (Counting and Registration of Persons on Board Passenger Ships) (Amendment) Regulations 2021 (S.I. 2021/81), regs. 1, **2(4)(c)**

F17 Reg. 5(8) inserted (29.3.2023) by The Merchant Shipping (Cargo and Passenger Ship Construction and Miscellaneous Amendments) Regulations 2023 (S.I. 2023/246), reg. 1(1), **Sch. para. 12(b)**

*Status: Point in time view as at 29/03/2023.**Changes to legislation: There are currently no known outstanding effects for the The Merchant Shipping (Counting and Registration of Persons on Board Passenger Ships) Regulations 1999. (See end of Document for details)***Commencement Information****I5** Reg. 5 in force at 22.7.1999, see [reg. 1](#)**Additional requirements for voyages of more than 20 miles****6.—(1)** This regulation shall apply to—

(a) any United Kingdom passenger ship leaving any landing point—

- (i) inside the territory of [^{F18}the European Union][^{F19}or the United Kingdom] on a voyage of more than 20 miles from that landing point [^{F20}to the next port of call]; or
- (ii) outside the [^{F21}territory comprising the European Union and the United Kingdom] on an international voyage; and

(b) any other passenger ship leaving any landing point in the United Kingdom on a voyage of more than 20 miles from that landing point [^{F22}to the next port of call except a ship operating exclusively on Category A, B, C or D waters].**(2)** The owner of any passenger ship to which this regulation applies shall ensure that, in respect of any voyage ^{F23}...—

(a) the information specified in paragraph (3) below is collected, in relation to each person on board, before the ship departs from the landing point, and

(b) that information is—

^{F24}(i) subject to paragraph (2A), reported in the National Single Window within 15 minutes of the ship's departure from the landing point; and](ii) in respect of any such information as is [^{F25}specified in sub-paragraph (f)], communicated to the master of the ship before the ship leaves the landing point.^{F26}(2A) Before 20th December 2023, the information required to be reported in accordance with paragraph (2)(b)(i) may alternatively be communicated to the passenger registrar within 15 minutes of the ship's departure from the landing point.]**(3)** The information referred to in paragraph (2) above is, in relation to each person on board the ship—

(a) family name;

^{F27}(b) forenames;

(c) gender;

(d) nationality;

(e) date of birth; and

(f) when volunteered by a person—

(i) information concerning special care or assistance that might be needed in an emergency;

(ii) a contact number in case of an emergency].

^{F28}(4)**F18** Words in Regulations substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011 \(S.I. 2011/1043\)](#), arts. 2, **3-6**, 8-10**F19** Words in [reg. 6\(1\)\(a\)\(i\)](#) inserted (31.12.2020) by [The Merchant Shipping \(Passengers' Rights\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/649\)](#), regs. 1, **2(2)(a)**; 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation: There are currently no known outstanding effects for the The Merchant Shipping (Counting and Registration of Persons on Board Passenger Ships) Regulations 1999. (See end of Document for details)

- F20** Words in reg. 6(1)(a)(i) inserted (22.2.2021) by The Merchant Shipping (Counting and Registration of Persons on Board Passenger Ships) (Amendment) Regulations 2021 (S.I. 2021/81), regs. 1, **2(5)(a)**
- F21** Words in reg. 6(1)(a)(ii) substituted (31.12.2020) by The Merchant Shipping (Passengers' Rights) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/649), regs. 1, **2(2)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F22** Words in reg. 6(1)(b) inserted (22.2.2021) by The Merchant Shipping (Counting and Registration of Persons on Board Passenger Ships) (Amendment) Regulations 2021 (S.I. 2021/81), regs. 1, **2(5)(b)**
- F23** Words in reg. 6(2) omitted (22.2.2021) by virtue of The Merchant Shipping (Counting and Registration of Persons on Board Passenger Ships) (Amendment) Regulations 2021 (S.I. 2021/81), regs. 1, **2(5)(c)**
- F24** Reg. 6(2)(b)(i) substituted (22.2.2021) by The Merchant Shipping (Counting and Registration of Persons on Board Passenger Ships) (Amendment) Regulations 2021 (S.I. 2021/81), regs. 1, **2(5)(d)**
- F25** Words in reg. 6(2)(b)(ii) substituted (22.2.2021) by The Merchant Shipping (Counting and Registration of Persons on Board Passenger Ships) (Amendment) Regulations 2021 (S.I. 2021/81), regs. 1, **2(5)(e)**
- F26** Reg. 6(2A) inserted (22.2.2021) by The Merchant Shipping (Counting and Registration of Persons on Board Passenger Ships) (Amendment) Regulations 2021 (S.I. 2021/81), regs. 1, **2(5)(f)**
- F27** Reg. 6(3)(b)-(f) substituted for reg. 6(3)(b)-(e) (22.2.2021) by The Merchant Shipping (Counting and Registration of Persons on Board Passenger Ships) (Amendment) Regulations 2021 (S.I. 2021/81), regs. 1, **2(5)(g)**
- F28** Reg. 6(4) omitted (22.2.2021) by virtue of The Merchant Shipping (Counting and Registration of Persons on Board Passenger Ships) (Amendment) Regulations 2021 (S.I. 2021/81), regs. 1, **2(5)(h)**

Commencement Information

- I6** Reg. 6 in force at 22.7.1999, see **reg. 1**

[^{F29}Ships which are on voyages from outside the European Union and the United Kingdom and are neither Community Ships nor United Kingdom ships]

7. In respect of any passenger ship which is not a Community ship [^{F30}, nor a United Kingdom passenger ship,] on any voyage from any landing point outside the [^{F31}territory comprising the European Union and the United Kingdom] to the United Kingdom [^{F32}the owner shall—

- (a) communicate information as to the total number of persons on board the ship in accordance with regulation 5(4); and
- (b) report the information specified in regulation 6(3) in accordance with regulation 6(2)(b)].

- F29** Reg. 7 heading substituted (31.12.2020) by The Merchant Shipping (Passengers' Rights) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/649), regs. 1, **2(3)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F30** Words in reg. 7 inserted (31.12.2020) by The Merchant Shipping (Passengers' Rights) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/649), regs. 1, **2(3)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F31** Words in reg. 7 substituted (31.12.2020) by The Merchant Shipping (Passengers' Rights) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/649), regs. 1, **2(3)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F32** Words in reg. 7 substituted (22.2.2021) by The Merchant Shipping (Counting and Registration of Persons on Board Passenger Ships) (Amendment) Regulations 2021 (S.I. 2021/81), regs. 1, **2(6)**

Commencement Information

- I7** Reg. 7 in force at 22.7.1999, see **reg. 1**

Registration system

8.—(1) The owner of a passenger ship to which regulation 5 or 6 above applies shall—

- (a) establish a system for the registration of the information collected pursuant to these Regulations which—
 - (i) is in accordance with the requirements of Merchant Shipping Notice ^{F33}1794 (M) Amendment 1]; and
 - (ii) is approved by the Secretary of State;
 - ^{F34}(b) appoint a passenger registrar who shall be responsible for the transmission of information collected pursuant to these Regulations to the appropriate search and rescue services in the event of an emergency or, in the aftermath of an accident involving the ship and, where applicable, the reporting of this information in the National Single Window; and]
 - (c) ensure that the information collected pursuant to these Regulations is at all times readily available for transmission to the appropriate search and rescue services for use in an emergency or in the aftermath of an accident involving the ship.
- ^{F35}(2) Personal data which is collected in accordance with regulation 6(2) must be kept by the owner of a passenger ship—
- (a) for no longer than is necessary for the purpose of these Regulations; and
 - (b) in any event, no later than the moment the ship's voyage has been safely completed and the data has been reported in the National Single Window or, as the case may be, to the passenger registrar after which it shall be erased without undue delay.]
- (3) The Secretary of State may appoint persons to carry out checks on the proper functioning of registration systems approved under this regulation.
- (4) In performing the checks referred to in paragraph (3) above, the persons appointed shall—
- (i) be entitled to board any ship to which the registration system relates and enter any premises of the passenger registrar; and
 - (ii) have access to any records and documents, including electronic and computer records, which comprise the owner's registration system.

- F33** Words in [reg. 8\(1\)\(a\)\(i\)](#) substituted (22.2.2021) by [The Merchant Shipping \(Counting and Registration of Persons on Board Passenger Ships\) \(Amendment\) Regulations 2021 \(S.I. 2021/81\)](#), regs. 1, [2\(7\)\(a\)](#)
- F34** [Reg. 8\(1\)\(b\)](#) substituted (22.2.2021) by [The Merchant Shipping \(Counting and Registration of Persons on Board Passenger Ships\) \(Amendment\) Regulations 2021 \(S.I. 2021/81\)](#), regs. 1, [2\(7\)\(b\)](#)
- F35** [Reg. 8\(2\)](#) substituted (22.2.2021) by [The Merchant Shipping \(Counting and Registration of Persons on Board Passenger Ships\) \(Amendment\) Regulations 2021 \(S.I. 2021/81\)](#), regs. 1, [2\(7\)\(c\)](#)

Commencement Information

- I8** Reg. 8 in force at 22.7.1999, see [reg. 1](#)

Exemptions

9.—(1) The Secretary of State may exempt any passenger ship from the requirements of these Regulations, subject to ^{F36}paragraph (2) and in any case not falling within that paragraph to] such conditions (if any) as he may specify, and may, subject to giving reasonable notice, alter or cancel any exemption so granted.

^{F37}(2) The Secretary of State may only exempt a passenger ship—

- (a) from the requirement to report the number of persons on board a passenger ship in accordance with regulation 5(4) if—
 - (i) it is not a high speed craft;

- (ii) it operates exclusively in Area D on a regular service of less than one hour between calls at landing points; and
- (iii) the proximity of search and rescue facilities is ensured in that sea area; or
- (b) from the requirements of regulation 6(2) if the passenger ship—
 - (i) sails exclusively in Area D between two landing points or from and to the same landing point without intermediate calls where the proximity of search and rescue facilities is ensured; or
 - (ii) is engaged on a regular community service.]

- F36** Words in [reg. 9\(1\)](#) inserted (22.2.2021) by [The Merchant Shipping \(Counting and Registration of Persons on Board Passenger Ships\) \(Amendment\) Regulations 2021 \(S.I. 2021/81\)](#), regs. 1, **2(8)(a)**
- F37** [Reg. 9\(2\)](#) substituted (22.2.2021) by [The Merchant Shipping \(Counting and Registration of Persons on Board Passenger Ships\) \(Amendment\) Regulations 2021 \(S.I. 2021/81\)](#), regs. 1, **2(8)(b)**

Commencement Information

- I9** Reg. 9 in force at 22.7.1999, see [reg. 1](#)

False statements

10. A person shall not, in connection with a system for counting the persons on board a passenger ship or collecting the information specified in regulation 6(3) above—

- (a) knowingly or recklessly make any false statement liable or intended to lead to error in the determination of the total number of persons on board or in the collection of the information specified in regulation 6(3); or
- (b) falsify the information collected or transmitted to the passenger registrar.

Commencement Information

- I10** Reg. 10 in force at 22.7.1999, see [reg. 1](#)

Offences

11.—(1) If there is any breach of the requirements of these Regulations in respect of a passenger ship the owner and, in respect of a breach of regulation 5(6), the master shall be guilty of an offence punishable on summary conviction by a fine not exceeding the statutory maximum and on conviction on indictment by imprisonment for a term not exceeding two years or a fine, or both.

(2) Any person contravening regulation 10 shall be guilty of an offence punishable on summary conviction to a fine not exceeding the statutory maximum or on conviction on indictment to imprisonment for a term not exceeding two years or a fine, or both.

Commencement Information

- I11** Reg. 11 in force at 22.7.1999, see [reg. 1](#)

Defences

12.—(1) It shall be a good defence to a charge under these Regulations for the person charged to prove that he took all reasonable steps to avoid the commission of the offence.

Status: Point in time view as at 29/03/2023.

Changes to legislation: There are currently no known outstanding effects for the The Merchant Shipping (Counting and Registration of Persons on Board Passenger Ships) Regulations 1999. (See end of Document for details)

(2) Without prejudice to paragraph (1) above, it shall be a good defence to a charge under regulation 10 above for a person providing information to the owner of a ship in respect of other persons not being members of his family, being information required by the owner pursuant to these Regulations, to prove that the information was collected by him in good faith.

Commencement Information

I12 Reg. 12 in force at 22.7.1999, see [reg. 1](#)

Signed by authority of the Secretary of State for the Environment, Transport and the Regions

Glenda Jackson
Parliamentary Under-Secretary of State,
Department of the Environment, Transport and
the Regions

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace the Merchant Shipping (Passenger Boarding Cards) Regulations 1988, the Merchant Shipping (Passenger Boarding Cards) (Application to non-UK Ships) Regulations 1988 and the Merchant Shipping (Passenger Counting and Recording Systems) Regulations 1990.

The Regulations implement Council Directive [98/41/EC](#) on the registration of persons sailing on board passenger ships operating to or from ports of the member States of the Community and Chapter III, regulation 24–2 of the annex to the International Convention for the Safety of Life at Sea 1974 (SOLAS), as amended by the Conference of the Contracting Governments to SOLAS on 28 November 1995.

The principal changes from the provisions of the revoked Regulations are:

- (i) the requirement to have a system capable of counting all persons on board is applied to Class I ships (regulation 4);
- (ii) the requirement to collect specified information for ships departing on voyages of more than 20 miles from a UK port or, in respect of a UK passenger ship leaving a port outside the European Community, on international voyages (regulation 6); and
- (iii) the requirement to establish a passenger registrar by ship owners, who will be responsible for holding the information collected and transmitting it to the appropriate search and rescue services in the event of an emergency (regulation 8).

A compliance cost assessment has been produced and a copy placed in the library of each House of Parliament. Copies may be obtained from the Maritime and Coastguard Agency, Spring Place, 105 Commercial Road, Southampton SO15 1EG (telephone: 01703 329360).

Merchant Shipping Notices may be obtained from Eros Marketing Support Services, Delta House, Imber Court Trading Estate, Orchard Lane, East Molesey, Surrey KT8 0BN. Copies of SOLAS may be obtained from the International Maritime Organisation, 4 Albert Embankment, London SE1 7SR.

Status:

Point in time view as at 29/03/2023.

Changes to legislation:

There are currently no known outstanding effects for the The Merchant Shipping (Counting and Registration of Persons on Board Passenger Ships) Regulations 1999.