
EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations, other than regulations 12(4) to (9), give effect, in relation to the whole of the United Kingdom, to Directive [2002/59/EC](#) of the European Parliament and of the Council of 27 June 2002 establishing a Community vessel traffic monitoring and information system and repealing Council Directive [93/75/EEC](#).

The Regulations also give effect to similar provisions in the International Convention for the Prevention of Pollution from Ships 1973 as modified by the Protocol of 1978 relating thereto (the MARPOL Convention) and in the International Convention for the Safety of Life at Sea 1974 (the SOLAS Convention) relating to the notification of dangerous and polluting goods and the reporting of incidents and accidents at sea.

Regulations 12(4) to (9) of these Regulations also give effect to Protocol I to the MARPOL Convention and Chapter VII regulation 7-1 of the SOLAS Convention.

The principal provisions of these Regulations are as follows.

Regulation 4 specifies the ships to which the Regulations apply.

Provision is made imposing obligations to report the destination of a ship and provide other information, to require ships to participate in, and comply with the rules of, vessel traffic services and to install in ships, and maintain in operation, automatic identification systems. *(Regulations 5 to 9)*

Provision is made requiring the notification of dangerous or polluting goods carried by ships and for the granting of exemptions from the requirements. *(Regulations 10 and 11)*

The Regulations contain requirements relating to the reporting of incidents and accidents at sea (the terms “incident” and “accident” are defined in regulation 2(2)) and for measures to be taken in the event of an incident or accident and bad weather or sea conditions. *(Regulations 12 to 15)*

Provision is made requiring that information provided under the Regulations be kept confidential. *(Regulation 16)*

The Regulations contain provisions concerning the commission of offences under the Regulations, the punishments which may be imposed in respect of such offences and the defences to proceedings for an offence under the Regulations. *(Regulations 17 to 20)*

The Regulations amend Schedule 3A to the Merchant Shipping Act 1995 and the following Regulations:

the Merchant Shipping (Reporting Requirements for Ships Carrying Dangerous or Polluting Goods) Regulations 1995 (S.I. [1995/2498](#));

the Merchant Shipping (Prevention of Oil Pollution) Regulations 1996 (S.I. [1996/2154](#));

the Merchant Shipping (Dangerous Goods and Marine Pollutants) Regulations 1997 (S.I. [1997/2367](#)); and

the Merchant Shipping (Safety of Navigation) Regulations 2002 (S.I. [2002/1473](#)). *(Regulation 22 and Schedules 1, 2 and 3)*

The main purpose of the amendments to the Merchant Shipping (Reporting Requirements for Ships Carrying Dangerous or Polluting Goods) Regulations 1995 (S.I. [1995/2498](#)) is to continue to give effect to the provisions in the MARPOL Convention and the SOLAS Convention concerning the reporting of incidents in relation to ships under 300 gross tonnage and fixed or floating installations in United Kingdom controlled waters. The amendments also give effect to the requirement for a

Status: This is the original version (as it was originally made).

United Kingdom ship carrying dangerous goods or harmful substances in packaged form on a voyage which does not involve a port in an EEA State to carry a manifest of those goods or substances.

The following publications may be obtained from the International Maritime Organization, 4 Albert Embankment, London SW1 7SR —

- (a) the SOLAS Convention;
- (b) the MARPOL Convention;
- (c) the International Codes referred to in the Regulations, namely the BC Code, the IBC Code, the IGC Code, the IMDG Code, the INF Code and the ISM Code;
- (d) the International Maritime Organization Resolution A.741(18) adopted on 4th November 1993;
- (e) the International Maritime Organization Resolution A.851(20) adopted on 27th November 1997;
- (f) the International Maritime Organization Resolution A.857(20) adopted on 27th November 1997.

The publications referred to in sub-paragraphs (a) to (c) (with the exception of the INF Code) are defined in regulation 2(1). The INF Code is referred to in paragraph 1(b)(v) of Schedule 1.

The rules of VTS schemes operated in the United Kingdom can be found in the Admiralty List of Radio Signals Volume 6, which is published by the United Kingdom Hydrographic Office Admiralty Way Taunton Somerset TA1 2DN (telephone number 01823 337900; fax 01823 284077).

Merchant Shipping Notices are published by the Maritime and Coastguard Agency. Copies may be obtained from Mail Marketing (Scotland), Blooms Grove Industrial Estate, Norton Street, Nottingham NG7 3JG (telephone number 0115 9013336; fax 0115 9013334; e-mail mca@promosolution.com). They may also be accessed via the MCA's website at www.mcga.gov.uk.

A regulatory impact assessment of the effect which this instrument will have on the costs of business has been prepared and copies can be obtained from the Maritime and Coastguard Agency, Spring Place, 105, Commercial Road, Southampton, SO15 1EG. A copy has been placed in each House of Parliament.

A copy of the Transposition Note is also available from the Maritime and Coastguard Agency.