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## EXPLANATORY NOTE

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

These Regulations revoke and replace the Merchant Shipping (Mandatory Surveys for Ro-Ro Ferry and High Speed Passenger Craft) Regulations 2001 (S.I. 2001/152).

These Regulations apply to ro-ro passenger ships and high-speed passenger craft operating a regular service between a port in the UK and a port of a country other than a member State and to those on domestic voyages in sea areas in which ships of class A may operate in accordance with the Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000 (S.I. 2000/2687) (regulation 3). Regulation 4 and Schedule 1 provide for the minimum qualification criteria for inspectors. The requirements for pre-commencement inspections, exemptions from pre-commencement inspections and for regular inspections are set out in regulations 5 to 7 respectively and Schedules 2 and 3.

Regulation 8 makes provision for detention of ships and service of prohibition of departure notices prohibiting a ship's departure where any deficiencies confirmed or revealed by an inspection in relation to the ship have not been rectified and the deficiencies are hazardous to health or safety. A prohibition of departure notice may also be issued if the Secretary of State has not been able to carry out an inspection as required to do so under these Regulations. All future amendments to the provisions of the international conventions referenced in regulation 2 will be automatically incorporated into the regulation by way of ambulatory reference.

Regulation 9 and Schedule 4 require the drawing up of a written inspection report, set out what must be contained in the report and provide that a copy of the report must be given to the ship's master and the company. The expression "company", which is defined in regulation 2, means, in relation to a ship or craft, whoever has agreed to take over obligations imposed by the International Management Code for Safe Operation of Ships and for Pollution Prevention or in certain cases the owner or whoever has assumed operating responsibility from the owner.

Responsibility for the costs of service of prohibition of departure notices are provided for in regulation 10.

Regulation 12 requires the Secretary of State to review the operation and effect of these Regulations and publish a report before the end of the period of five years beginning with the date on which these Regulations come into force and at intervals not exceeding five years after that. Following a review, it will fall to the Secretary of State to consider whether the Regulations should remain as they are or be amended or revoked. A further instrument would be needed to amend or revoke the Regulations.

Schedule 5 makes consequential amendments.

Marine Guidance Note (MGN) 610 (M+F), which is referred to in the Regulations, provides guidance on the requirements imposed by Chapter V of the International Convention for the Safety of Life at Sea, 1974. The MGN is available on [www.gov.uk/topic/ships-cargoes/m-notices](http://www.gov.uk/topic/ships-cargoes/m-notices) and in hard copy from the Maritime and Coastguard Agency (MCA) of Spring Place, 105 Commercial Road, Southampton SO15 1EG.

The international conventions and protocols referred to in this instrument may be obtained in copy from the International Maritime Organization ("IMO"), 4 Albert Embankment, London SE1 7SR and are available on the Foreign, Commonwealth & Development Office (FCDO) treaties database (<https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch/>). The text of the IMO Resolutions amending the conventions and protocols may be obtained from the IMO or can be found on the FCDO treaties database <https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch/>). The Paris Memorandum of Understanding may be obtained in copy from the Secretariat Paris MOU

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

on PSC, P.O. Box 16191, 2500 BC The Hague, The Netherlands, or can be found on <https://www.parismou.org/inspections-risk/port-state-control-inspections-paris-mou>.

Future amendments to the conventions and the protocols may be obtained in copy from the IMO and after coming into force in the United Kingdom, found on the FCDO treaties database (<https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch/>). Until such publication is made on the FCDO treaties database, an amendment will be available from the MCA and on <https://www.gov.uk>. An amendment will be publicised in advance of its in-force date by means of a Parliamentary Statement to both Houses of Parliament and by way of a Marine Guidance Note, which will be available in copy from the MCA and on <https://www.gov.uk>.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary, or public sector is foreseen. The Explanatory Memorandum is published alongside this instrument on [www.legislation.gov.uk](http://www.legislation.gov.uk).