
STATUTORY INSTRUMENTS

2023 No. 787

The Merchant Shipping (Counting and Registration of Persons on Board Passenger Ships) (Amendment) Regulations 2023

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

2.—(1) The Merchant Shipping (Counting and Registration of Persons on Board Passenger Ships) Regulations 1999⁽¹⁾ are amended as follows.

(2) In regulation 3 (interpretation)—

(a) in paragraph (1)—

(i) omit the definitions of “Area D”, “Community ship”, “the Directive”, “high speed craft”, “regular community service” and “regular service”;

(ii) after the definition of “Category A, B, C or D waters” insert—

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

(iii) for the definition of “international voyage” substitute—

““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 a 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;” and

(b) omit paragraph (3).

(3) In regulation 5 (passenger counting)—

(a) in paragraph (4A)⁽³⁾, for “2023” substitute “2025”; and

(1) [S.I. 1999/1869](#), amended by [S.I. 2010/680](#), [2010/1075](#), [2011/1043](#), [2019/649](#), [2021/81](#), [2022/1219](#) and [2023/246](#).
(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, Commonwealth and Development Office treaties database (<https://treaties.fcdo.gov.uk/awweb/pdfopener?md=1&did=79786>). The Convention was modified by its Protocol of 1978 (Cmnd. 8277) (<https://treaties.fcdo.gov.uk/awweb/pdfopener?md=1&did=68013>), which was replaced and abrogated by the Protocol of 1988 (Cm 5044) (<https://treaties.fcdo.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 SE1 7SR or found on the Foreign, Commonwealth and Development Office treaties database (<https://treaties.fcdo.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) Paragraph (4A) was inserted by regulation 2(4)(c) of [S.I. 2021/81](#).

- (b) in paragraph (4B)(4), for “number of passengers” substitute “number of persons”.
- (4) For the heading to regulation 6 substitute “Additional requirements for ships on certain voyages”.
- (5) In regulation 6—
 - (a) in paragraph (1)(a)(i)—
 - (i) omit “the European Union or”; and
 - (ii) after “United Kingdom on a”, insert “non-international”;
 - (b) in paragraph (1)(a)(ii), for “comprising the European Union and” substitute “of”;
 - (c) for paragraph (1)(b) substitute—
 - “(b) any other passenger ship leaving any landing point in the United Kingdom—
 - (i) on a non-international voyage of more than 20 miles from that landing point to the next port of call except a ship operating exclusively in Category A, B, C or D waters; or
 - (ii) on an international voyage.” and
 - (d) in paragraph (2A)(5), for “2023” substitute “2025”.
- (6) For the heading to regulation 7 substitute “Ships which are on voyages from outside of the United Kingdom and are not United Kingdom ships”.
- (7) In regulation 7—
 - (a) in the words before paragraph (a), omit “a Community ship, nor”; and
 - (b) for “comprising the European Union and” substitute “of”.
- (8) In regulation 8 (registration system), for paragraph (2)(b)(6) substitute—
 - “(b) in any event, no later than the moment the ship’s voyage has been safely completed and the data 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.”.
- (9) For regulation 9 (exemptions)(7) substitute—

“Exemptions

9.—(1) Subject to paragraph (3), the Secretary of State may, exempt any passenger ship, class of passenger ship or group of passenger ships engaged on non-international voyages from any requirement of these Regulations.

(2) Subject to paragraph (3), the Secretary of State may exempt any passenger ship, class of passenger ship or group of passenger ships engaged on international voyages from the requirements of regulations 6(2) or 7(b) in so far as those requirements relate to the information listed in regulation 6(3)(a) to (e), if the scheduled voyages of such ship, class of ship or group of ships render it impracticable for that ship, class of ship or group of ships, to comply with those requirements.

(3) An exemption under paragraph (1) or (2) may be granted subject to such safety conditions as the Secretary of State thinks fit to ensure the overall safety of the passenger ship, class of passenger ship or group of passenger ships.

(4) Paragraph (4B) was inserted by regulation 2(4)(c) of [S.I. 2021/81](#).

(5) Paragraph (2A) was inserted by regulation 2(5)(f) of [S.I. 2021/81](#).

(6) Paragraph (2)(b) was substituted by regulation 2(7)(c) of [S.I. 2021/81](#).

(7) Regulation 9 was amended by regulation 2(8) of [S.I. 2021/81](#).

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

(5) Where an exemption under paragraph (1) or (2) is granted subject to safety conditions under paragraph (3), the exemption ceases to have effect if those conditions are not complied with.

(6) An exemption under paragraph (1) or (2), or an alteration or cancellation under paragraph (4), must—

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

(7) The requirement in paragraph (6)(a) that an exemption under paragraph (1) or (2), or an alteration or cancellation under paragraph (4), 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.”.