
STATUTORY INSTRUMENTS

2024 No. 509

The Merchant Shipping (Anti-Fouling Systems) Regulations 2024

PART 1

Preliminary

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Merchant Shipping (Anti-Fouling Systems) Regulations 2024 and come into force on 10th May 2024.

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

Amendments and revocations

2.—(1) The amendments listed in Part 1 of the Schedule have effect.

(2) The Regulations listed in the first column of the Table in Part 2 of the Schedule are revoked to the extent specified in the third column of that Table.

Interpretation

3. In these Regulations—

“the Act” means the Merchant Shipping Act 1995;

“AFS-Certificate” means the certificate issued in accordance with Annex 4 to the Convention;

“AFS-Declaration” means the declaration drawn up in accordance with Annex 4 to the Convention;

“anti-fouling system” has the same meaning as in article 2(2) of the Convention;

“Convention” means the International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001(1);

“cybutryne” means the chemical substance bearing the Chemical Abstracts Service Number 28159-98-0(2);

(1) Cmnd 8284. The Convention was adopted on 18th October 2001 and came into force on 17th September 2008. The Convention has been amended by International Maritime Organization (IMO) Resolution MEPC.331(76) which was adopted by the IMO on 17th June 2021 and comes into force on 1st January 2023. 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=70021>). The IMO Resolution is available from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR and its website ([https://wwwcdn.imo.org/localresources/en/KnowledgeCentre/IndexofIMOResolutions/MEPCDocuments/MEPC.331\(76\).pdf](https://wwwcdn.imo.org/localresources/en/KnowledgeCentre/IndexofIMOResolutions/MEPCDocuments/MEPC.331(76).pdf)) or found on the Foreign, Commonwealth and Development Office treaties database (<https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch/>).

(2) The Chemical Abstracts Service assigns a unique identification number to every chemical substance described in open scientific literature.

“gross tonnage” means gross tonnage determined in accordance with regulation 6 (gross tonnage) or 12(1) (continuing use of previous gross tonnage) 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;

“United Kingdom ship” has the same meaning as in section 85(2) of the Act.

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 or controlled waters.

(2) These Regulations do not apply to—

- (a) ships of war or naval auxiliary ships; and
- (b) ships owned or operated by a State and engaged only on governmental non-commercial service.

(3) In this regulation—

“controlled waters” means the areas of sea specified by the Merchant Shipping (Prevention of Pollution) (Limits) Regulations 2014(4) as waters within which the jurisdiction and rights of the United Kingdom are exercisable in accordance with Part XII of the United Nations Convention on the Law of the Sea for the protection and preservation of the marine environment(5);

“offshore terminal” means an installation situated away from the shore, where bulk, fluid or gas cargo, or more than one of these, is—

- (a) transferred between ships;
- (b) loaded onto a ship after having been transported from the shoreline; or
- (c) unloaded from a ship for transporting to the shoreline.

Ambulatory reference

5.—(1) In these Regulations, any reference to the Convention is to be construed—

- (a) as a reference to the Convention as modified from time to time; and
- (b) as, if the Convention is replaced, a reference to its replacement.

(3) [S.I. 1997/1510](#), amended by [S.I. 1998/1916](#), [1999/3206](#), [2020/362](#) and [2023/246](#); there are other amending instruments but none is relevant.

(4) [S.I. 2014/3306](#). There are amending instruments but none is relevant.

(5) This Convention (the “UNCLOS” Convention) was published in Cmnd. 8941, and subsequently in Cmnd. 4524. 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. A copy of the Convention may be obtained from the United Nations.

(2) For the purposes of paragraph (1), the Convention is modified or replaced if the modification or replacement takes effect in accordance with Article 16 of the Convention.

(3) A modification or replacement of the Convention has effect at the time such modification or replacement comes into force in accordance with Article 16 of the Convention.