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STATUTORY INSTRUMENTS

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**2010 No. 1075**

**MERCHANT SHIPPING**

**The Merchant Shipping (Technical Requirements  
for Inland Waterway Vessels) Regulations 2010**

<i>Made</i>	- - - -	<i>29th March 2010</i>
<i>Laid before Parliament</i>		<i>30th March 2010</i>
<i>Coming into force</i>	- -	<i>20th April 2010</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 85(1)(a) and (b), (3) and (5) to (7) and 86(1) and (2) of the Merchant Shipping Act 1995 <sup>F1</sup> and section 2(2) of the European Communities Act 1972 <sup>F2</sup> as read with paragraph 1A of Schedule 2 to that Act <sup>F3</sup>.

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

The Secretary of State is a Minister designated <sup>F4</sup> for the purposes of section 2(2) of the European Communities Act 1972 in relation to measures relating to the safety of ships, and the health and safety of persons on them.

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Secretary of State that it is expedient for references to Annexes to Directive [2006/87/EC](#) of 12th December 2006 of the European Parliament and of the Council laying down technical requirements for inland waterway vessels and repealing Council Directive [82/714/EEC](#) <sup>F5</sup> to be construed as references to those Annexes as amended from time to time.

**F1** [1995 c.21](#). Sections 85 and 86 were amended by the [Merchant Shipping and Maritime Security Act 1997 \(c.27\)](#) sections 8 and 29 and Schedule 7, Part I, and are applied to hovercraft by the [Hovercraft \(Application of Enactments\) Order 1989 \(S.I. 1989/1350\)](#), to which there are amendments not relevant to these Regulations.

**F2** [1972 c.68](#). Section 2(2) was amended by the [Legislative and Regulatory Reform Act 2006 \(c.51\)](#) and the [European Union \(Amendment\) Act 2008 \(c.7\)](#). By virtue of the amendment of section 1(2) of the European Communities Act 1972 by section 1 of the [European Economic Area Act 1993 \(c.51\)](#) regulations may be made under section 2(2) of the European Communities Act 1972 to implement obligations of the United Kingdom created or arising by or under the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 (Cm 2073) and the Protocol adjusting the Agreement signed at Brussels on 17th March 1993 (Cm 2183).

**F3** [Paragraph 1A](#) was inserted by the [Legislative and Regulatory Reform Act 2006 \(c.51\)](#), [section 28](#).

**F4** [S.I. 1993/595](#).

**F5** O.J. No. L 389, 30.12.2006, p.1. Added to Annex XIII to the EEA Agreement by Article 1 of the Decision of the EEA Joint Committee No. 89/2007 of 6 July 2007 (O.J. No. L 328, 13.12.2007, p.36).

## Citation and commencement

1.—(1) These Regulations may be cited as the Merchant Shipping (Technical Requirements for Inland Waterway Vessels) Regulations 2010.

(2) These Regulations come into force on 20th April 2010.

## Interpretation

2.—(1) In these Regulations—

[<sup>F6</sup>“[Directive \(EU\) 2016/1629](#)” means [Directive \(EU\) 2016/1629](#) of the European Parliament and of the Council of 14th September 2016 laying down technical requirements for inland waterway vessels, amending [Directive 2009/100/EC](#) and repealing [Directive 2006/87/EC](#).]

[<sup>F7</sup>“flag state”, in relation to a vessel, means the state whose flag the vessel is entitled to fly,]

“Government ship” means a Government ship within the meaning of section 308(4) of the Merchant Shipping Act 1995 which is ordinarily engaged in commercial maritime operations, “inspector” means a person mentioned in paragraph (a), (b) or (c) of section 258(1) of the Merchant Shipping Act 1995 <sup>F8</sup>,

“MCA” means the Maritime and Coastguard Agency, an executive agency of the Department for Transport,

“Merchant Shipping Notice” means a notice described as such and issued by the MCA, and a reference to a Merchant Shipping Notice includes a reference to a Merchant Shipping Notice, amending or replacing such a Notice, which is stated to be considered by the Secretary of State to be relevant from time to time,

“passenger” means any person carried in a vessel other than the master, a member of the crew, any other person employed or engaged in any capacity on board the vessel or on the business of the vessel or a child under one year of age,

[<sup>F9</sup>“passenger vessel” means a day trip or cabin vessel constructed and equipped to carry more than 12 passengers,]

“relevant Convention Certificates” means all of the following certificates—

- (a) a certificate proving conformity with the International Convention for the Safety of Life at Sea, 1974 <sup>F10</sup>—
  - (i) as amended in accordance with its Article VIII,
  - (ii) as modified by its Protocols of 1978 <sup>F11</sup> and 1988 <sup>F12</sup>,
 or a certificate which is equivalent to any such certificate and which is specified as such by the Secretary of State in a Merchant Shipping Notice,
- (b) a certificate proving conformity with the International Convention on Load Lines, 1966 <sup>F13</sup>, or a certificate which is equivalent to any such certificate and which is specified as such by the Secretary of State in a Merchant Shipping Notice, and
- (c) an international oil pollution prevention (IOPP) certificate proving conformity with the International Convention for the Prevention of Pollution from Ships, 1973 <sup>F14</sup> including its protocols, annexes and appendices and as amended by—
  - (i) the Protocols of 1978 <sup>F15</sup> and 1997 <sup>F16</sup>,

- (ii) all the amendments adopted by the Marine Environment Protection Committee of the International Maritime Organisation on or before the date on which these Regulations are made, and
- (iii) any subsequent amendment to that Convention which is considered by the Secretary of State to be relevant from time to time and is specified in a Merchant Shipping Notice,

or a certificate which is equivalent to any such certificate and which is specified as such by the Secretary of State in a Merchant Shipping Notice,

“ship surveyor” means a person who is appointed as a surveyor of ships under section 256(2) of the Merchant Shipping Act 1995;

[<sup>F17</sup>“technical requirements of Annex II” means the technical requirements contained in ES-TRIN standard 2019/1 as referred to in Annex II to Directive (EU) 2016/1629 and as set out in Merchant Shipping Notice MSN 1880(M) Amendment 1 —

- (a) excluding the transitional provisions contained in Chapter 32 of ES-TRIN standard 2019/1 for craft navigating on the Rhine, but
- (b) including the transitional provisions contained in Chapter 33 of ES-TRIN standard 2019/1 for craft operating exclusively on waterways outside the Rhine,]

“technical requirements of Annex V” means the technical requirements of Annex V to Directive (EU) 2016/1629 as set out in Merchant Shipping Notice MSN 1881(M), and]

“vessel” includes a hydrofoil boat, a hovercraft and a submersible.

(2) In these Regulations—

[<sup>F19</sup>(a) a reference to a waterway which is—

- (i) a Zone 1, 2 or 3 waterway is a reference to such a waterway as so classified by Article 4.1(a)(i) or (ii) of Directive (EU) 2016/1629,
- (ii) a Zone 4 waterway is a reference to a waterway of category A (as categorised in Merchant Shipping Notice MSN 1837(M), Amendment 2),]

<sup>F20</sup>(b) .....

- (c) expressions used in regulation 3(4) and Schedule 1 and in [<sup>F21</sup>Directive 2009/100/EC] have the same meaning as in that Directive,
- (d) subject to paragraph (1) and to sub-paragraphs (a) to (c) of this paragraph, other expressions used in these Regulations and in Directive [<sup>F22</sup>Directive (EU) 2016/1629]<sup>F23</sup> have the same meaning as in that Directive.

(3) For the purposes of these Regulations, a vessel is laid down on the date on which its keel is laid, or on which the vessel is at a stage of construction at which—

- (a) construction identifiable with a specific vessel has begun, or
- (b) assembly of that vessel has incorporated at least 50 tonnes of structural material or one per cent of the estimated mass of all structural material, whichever is less.

- F6** Words in [reg. 2\(1\)](#) substituted (23.2.2019) by [The Merchant Shipping \(Technical Requirements for Inland Waterway Vessels\) \(Amendment\) Regulations 2019](#) (S.I. 2019/160), [regs. 1\(2\), 3\(a\)\(i\)](#)
- F7** Words in [reg. 2\(1\)](#) inserted (23.2.2019) by [The Merchant Shipping \(Technical Requirements for Inland Waterway Vessels\) \(Amendment\) Regulations 2019](#) (S.I. 2019/160), [regs. 1\(2\), 3\(a\)\(ii\)](#)
- F8** [Section 258](#) was amended by the Merchant Shipping and Maritime Security Act 1997, section 9 and Schedule 1, paragraph 4(2) and modified, in relation to ships in ports in the United Kingdom, by the [Merchant Shipping \(Port State Control\) Regulations 1995](#) (S.I. 1995/3128).

- F9** Words in [reg. 2\(1\)](#) substituted (23.2.2019) by [The Merchant Shipping \(Technical Requirements for Inland Waterway Vessels\) \(Amendment\) Regulations 2019 \(S.I. 2019/160\)](#), regs. 1(2), [3\(a\)\(iii\)](#)
- F10** Cmnd. 7874.
- F11** Cmnd. 7346.
- F12** Cm. 4420.
- F13** Cmnd. 3708.
- F14** Cmnd 5748.
- F15** Cmnd 7347.
- F16** Cmnd 4427.
- F17** Words in [reg. 2\(1\)](#) substituted (23.2.2019) by [The Merchant Shipping \(Technical Requirements for Inland Waterway Vessels\) \(Amendment\) Regulations 2019 \(S.I. 2019/160\)](#), regs. 1(2), [3\(a\)\(iv\)](#)
- F18** Words in [reg. 2\(1\)](#) substituted (25.2.2020) by [The Merchant Shipping \(Technical Requirements for Inland Waterway Vessels\) \(Amendment\) Regulations 2020 \(S.I. 2020/58\)](#), regs. 1(2), [3](#)
- F19** [Reg. 2\(2\)\(a\)](#) substituted (23.2.2019) by [The Merchant Shipping \(Technical Requirements for Inland Waterway Vessels\) \(Amendment\) Regulations 2019 \(S.I. 2019/160\)](#), regs. 1(2), [3\(b\)\(i\)](#)
- F20** [Reg. 2\(2\)\(b\)](#) omitted (23.2.2019) by virtue of [The Merchant Shipping \(Technical Requirements for Inland Waterway Vessels\) \(Amendment\) Regulations 2019 \(S.I. 2019/160\)](#), regs. 1(2), [3\(b\)\(ii\)](#)
- F21** Words in [reg. 2\(2\)\(c\)](#) substituted (23.2.2019) by [The Merchant Shipping \(Technical Requirements for Inland Waterway Vessels\) \(Amendment\) Regulations 2019 \(S.I. 2019/160\)](#), regs. 1(2), [3\(b\)\(iii\)](#)
- F22** Words in [reg. 2\(2\)\(d\)](#) substituted (23.2.2019) by [The Merchant Shipping \(Technical Requirements for Inland Waterway Vessels\) \(Amendment\) Regulations 2019 \(S.I. 2019/160\)](#), regs. 1(2), [3\(b\)\(iv\)](#)
- F23** OJ No. L 259, 2.10.2009, p. 8 as amended by Article 36 of Directive (EU) 2016/1629.

## Application

3.—(1) Subject to paragraph (2), these Regulations, apart from regulation 11 and Schedule 1, apply to the following vessels, including Government ships, operating on any waterway in the United Kingdom which is a Zone 1, 2, 3 or 4 waterway—

- (a) tugs and pushers intended—
    - (i) for towing or pushing vessels to which sub-paragraph (d) applies, or for moving such vessels alongside, or
    - (ii) for towing or pushing floating equipment, or for moving such equipment alongside,
  - (b) passenger vessels,
  - (c) floating equipment, and
  - (d) any other vessel—
    - (i) having a length (L) of 20 metres or more, or
    - (ii) for which the product of length (L), breadth (B) and draught (T) is a volume of 100m<sup>3</sup> or more.
- (2) These Regulations do not apply to—
- (a) ferries,
  - (b) naval vessels,
  - (c) sea-going vessels, including sea-going tugs and pusher craft, which—
    - (i) operate or are based on tidal waters, but
    - (ii) operate temporarily on inland waterways and carry the relevant certificates.
- (3) The relevant certificates referred to in paragraph (2) are—
- (a) the relevant Convention Certificates,

- [<sup>F24</sup>(b) in the case of a passenger vessel which does not hold all the relevant Convention Certificates—
- (i) a Passenger Certificate appropriate to the class of passenger ship;
  - (ii) a Passenger Ship Safety Certificate; or
  - (iii) a short international voyage Passenger Ship Safety Certificate issued pursuant to the Merchant Shipping (Survey and Certification) Regulations 2015; or
  - (iv) a certificate on safety rules and standards for passenger ships issued by an EEA State in conformity with [Directive 2009/45/EC](#) of the European Parliament and of the Council on safety rules and standards for passenger ships as it has effect in EU law.]
- (c) in the case of a recreational craft which does not hold all the relevant Convention Certificates, a certificate of the State of which the vessel carries the flag [<sup>F25</sup>; or
- (d) in the case of a seagoing vessel which does not hold all the relevant Convention Certificates, the relevant certificates and the freeboard marks required by the law of its flag state]
- (4) Regulation 11 and Schedule 1 apply to vessels, used for goods transport on any inland waterway in the United Kingdom, which have a total dead weight of 20 tonnes or more and—
- (a) a length (L) of less than 20 metres, or
  - (b) for which the product of length (L), breadth (B) and draught (T) is less than 100m<sup>3</sup>.

**F24** Reg. 3(3)(b) substituted (31.12.2020) by [The Merchant Shipping \(Inland Waterways\) \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/808), regs. 1(2), **2(2)**; 2020 c. 1, Sch. 5 para. 1(1)

**F25** Reg. 3(3)(d) and word inserted (23.2.2019) by [The Merchant Shipping \(Technical Requirements for Inland Waterway Vessels\) \(Amendment\) Regulations 2019](#) (S.I. 2019/160), regs. 1(2), **4(b)**

### Exemptions: vessels operating on waterways not linked to other Member States

4.—(1) The Secretary of State may grant exemption from some or all of the requirements of these Regulations (other than regulation 11 and Schedule 1) for—

- (a) vessels <sup>F26</sup>... and floating equipment operating on waterways in the United Kingdom not linked by inland waterway to the waterways of a member State <sup>F27</sup>...,
- (b) vessels having a dead weight not exceeding 350 tonnes or vessels not intended for the carriage of goods and having a water displacement of less than 100m<sup>3</sup>, which were laid down before 1st January 1950 and operate exclusively on waterways in the United Kingdom.

(2) An exemption granted in accordance with paragraph (1) may be given on such terms (if any) as the Secretary of State may specify.

(3) The Secretary of State may, subject to giving reasonable notice, alter or cancel any such exemption.

**F26** Words in [reg. 4\(1\)\(a\)](#) omitted (23.2.2019) by virtue of [The Merchant Shipping \(Technical Requirements for Inland Waterway Vessels\) \(Amendment\) Regulations 2019](#) (S.I. 2019/160), regs. 1(2), **5**

**F27** Words in [reg. 4\(1\)\(a\)](#) omitted (31.12.2020) by virtue of [The Merchant Shipping \(Inland Waterways\) \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/808), regs. 1(2), **2(3)**; 2020 c. 1, Sch. 5 para. 1(1)

### Exemptions: limited journeys of local interest or in harbour areas

5.—(1) The Secretary of State may, on application made by the owner or master of a vessel, grant exemption from some or all of the requirements of these Regulations (other than regulation 11 and Schedule 1) for that vessel in respect of limited journeys of local interest or in harbour areas.

(2) An exemption granted in accordance with paragraph (1) may be given on such terms (if any) as the Secretary of State may so specify, and is valid only if it—

- (a) specifies the extent of the exemption from the requirements of these Regulations and the circumstances in which the exemption applies, and
- (b) is specified on the vessel's [<sup>F28</sup>Union] inland navigation certificate or supplementary [<sup>F28</sup>Union] inland navigation certificate (as appropriate).

(3) The Secretary of State may, subject to giving reasonable notice, alter or cancel any such exemption.

**F28** Word in reg. 5(2)(b) substituted (23.2.2019) by [The Merchant Shipping \(Technical Requirements for Inland Waterway Vessels\) \(Amendment\) Regulations 2019 \(S.I. 2019/160\)](#), regs. 1(2), 6

### Obligation to carry a certificate

[<sup>F29</sup>6.—(1) A vessel operating on a Zone 1, 2, 3 or 4 waterway must carry—

- (a) a valid Union inland navigation certificate which attests compliance with the technical requirements of Annex II and the technical requirements of Annex V, or
- (b) a valid certificate issued pursuant to Article 22 of the Revised Convention for Rhine Navigation.

(2) In addition to the certificates referred to in paragraph (1), a valid supplementary Union inland navigation certificate which attests compliance with the relevant additional United Kingdom technical requirements set out in paragraph (3) must be carried by—

- (a) vessels operating on Zone 1 and 2 waterways, and
- (b) passenger vessels operating on Zone 3 waterways.

(3) The relevant additional United Kingdom technical requirements referred to in paragraph (2) are—

- (a) for vessels operating on Zone 1 and 2 waterways those—

<sup>F30</sup>(i) .....

<sup>F31</sup>(ii) .....

(iii) specified in Merchant Shipping Notice MSN 1879(M) [<sup>F32</sup>Amendment 1],

- (b) for passenger vessels operating on Zone 3 waterways those—

<sup>F33</sup>(i) .....

<sup>F34</sup>(ii) .....

(iii) specified in Merchant Shipping Notice MSN 1879(M) [<sup>F32</sup>Amendment 1].]

**F29** Reg. 6 substituted (23.2.2019) by [The Merchant Shipping \(Technical Requirements for Inland Waterway Vessels\) \(Amendment\) Regulations 2019 \(S.I. 2019/160\)](#), regs. 1(2), 7

**F30** Reg. 6(3)(a)(i) omitted (31.12.2020) by virtue of [The Merchant Shipping \(Inland Waterways\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/808\)](#), regs. 1(2), **2(4)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)



- F31** Reg. 6(3)(a)(ii) omitted (31.12.2020) by virtue of The Merchant Shipping (Inland Waterways) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/808), regs. 1(2), **2(4)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F32** Words in reg. 6(3) inserted (25.2.2020) by The Merchant Shipping (Technical Requirements for Inland Waterway Vessels) (Amendment) Regulations 2020 (S.I. 2020/58), regs. 1(2), **4**
- F33** Reg. 6(3)(b)(i) omitted (31.12.2020) by virtue of The Merchant Shipping (Inland Waterways) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/808), regs. 1(2), **2(4)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F34** Reg. 6(3)(b)(ii) omitted (31.12.2020) by virtue of The Merchant Shipping (Inland Waterways) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/808), regs. 1(2), **2(4)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

### Reduced requirements for vessels operating only on Zone 4 waterways

**F35** 7. ....

- F35** Reg. 7 omitted (23.2.2019) by virtue of The Merchant Shipping (Technical Requirements for Inland Waterway Vessels) (Amendment) Regulations 2019 (S.I. 2019/160), regs. 1(2), **8**

### Vessels carrying Rhine Navigation Certificates

**F36** 8. ....

- F36** Reg. 8 omitted (23.2.2019) by virtue of The Merchant Shipping (Technical Requirements for Inland Waterway Vessels) (Amendment) Regulations 2019 (S.I. 2019/160), regs. 1(2), **9**

### [<sup>F37</sup>Union inland navigation certificates and supplementary Union inland navigation certificates

**9.—(1)** A valid Union inland navigation certificate is a certificate—

[<sup>F38</sup>(a) in the form set out in section I of Annex 3 to ES-TRIN standard 2019/1 as set out in Merchant Shipping Notice MSN 1880(M) Amendment 1, and]

(b) issued by a competent authority of an EEA State in accordance with Directive (EU) 2016/1629[<sup>F39</sup>as it has effect in EU law] in respect of the waterway concerned.

(2) A valid supplementary Union inland navigation certificate is a certificate—

[<sup>F40</sup>(a) in the form set out in section III of Annex 3 to ES-TRIN standard 2019/1 as set out in Merchant Shipping Notice MSN 1880(M) Amendment 1, and]

(b) issued by a competent authority of an EEA State in accordance with Directive (EU) 2016/1629[<sup>F39</sup>as it has effect in EU law] in respect of the waterway concerned.

(3) A valid supplementary Union inland navigation certificate must specify the additional technical requirements adopted, maintained, notified or amended in accordance with Article 23(1), (2) and (5) of Directive (EU) 2016/1629[<sup>F39</sup>as it has effect in EU law].]

- F37** Reg. 9 substituted (23.2.2019) by The Merchant Shipping (Technical Requirements for Inland Waterway Vessels) (Amendment) Regulations 2019 (S.I. 2019/160), regs. 1(2), **10**
- F38** Reg. 9(1)(a) substituted (25.2.2020) by The Merchant Shipping (Technical Requirements for Inland Waterway Vessels) (Amendment) Regulations 2020 (S.I. 2020/58), regs. 1(2), **5(a)**

- F39** Words in [reg. 9](#) inserted (31.12.2020) by [The Merchant Shipping \(Inland Waterways\) \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/808), regs. 1(2), **2(5)**; 2020 c. 1, Sch. 5 para. 1(1)
- F40** [Reg. 9\(2\)\(a\)](#) substituted (25.2.2020) by [The Merchant Shipping \(Technical Requirements for Inland Waterway Vessels\) \(Amendment\) Regulations 2020](#) (S.I. 2020/58), regs. 1(2), **5(b)**

### Recognition of navigability certificates of third countries

**10.** The Secretary of State may in a Merchant Shipping Notice—

- (a) specify navigability certificates issued in relation to vessels which are entitled to fly the flag of a State which is not an EEA State,
- (b) specify that a vessel operating on a Zone 1, 2, 3 or 4 waterway which is carrying a certificate which has been so specified is to be treated for the purposes of these Regulations as though it were carrying a valid [<sup>F41</sup>supplementary Union] inland navigation certificate which attests compliance with technical requirements as specified in that Merchant Shipping Notice.

- F41** Words in [reg. 10\(b\)](#) substituted (23.2.2019) by [The Merchant Shipping \(Technical Requirements for Inland Waterway Vessels\) \(Amendment\) Regulations 2019](#) (S.I. 2019/160), regs. 1(2), **11**

### Recognition of navigability licences

**11.** Schedule 1 has effect as respects recognition of navigability licences.

### Inspection and remedial measures

**12.—**[<sup>F42</sup>(1) An inspector may check at any time whether a vessel to which these Regulations apply—

- (a) is carrying—
  - (i) a valid Union inland navigation certificate and, in the relevant circumstances, a valid supplementary Union inland navigation certificate, or
  - (ii) a valid certificate issued pursuant to Article 22 of the Revised Convention for Rhine Navigation and, in the relevant circumstances, a valid supplementary Union inland navigation certificate,
- (b) satisfies the requirements set out in such a certificate or certificates,
- (c) constitutes a manifest danger for the persons on board, the environment or the navigation.

(1A) The relevant circumstances referred to in paragraph (1)(a) are that the vessel is—

- (a) operating on Zone 1 and 2 waterways, or
- (b) a passenger vessel operating on Zone 3 waterways.]

(2) Paragraph (3) applies where, following an inspection under paragraph (1), the inspector notifies the owner of the vessel, or the owner's representative, that the inspector—

- (a) has found that a certificate required by these Regulations to be carried on board the vessel is invalid, or
- (b) considers that the vessel does not satisfy the requirements set out in the certificate,

but considers that such invalidity or failure does not constitute a manifest danger for the persons on board, the environment or the navigation.

(3) Where this paragraph applies—



- (a) the owner of the vessel or the owner's representative must take all necessary measures to remedy the situation, and
  - (b) within seven days beginning with the date of being notified as set out in paragraph (2), the person notified by the inspector as set out in paragraph (2) must inform the authority which issued or last renewed the certificate of that notification.
- (4) Paragraph (5) applies where, following an inspection under paragraph (1), the inspector notifies the owner of the vessel, or the owner's representative, that the inspector—
- (a) has found that a certificate required by these Regulations to be carried on board the vessel is not being carried, or
  - (b) that the vessel constitutes a manifest danger for the persons on board, the environment or the navigation.
- (5) Where this paragraph applies—
- (a) a ship surveyor—
    - (i) may prevent the vessel from proceeding until the necessary steps have been taken to remedy the situation, or
    - (ii) may prescribe measures which will enable the vessel to proceed safely, where appropriate on termination of its transport operations, to a place where it will be either inspected or repaired, and
  - (b) within seven days beginning with the date of being notified as set out in paragraph (4), the person notified by the inspector as set out in paragraph (4) must inform the authority which issued or last renewed the certificate of that notification.
- (6) Where a ship surveyor has prescribed measures in accordance with paragraph (5)(a)(ii), the vessel must not proceed (or, where appropriate, must not proceed after termination of its transport operations) except in accordance with the prescribed measures.
- (7) Where a ship surveyor has prevented a vessel from proceeding, or has notified the owner of the vessel, or the owner's representative, of an intention to do so if the defects found are not corrected—
- (a) the Secretary of State must inform the authority in the EEA State which issued or last renewed the certificate, within seven days, of the decision which has been taken or which it is intended will be taken,
  - (b) section 264 of the Merchant Shipping Act 1995 <sup>F43</sup> (references of notices to arbitration) applies to the decision of the ship surveyor as though it were an improvement notice issued under section 261(2)(a) of that Act, and
  - (c) without delay, the ship surveyor must notify the owner of the vessel, or the owner's representative (as appropriate) of the arbitration procedure available to that person under sub-paragraph (b), and of the time limits for that arbitration procedure.

**F42** Reg. 12(1)(1A) substituted for reg. 12(1) (23.2.2019) by [The Merchant Shipping \(Technical Requirements for Inland Waterway Vessels\) \(Amendment\) Regulations 2019 \(S.I. 2019/160\)](#), regs. 1(2), 12

**F43** Section 264 was amended by the Arbitration Act 1996(c.23), section 107(2), the Constitutional Reform Act 2005(c.4), section 50(5) and Schedule 11, Pt 3, paragraph 5 and the Tribunals, Courts and Enforcement Act 2007(c.15), section 50 and Schedule 10, Pt 1, paragraph 26.

## Offences and penalties

- 13.—(1) The owner and master of a vessel are guilty of an offence if the vessel—
- (a) operates in contravention of these Regulations,

- (b) while operating under an exemption granted under these Regulations, fails to comply with any terms subject to which that exemption was granted, or
  - (c) proceeds or attempts to proceed in contravention of regulation 12(5)(a)(i) or (6).
- (2) A failure to comply with regulation 12(3)(a) is an offence by the owner or owner's representative, as the case may be.
- (3) A failure to comply with regulation 12(3)(b) or (5)(b) is an offence by the person notified as set out in regulation 12(2) or (4) (as appropriate).
- (4) A person guilty of an offence under paragraph (1) or (2) is liable—
- (a) on summary conviction to a fine of an amount not exceeding the statutory maximum, or
  - (b) on conviction on indictment to imprisonment for a term not exceeding two years or to a fine or to both.
- (5) A person guilty of an offence under paragraph (3) is liable on summary conviction to a fine of an amount not exceeding level 3 on the standard scale.
- (6) In any proceedings for an offence under this regulation it is a defence for the person charged to show that all reasonable steps had been taken by that person to ensure compliance with the relevant provision of these Regulations.
- (7) Where an offence under this regulation is committed, or would be committed but for the operation of paragraph (6), by any person due to the act or default of some other person, that other person is also guilty of the offence; and a person may be charged with and convicted of an offence by virtue of this paragraph whether or not proceedings are taken against the first mentioned person.

### Amendment of Regulations

**14.** The Regulations specified in column 1 of Schedule 2 are amended to the extent specified in column 2.

### [<sup>F44</sup>Transitional provision

**15.—(1)** A Community inland navigation certificate or supplementary Community inland navigation certificate issued in accordance with [Directive 2006/87/EC](#) before 6th October [<sup>F45</sup>2018] shall remain valid until it expires.

(2) In this regulation, “[Directive 2006/87/EC](#)” means [Directive 2006/87/EC](#) dated 12th December 2006 of the European Parliament and of the Council laying down technical requirements for inland waterway vessels and repealing Council [Directive 82/714/EEC](#), as amended by—

- (a) [Directive 2006/137/EC](#) dated 18th December 2006 of the European Parliament and of the Council amending [Directive 2006/87/EC](#) laying down technical requirements for inland waterway vessels,
- (b) [Directive 2008/59/EC](#) dated 12th June 2008 of the European Parliament and of the Council adapting [Directive 2006/87/EC](#) of the European Parliament and of the Council laying down technical requirements for inland waterway vessels, by reason of the accession of the Republic of Bulgaria and Romania,
- (c) [Directive 2008/68/EC](#) dated 24th December 2008 of the European Parliament and of the Council on the inland transport of dangerous goods, and
- (d) Commission [Directive 2008/87/EC](#) dated 22nd September 2008, Commission [Directive 2008/126/EC](#) dated 19th December 2008 and Commission [Directive 2009/46/EC](#) dated 24th April 2009, each amending [Directive 2006/87/EC](#) of the European Parliament and of the Council laying down technical requirements for inland waterway vessels.]

- F44** Reg. 15 inserted (23.2.2019) by The Merchant Shipping (Technical Requirements for Inland Waterway Vessels) (Amendment) Regulations 2019 (S.I. 2019/160), regs. 1(2), **13**
- F45** Word in reg. 15(1) substituted (25.2.2020) by The Merchant Shipping (Technical Requirements for Inland Waterway Vessels) (Amendment) Regulations 2020 (S.I. 2020/58), regs. 1(2), **6**

Signed by authority of the Secretary of State for Transport

Department for Transport

*Paul Clark*  
Parliamentary Under Secretary of State

## SCHEDULE 1

Regulation 11

## Recognition of navigability licences

**Definition of “navigability licence”**

1. In this Schedule “navigability licence” means—

<sup>F46</sup>(a) .....

(b) a licence issued by an EEA State which is—

- (i) a navigability licence issued in accordance with Article 2 of [<sup>F47</sup>Directive 2009/100/EC]<sup>F48</sup> [<sup>F49</sup>as it has effect in EU law],
- (ii) a certificate issued pursuant to the [<sup>F50</sup>Rhine Vessel Inspection Regulations<sup>F51</sup> as referred to in Article 1 of Directive 2009/100/EC]<sup>F49</sup>as it has effect in EU law], or
- (iii) in the case of a vessel carrying dangerous goods as defined in the [<sup>F52</sup>European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways<sup>F53</sup> as referred to in Article 1 of Directive 2009/100/EC]<sup>F49</sup>as it has effect in EU law], an authorisation in accordance with the requirements laid down in that Agreement.

- F46** Sch. 1 para. 1(a) omitted (31.12.2020) by virtue of The Merchant Shipping (Inland Waterways) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/808), regs. 1(2), **2(6)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F47** Words in Sch. 1 para. 1(b)(i) substituted (23.2.2019) by The Merchant Shipping (Technical Requirements for Inland Waterway Vessels) (Amendment) Regulations 2019 (S.I. 2019/160), regs. 1(2), **14(b)(i)**
- F48** OJ No. L 259, 2.10.2009, p. 8 as amended by Article 36 of Directive (EU) 2016/1629.
- F49** Words in Sch. 1 para. 1(b) inserted (31.12.2020) by The Merchant Shipping (Inland Waterways) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/808), regs. 1(2), **2(6)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F50** Words in Sch. 1 para. 1(b)(ii) substituted (23.2.2019) by The Merchant Shipping (Technical Requirements for Inland Waterway Vessels) (Amendment) Regulations 2019 (S.I. 2019/160), regs. 1(2), **14(b)(ii)**
- F51** 2017, issued by the Central Commission for the Navigation on the Rhine.
- F52** Words in Sch. 1 para. 1(b)(iii) substituted (23.2.2019) by The Merchant Shipping (Technical Requirements for Inland Waterway Vessels) (Amendment) Regulations 2019 (S.I. 2019/160), regs. 1(2), **14(b)(iii)**
- F53** 2017, issued by the United Nations Economic Commission for Europe.

**Recognition of navigability licences issued by other member States**

2. Subject to paragraph 3, where a navigability licence has been issued to a vessel by an EEA State <sup>F54</sup>... and that licence is still valid, the vessel may operate on any inland waterway in the United Kingdom <sup>F55</sup>...

- F54** Words in Sch. 1 para. 2 omitted (31.12.2020) by virtue of The Merchant Shipping (Inland Waterways) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/808), regs. 1(2), **2(6)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F55** Words in Sch. 1 para. 2 omitted (23.2.2019) by virtue of The Merchant Shipping (Technical Requirements for Inland Waterway Vessels) (Amendment) Regulations 2019 (S.I. 2019/160), regs. 1(2), **14(c)**

### Inspection of vessels issued with navigability licences

3.—(1) A ship surveyor may interrupt the passage of a vessel which has been issued with a navigability licence if an inspector has found on inspection that—

- (a) the vessel is in a condition which constitutes a danger to the surroundings, or
- (b) the vessel or its equipment does not satisfy the requirements set out in the navigability licence.

(2) A ship surveyor who decides to interrupt the passage of a vessel under paragraph (1) must notify the master or owner of the vessel, or the owner's representative, of—

- (a) the decision and the detailed reasons on which that decision is based,
- (b) the remedies available to the master, owner or owner's representative, as specified in a Merchant Shipping Notice, and
- (c) the time limits for the pursuit of those remedies.

(3) Where a ship surveyor has interrupted the passage of a vessel in accordance with paragraph (1), the MCA must notify the competent authority of the member State where the navigability licence was issued of the reasons for that decision.

(4) The interruption of the passage of a vessel in accordance with paragraph (1) must not continue after the defects in the vessel have been corrected or the vessel or its equipment has been brought into compliance with the requirements set out in the navigability licence.

## SCHEDULE 2

Regulation 14

### Amendment of Regulations

<i>Column 1</i>	<i>Column 2</i>
The Merchant Shipping (Emergency Information for Passengers) Regulations 1990 <sup>F56</sup>	In regulation 3A, for “Merchant Shipping (Passenger Ships) (Safety Code for UK Categorised Waters) Regulations 2010 apply” substitute “the Merchant Shipping (Passenger Ships) (Safety Code for UK Categorised Waters) Regulations 2010 <sup>F57</sup> apply or vessels to which the Merchant Shipping (Technical Requirements for Inland Waterway Vessels) Regulations 2010 apply”.
The Merchant Shipping (Survey and Certification) Regulations 1995 <sup>F58</sup>	For regulation 2(1) substitute— “(1) Subject to paragraph (1A), these Regulations apply to United Kingdom ships wherever they may be and to other ships whilst they are in United Kingdom waters. (1A) These Regulations do not apply to— (a) fishing vessels, (b) pleasure vessels, (c) high-speed craft which comply with the requirements of the Merchant Shipping (High-Speed Craft) Regulations 2004 <sup>F59</sup> , (d) passenger ships to which the Merchant Shipping (Passenger Ships) (Safety Code for UK Categorised Waters) Regulations 2010 apply,

**Changes to legislation:** There are currently no known outstanding effects for the The Merchant Shipping (Technical Requirements for Inland Waterway Vessels) Regulations 2010. (See end of Document for details)

	(e) vessels to which the Merchant Shipping (Technical Requirements for Inland Waterway Vessels) Regulations 2010 apply.”. Regulation 2(3) is revoked.
The Merchant Shipping (Fire Protection: Small Ships) Regulations 1998 F60	In regulation 1(7)(b), for sub-paragraph (vi) substitute— “(vi) any passenger ship to which the Merchant Shipping (Passenger Ship) (Safety Code for UK Categorised Waters) Regulations 2010 apply, (vii) any vessel to which the Merchant Shipping (Technical Requirements for Inland Waterway Vessels) Regulations 2010 apply”.
The Merchant Shipping (Code of Safe Working Practices for Merchant Seamen) Regulations 1998 F61	In regulation 3, for “Merchant Shipping (Passenger Ships) (Safety Code for UK Categorised Waters) Regulations 2010” substitute “the Merchant Shipping (Passenger Ships) (Safety Code for UK Categorised Waters) Regulations 2010 or the Merchant Shipping (Technical Requirements for Inland Waterway Vessels) Regulations 2010”.
The Merchant Shipping (Passenger Ship Construction: Ships of Classes III to VI(A)) Regulations 1998 F62	For regulation 3A substitute— “3A. These Regulations do not apply to— (a) any passenger ship of Class III, VI or VI(A) which is a new ship, engaged on domestic voyages, for the purposes of the Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000 <sup>F63</sup> , (b) any passenger ship to which the Merchant Shipping (Passenger Ships) (Safety Code for UK Categorised Waters) Regulations 2010 apply, (c) any vessel to which the Merchant Shipping (Technical Requirements for Inland Waterway Vessels) Regulations 2010 apply”.
The Merchant Shipping (Counting and Registration of Persons on Board Passenger Ships) Regulations 1999 F64	In regulation 4(2), for the words after “commercial purposes,” in sub-paragraph (c) substitute— “(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”.
The Merchant Shipping (Life-Saving Appliances For Passenger Ships of Classes III to VI(A)) Regulations 1999 F65	For regulation 4A, substitute— “4A. These Regulations do not apply to— (a) any passenger ship of Class III, VI or VI(A) which is a new ship, engaged on domestic voyages, for the purposes of the Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000,



**Changes to legislation:** There are currently no known outstanding effects for the *The Merchant Shipping (Technical Requirements for Inland Waterway Vessels) Regulations 2010*. (See end of Document for details)

	(b) any passenger ship to which the Merchant Shipping (Passenger Ships) (Safety Code for UK Categorised Waters) Regulations 2010 apply, (c) any vessel to which the Merchant Shipping (Technical Requirements for Inland Waterway Vessels) Regulations 2010 apply.”.
The Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000 F66	In regulation 4(2), for the words after “port waters,” in sub-paragraph (h) substitute— “ (i) a passenger ship to which the Merchant Shipping (Passenger Ships) (Safety Code for UK Categorised Waters) Regulations 2010 apply, or (j) a vessel to which the Merchant Shipping (Technical Requirements for Inland Waterway Vessels) Regulations 2010 apply”.
The Merchant Shipping (Domestic Passenger Ships) (Safety Management Code) Regulations 2001 F67	For regulation 3(4) substitute— “(4) These Regulations do not apply to passenger ships to which the Merchant Shipping (Passenger Ships) (Safety Code for UK Categorised Waters) Regulations 2010 apply. (5) These Regulations do not apply to vessels to which the Merchant Shipping (Technical Requirements for Inland Waterway Vessels) Regulations 2010 apply.”.
F68	F68
...	...
The Merchant Shipping (Bridge Visibility) (Small Passenger Ships) Regulations 2005 F69	In regulation 3(1), for “paragraphs (3) and (4)” substitute “paragraphs (3) to (5)”. For regulation 3(4) substitute— “(4) These Regulations do not apply to passenger ships to which the Merchant Shipping (Passenger Ships) (Safety Code for UK Categorised Waters) Regulations 2010 apply. (5) These Regulations do not apply to vessels to which the Merchant Shipping (Technical Requirements for Inland Waterway Vessels) Regulations 2010 apply.”.
The Merchant Shipping (Passenger Ships) (Safety Code for UK Categorised Waters) Regulations 2010	At the end of regulation 3(2)(d) insert— “(e) any vessel to which the Merchant Shipping (Technical Requirements for Inland Waterway Vessels) Regulations 2010 apply”.

**F56** [S.I. 1990/660](#). Regulation 3A was added by [SI. 2010/680](#).

**F57** [S.I. 2010/680](#).

**F58** [S.I. 1995/1210](#). Regulation 2(1) was amended by [S.I. 2010/680](#) and regulation 2(3) was added by [S.I. 2004/302](#).

**F59** [S.I. 2004/302](#).

**F60** [S.I. 1998/1011](#). Regulation 1(7)(b) was revoked as respects certain ships by [S.I. 2000/2687](#) and amended by [S.I. 2000/2687](#), [2004/302](#) and [2010/680](#).

**F61** [S.I. 1998/1838](#). Regulation 3 was amended by [S.I. 2010/680](#).

**Changes to legislation:** There are currently no known outstanding effects for the *The Merchant Shipping (Technical Requirements for Inland Waterway Vessels) Regulations 2010*. (See end of Document for details)

- F62** [S.I. 1998/2515](#). Regulation 3A was added by [S.I. 2000/2687](#) and amended by [S.I. 2010/680](#).
- F63** [S.I. 2000/2687](#), amended by [S.I. 2004/302](#).
- F64** [S.I. 1999/1869](#). Regulations 4(2) was amended by [S.I. 2010/680](#).
- F65** [S.I. 1999/2723](#). Regulation 4A was added by [S.I. 2000/2687](#) and amended by [S.I. 2010/680](#).
- F66** [S.I. 2000/2687](#). Regulation 4 was amended by [S.I. 2004/302](#) and 2010/680.
- F67** [S.I. 2001/3209](#). Regulation 3 was amended by [S.I. 2004/302](#) and 2010/680.
- F68** Words in Sch. 2 table omitted (31.7.2020) by virtue of [The Merchant Shipping \(Safety of Navigation\) Regulations 2020 \(S.I. 2020/673\)](#), reg. 1(1), **Sch. para. 17** (with reg. 3)
- F69** [S.I. 2005/2286](#). Regulation 3 was amended by [S.I. 2010/680](#).

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations implement Directive [2006/87/EC](#) dated 12 December 2006 of the European Parliament and of the Council laying down technical requirements for inland waterway vessels and repealing Council Directive [82/714/EEC](#) (O.J. No. L 389, 30.12.2006, p.1) as amended by Directive [2006/137/EC](#) dated 18 December 2006 of the European Parliament and of the Council (O.J. NO. L 389, 30.12.2006, p.261), Directive [2008/59/EC](#) dated 12 June 2008 of the European Parliament and of the Council (O.J. No. L 166, 27.6.2008, p.31), Directive [2008/68/EC](#) dated 24 September 2008 of the European Parliament and of the Council (O.J. No. L 260, 30.9.2008, p.13), Commission Directive [2008/87/EC](#) dated 22 September 2008 (O.J. NO. L 255, 23.9.2008, p.5), Commission Directive [2008/126/EC](#) dated 19 December 2008 (O.J. No. L 32, 31.1.2009, p.1) and Commission Directive [2009/46/EC](#) dated 24 April 2009 (O.J. No. L 109, 30.4.2009, p.14). The Regulations also implement Directive [2009/100/EC](#) of the European Parliament and of the Council of 16 September 2009 on reciprocal recognition of navigability licences for inland waterway vessels (O.J. L 259, 2.10.2009, p.8).

The Regulations are made under sections 85(1)(a) and (b), (3) and (5) to (7) and 86(1) and (2) of the Merchant Shipping Act 1995, except in so far as they relate to Government ships. Section 2(2) of the European Communities Act 1972 is used to extend the application of the Regulations to Government ships, in order to implement the obligations of Directive [2006/87/EC](#) and Directive [2009/100/EC](#) as respects such ships. Section 2(2) is also used as an enabling power for amendments made by Schedule 2 to instruments made under section 2(2), and read with paragraph 1A of Schedule 2 to the European Communities Act 1972 is used to provide that references in the Regulations to Annexes of Directive [2006/87/EC](#) are references to those Annexes as amended from time to time.

The Regulations apply to vessels as described in *regulation 3 (Application)* which are operating on any waterway in the United Kingdom classified as a Zone 1, 2 3 or 4 waterway by Article 1 of Directive [2006/87/EC](#), other than vessels for which exemptions have been granted in accordance with *regulation 4 (Exemptions: vessels operating on waterways not linked to other Member States)* or *regulation 5 (Exemptions: limited journeys of local interest or in harbour areas)*. Exemptions granted by the Secretary of State will be specified in a Merchant Shipping Notice. *Regulations 6 to 10* make provision regarding the obligation in Directive [2006/87/EC](#) for vessels to carry a Community inland navigation certificate, a Rhine Navigation Certificate or a navigability certificate of a third country recognised by the Secretary of State as equivalent to a Community inland navigation certificate.

*Regulation 11 and Schedule 1* implement certain provisions of Directive [2009/100/EC](#) regarding the mutual recognition of navigability licences for vessels to which Directive [2006/87/EC](#) does not apply. Merchant Shipping Notice 1805 makes provision as to the issuing by the Secretary of State of navigability licences to vessels to which Directive [2009/100/EC](#) applies.

*Regulation 12* makes provision regarding inspection and remedial measures, and *regulation 13* makes provision regarding offences and penalties.

*Regulation 14 and Schedule 2* amend a number of Regulations so as to disapply their provisions as respects vessels to which these Regulations apply.

The up to date text of the Rhine Vessels Inspection Regulation in German and French (the RVBR) and of the Agreement on transport of dangerous goods on the Rhine in Dutch, German and French (the ADN) may be consulted at the official website of the Central Commission for the Navigation on the Rhine at [www.ccr-zkr.org](http://www.ccr-zkr.org).

An impact assessment has been produced and copies may be obtained from the Maritime and Coastguard Agency, Spring Place, 105 Commercial Road, Southampton SO15 1EG (telephone number 02380 329100). It is also annexed to the Explanatory Memorandum which is available alongside the Regulations on the OPSI website at [www.opsi.gov.uk](http://www.opsi.gov.uk). A copy has been placed in the library of each House of Parliament.

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**Changes to legislation:**

There are currently no known outstanding effects for the The Merchant Shipping (Technical Requirements for Inland Waterway Vessels) Regulations 2010.