
STATUTORY INSTRUMENTS

2021 No. 1316

**The Merchant Shipping (Radiocommunications)
(Amendment) Regulations 2021**

PART 1

General

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Merchant Shipping (Radiocommunications) (Amendment) Regulations 2021 and come into force on 24th December 2021.

(2) These Regulations extend to England and Wales, Scotland and Northern Ireland.

Commencement Information

I1 Reg. 1 in force at 24.12.2021, see [reg. 1\(1\)](#)

Amendments

2. The amendments listed in Schedule 1 have effect.

Commencement Information

I2 Reg. 2 in force at 24.12.2021, see [reg. 1\(1\)](#)

Interpretation

3. In these Regulations—

“cargo ship” means a ship which is not a passenger ship;

“Chapter IV” means Chapter IV in the Annex to the Convention (relating to radiocommunications)(1);

“Convention” means the International Convention for the Safety of Life at Sea, 1974(2);

(1) Chapter IV in the Annex to the Convention (see footnote (c)) has been amended by International Maritime Organization (IMO) Resolutions MSC.1(45), MSC.6(48) (Cm 3927), MSC.13(57), MSC.27(61), MSC.69(69) (Cm 5771), MSC.123(75) (Cm 6587), MSC.152(78) (Cm 7205), MSC.201(81), MSC.256(84) and MSC.436(99). The amendments to Chapter IV are available from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or found on the Foreign and Commonwealth Office treaties database (<https://treaties.fco.gov.uk/responsive/app/consolidatedSearch/>).

(2) Cmnd 7874. The Convention may be obtained in copy from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or found on the Foreign and Commonwealth Office treaties database (<https://treaties.fco.gov.uk/awweb/pdfopener?md=1&did=79786>). The Convention was modified by its Protocol of 1978 (Cmnd. 8277) (<https://treaties.fco.gov.uk/awweb/pdfopener?md=1&did=68013>), which was replaced and abrogated by the Protocol of 1988 (Cm 5044) (<https://treaties.fco.gov.uk/awweb/pdfopener?md=1&did=69573>) with respect to the parties to the 1988 Protocol. The amendments to the Convention are available from the International Maritime Organization of 4 Albert Embankment, London

“fishing vessel” means a ship used for catching fish, whales, seals, walrus or other living resources of the sea;

“gross tonnage” means gross tonnage as determined in accordance with regulation 6 or 12(1) of the Merchant Shipping (Tonnage) Regulations 1997(3);

“international voyage” means a voyage between—

- (a) a port in the United Kingdom and a port outside the United Kingdom; or
- (b) a port in a Convention country other than the United Kingdom and a port in any other country or territory, whether a Convention country or not, which is outside the United Kingdom,

and, for the purposes of paragraph (b), “Convention country” means a country or territory which is either a country the Government of which is party to the Convention or a territory to which the Convention extends whether or not it is subject to the amendments to, or reservations in respect of, the Convention;

“Marine Guidance Note” means a note 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 note which is considered by the Secretary of State to be relevant from time to time and is specified in a Marine Guidance Note;

“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;

“non-United Kingdom ship” means any ship other than a United Kingdom ship;

“passenger” is a person other than—

- (a) the master and the members of the crew or other persons employed or engaged in any capacity on board a ship on the business of that ship; and
- (b) a child under one year of age;

“passenger ship” is a ship which carries more than 12 passengers;

“pleasure vessel” means—

- (a) any vessel which at the time it is being used is—
 - (i) in the case of a vessel wholly owned by—
 - (aa) an individual or individuals, used only for the sport or pleasure of the owner or the immediate family or friends of the owner; or
 - (bb) a body corporate, used only for sport or pleasure and on which the persons on board 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

SE1 7SR or found on the Foreign and Commonwealth Office treaties database (<https://treaties.fco.gov.uk/responsive/app/consolidatedSearch/>). Hard copies of the Command Papers are available for inspection free of charge but by appointment at the Parliamentary Archives, Houses of Parliament, London SW1A 0PW. The Parliamentary Archives catalogue numbers for the Command Papers are HL/PO/JO/10/11/2031/2878 (Cmnd 7874), HL/PO/JO/10/11/1959/2032 (Cmnd 8277) and HL/PO/JO/10/11/3156/2280 (Cm 5044).

(3) S.I. 1997/1510, amended by S.I. 1998/1916, 1999/3206 and 2020/362; there are other amending instruments but none is relevant.

- (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 that 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,

where, in the case of any vessel referred to in paragraphs (a) or (b), no other payments are made by or on behalf of users of the vessel, other than by the owner; and in this definition "immediate family" means, in relation to an individual, the spouse or civil partner of the individual, and a relative of the individual or the individual's spouse or civil partner; and "relative" means brother, sister, ancestor or lineal descendant;

"radio installation" means any radio installation provided on board a ship in compliance with Chapter IV, including its associated antennas, interconnecting circuits and, where appropriate, sources of electrical energy;

"Radio Regulations" means the Radio Regulations⁽⁴⁾ annexed to, or regarded as being annexed to, the Constitution and Convention of the International Telecommunication Union, 1992⁽⁵⁾;

^{F1}"remote operation centre" means any location from which a remotely operated vessel is operated except that vessel;]

^{F1}"remotely operated unmanned vessel" means a vessel that—

- (a) is operated from a remote operation centre, and
(b) is not carrying any person at the time that it is operated;]

"sea area A2", "sea area A3", and "sea area A4" have the same meaning as in regulation 2.1 of Chapter IV.

Textual Amendments

- F1** Words in [reg. 3](#) inserted (13.12.2023) by [The Merchant Shipping \(Small Workboats and Pilot Boats\) Regulations 2023 \(S.I. 2023/1216\)](#), [reg. 1\(1\)](#), [Sch. 2 para. 4\(2\)](#) (with regs. 4, 6)

Commencement Information

- I3** [Reg. 3](#) in force at 24.12.2021, see [reg. 1\(1\)](#)

Application

- 4.—(1) Subject to paragraph (2), these Regulations apply to—
- (a) United Kingdom ships, wherever they may be; and
(b) non-United Kingdom ships while they are within United Kingdom waters.
- (2) These Regulations do not apply to—
- (a) ships of war or naval auxiliaries;
(b) ships owned or operated by a State and engaged only on governmental non-commercial service;

(4) The Radio Regulations are made at a World Radio-communication Conference in accordance with Article 13 of the Convention of the International Telecommunication Union; the existing Radio Regulations were published in 2016 and found on the International Telecommunications Union website at <https://www.itu.int/pub/R-REG-RR-2016>. Chapter IX of the Radio Regulations contains provision governing maritime services; article 47 contains provision in relation to operator's certificates.

(5) Cm 3145. The Constitution and Convention and their amendments may be found on the International Telecommunications Union website at <https://www.itu.int/en/history/Pages/ConstitutionAndConvention.aspx>. or found on the Foreign and Commonwealth Office treaties database (<https://treaties.fco.gov.uk/awweb/pdfopener?md=1&did=71971>). The Constitution and Convention were amended in 1994 (Cm 3779) (<http://foto.archivalware.co.uk/data/Library2/pdf/1997-TS0065.pdf>), 1998 (Cm 9512), 2002 (Cm 9513), 2006 (Cm 9514) and 2010 (Cm 9515).

- (c) cargo ships of less than 300 gross tonnage;
- (d) ships not propelled by mechanical means;
- (e) wooden ships of primitive build;
- (f) pleasure vessels;
- (g) fishing vessels;
- [^{F2}(ga) remotely operated unmanned vessels;]
- (h) ships to which the Merchant Shipping (Radio Installations) Regulations 1998(6) apply;
- (i) ships to which the Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000(7) apply;
- (j) ships to which [^{F3}the Merchant Shipping (High Speed Craft) Regulations 2022] apply;
- (k) ships while being navigated within the Great Lakes of North America and their connecting and tributary waters as far east as the lower exit of St. Lambert Lock in Montreal in the Province of Quebec, Canada.

(3) A non-United Kingdom ship flying the flag of a State which is not a party to the Convention is not subject to these Regulations if it would not have been in United Kingdom waters but for stress of weather or any other circumstances which neither the master nor the owner or the charterer could have prevented.

- (4) Where persons are on board a ship as a consequence of—
 - (a) the circumstances described in paragraph (3); or
 - (b) an obligation laid upon the master to carry shipwrecked or other persons(8),

those persons are not to be taken into account for the purpose of determining the application to that ship of any provision of these Regulations.

(5) Nothing in these Regulations prohibits any ship, survival craft or person in distress from using any means at their disposal to attract attention, make known their position or obtain help.

Textual Amendments

- F2** Reg. 4(2)(ga) inserted (13.12.2023) by *The Merchant Shipping (Small Workboats and Pilot Boats) Regulations 2023 (S.I. 2023/1216)*, reg. 1(1), **Sch. 2 para. 4(3)** (with regs. 4, 6)
- F3** Words in reg. 4(2)(j) substituted (19.12.2022) by *The Merchant Shipping (High Speed Craft) Regulations 2022 (S.I. 2022/1219)*, reg. 1(1), **Sch. para. 28** (with reg. 4(2)-(4))

Commencement Information

- I4** Reg. 4 in force at 24.12.2021, see **reg. 1(1)**

Exemptions

5.—(1) The Secretary of State may grant an exemption from any provision of Chapter IV in respect of—

-
- (6) *S.I. 1998/2070*, amended by *S.I. 2000/2687*, *2004/302*, *2016/1025* and this instrument; there are other amending instruments but none is relevant.
 - (7) *S.I. 2000/2687*, amended by *S.I. 2004/302*, *2010/680*, *2010/1075*, *2012/2636*, *2018/1221* and *2020/1222*; there are other amending instruments but none is relevant.
 - (8) Regulation 33 in Chapter V of the Convention (safety of navigation) places an obligation on the master to provide assistance to persons in distress at sea and this obligation is implemented in the Merchant Shipping (Safety of Navigation) Regulations 2020 (*S.I. 2020/673*).

- (a) a ship which does not normally engage on international voyages but is, in exceptional circumstances, required to undertake a single international voyage;
 - (b) a ship which embodies features of a novel kind if research into the development of those features and their incorporation in ships engaged on international voyages may be seriously impeded if the ship had to comply with the requirements of Chapter IV.
- (2) Subject to paragraph (11), the Secretary of State may exempt from the requirements of regulations 7.1.1.1 and 7.1.2 of Chapter IV a ship which—
- (a) was constructed before 1st February 1997; and
 - (b) is engaged exclusively on voyages within—
 - (i) sea area A2;
 - (ii) sea areas A2 and A3; or
 - (iii) sea areas A2, A3 and A4,
- provided that the ship maintains, when practicable, a continuous listening watch on VHF channel 16 at the position from which the ship is normally navigated.
- (3) The Secretary of State may, in exceptional circumstances not provided for in paragraph (1), grant an exemption from any provision of Chapter IV in respect of a ship or class of ship if satisfied that compliance with such provision is either impracticable or unreasonable in the case of that ship or class of ship.
- (4) Subject to paragraph (5), the Secretary of State may, having taken into account the effect of an exemption on the general efficiency of the service for the safety of all ships, grant an exemption from the requirements of regulations 7 to 11 of Chapter IV in respect of a ship provided the functional requirements of regulation 4 of Chapter IV are satisfied in respect of that ship.
- (5) An exemption under paragraph (4) may be granted only—
- (a) if the conditions affecting safety are such as to render the full application of regulations 7 to 11 of Chapter IV unreasonable or unnecessary; or
 - (b) in exceptional circumstances, in respect of a single voyage outside the sea area or areas for which the ship is equipped.
- (6) An exemption under paragraph (1), (2), (3) or (4) may be granted subject to such safety requirements as the Secretary of State thinks fit to ensure the overall safety of the ship.
- (7) An exemption granted under paragraph (1), (2), (3) or (4), on the giving of reasonable notice, may be altered or cancelled.
- (8) An exemption granted under paragraph (1), (2), (3) or (4), or an alteration or cancellation under paragraph (7), must—
- (a) be in writing;
 - (b) specify the date on which it takes effect; and
 - (c) specify the terms, if any, on which it is given.
- (9) The requirement that an exemption granted under paragraph (1), (2), (3) or (4), or an alteration or cancellation under paragraph (7), be in writing is satisfied where the text of the exemption, alteration or cancellation is—
- (a) transmitted by electronic means;
 - (b) received in legible form; and
 - (c) capable of being used for subsequent reference.
- (10) Where an exemption is granted subject to safety requirements under paragraph (6), the exemption ceases to have effect if those requirements are not complied with.

(11) No exemption may be granted under paragraph (2) after 31st December 2023.

Commencement Information

I5 Reg. 5 in force at 24.12.2021, see [reg. 1\(1\)](#)

Equivalentents

6.—(1) Where a provision of Chapter IV requires that—

- (a) a particular radiocommunications appliance or type of radiocommunications appliance, which may include any fitting, material or apparatus, be fitted on, or carried in, a ship;
- (b) any particular radiocommunications arrangement be made on, or in relation to, a ship; or
- (c) any particular provision be made in relation to a ship,

the Secretary of State may approve any other radiocommunications appliance, radiocommunications arrangement or other provision if satisfied that it is as least as effective as that required by Chapter IV.

(2) An approval given under paragraph (1) may, on the giving of reasonable notice, be continued, altered or cancelled.

(3) Any approval given under paragraph (1), or a continuation, alteration or cancellation under paragraph (2), must—

- (a) be in writing;
- (b) specify the date on which it takes effect; and
- (c) specify the terms, if any, on which it is given.

(4) The requirement that the approval referred to in paragraph (1), or a continuation, alteration or cancellation under paragraph (2), be in writing is satisfied where the text of the approval is—

- (a) transmitted by electronic means;
- (b) received in legible form; and
- (c) capable of being used for subsequent reference.

Commencement Information

I6 Reg. 6 in force at 24.12.2021, see [reg. 1\(1\)](#)

Ambulatory reference

7.—(1) In these Regulations, any reference to Chapter IV, or Article 47 of the Radio Regulations, is to be construed—

- (a) as a reference to Chapter IV, or Article 47 of the Radio Regulations, as modified from time to time; and
- (b) as, if Chapter IV, or Article 47 of the Radio Regulations, is replaced, a reference to the replacement.

(2) For the purposes of paragraph (1), Chapter IV, or Article 47 of the Radio Regulations, is modified or replaced if the modification or replacement takes effect—

- (a) in relation to Chapter IV, in accordance with Article VIII of the Convention;

- (b) in relation to Article 47 of the Radio Regulations, in accordance with Article 54 of the Constitution of the International Telecommunication Union.
- (3) A modification or replacement of Chapter IV or Article 47 of the Radio Regulations has effect at the time such modification or replacement comes into force—
 - (a) in relation to Chapter IV, in accordance with Article VIII of the Convention;
 - (b) in relation to Article 47 of the Radio Regulations, in accordance with Article 54 of the Constitution of the International Telecommunication Union.

Commencement Information

I7 Reg. 7 in force at 24.12.2021, see [reg. 1\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Merchant Shipping (Radiocommunications) (Amendment) Regulations 2021, PART 1.