



MERCHANT SHIPPING (SOLAS CHAPTER III)(LIFE- SAVING APPLIANCES AND ARRANGEMENTS) REGULATIONS 2017

Index

Regulation	Page
PART 1 – INTRODUCTORY	
3	
1 Title	3
2 Commencement	3
3 Application	3
4 Key interpretative concepts	4
5 Other definitions	6
6 Company’s responsibility	7
7 Provisions relating to offences	7
PART 2 – MANX SHIPS	
8	
8 Requirement to comply with SOLAS Chapter III, the LSA Code and Testing and Evaluation Requirements.....	8
9 Type approval	9
10 Exemptions	9
11 Equivalent arrangements.....	10
12 Waiver	11
13 Qualification of certificates.....	11
14 Validity of approvals, type approvals, exemptions, equivalent arrangements and waivers	11
PART 3 – FOREIGN SHIPS	
12	
15 Requirement to comply with SOLAS Chapter III, the LSA Code and Testing and Evaluation of Life Saving Requirements	12
16 Inspection of a foreign ship	12
17 Provisions relating to detention.....	12
PART 4 – CONSEQUENTIAL AMENDMENTS	
14	
18 Consequential amendments.....	14

SCHEDULE	15
CONSEQUENTIAL AMENDMENTS	15

Statutory Document No. 2017/0185



Merchant Shipping Act 1985

MERCHANT SHIPPING (SOLAS CHAPTER III)(LIFE-SAVING APPLIANCES AND ARRANGEMENTS) REGULATIONS 2017

Laid before Tynwald: 20 June 2017
Coming into Operation: 1 July 2017

The Department of Economic Development, having carried out the consultation required by section 1(1) and section 2(2) of the Merchant Shipping Act 1985, makes the following Regulations under section 1 and section 2 of that Act.

PART 1 – INTRODUCTORY

1 Title

These Regulations are the Merchant Shipping (SOLAS Chapter III)(Life-Saving Appliances and Arrangements) Regulations 2017.

2 Commencement

These Regulations come into operation on 1 July 2017.

3 Application

- (1) Subject to paragraph (3), Parts 1 and 2 of these Regulations apply to a Manx ship which engages on international voyages, wherever it may be.
- (2) Subject to paragraph (3), Parts 1 and 3 of these Regulations apply to a foreign ship which engages on international voyages, whilst it is within the territorial waters of the Island.
- (3) These Regulations do not apply to a —
 - (a) cargo ship of less than 500gt;
 - (b) high-speed craft;
 - (c) MODU;
 - (d) pleasure vessel;
 - (e) fishing vessel;

- (f) ship of war or troopship;
- (g) ship not propelled by mechanical means; and
- (h) wooden ship of primitive build.

4 Key interpretative concepts

- (1) Paragraphs (2) to (4) define key concepts in these Regulations.
- (2) **“SOLAS Convention”** means the International Convention for the Safety of Life at Sea 1974, as amended by the 1988 Protocol.
- (3) **“1988 Protocol”** means the Protocol adopted on 11 November 1988 by the IMO International Conference on the Harmonized System of Survey and Certification (1988 SOLAS Protocol), which came into force on 3 February 2000.
- (4) **“SOLAS Chapter III”** means –
 - (a) **for a ship constructed on or before 30 June 1986—**
 - (i) Chapter III of the SOLAS Convention including all amendments made to that Chapter up to and including those amendments adopted by IMO Resolution MSC.1(XLV) on 20 November 1981 which came in to force on 1 September 1984; and
 - (ii) the regulations of SOLAS Chapter III, as defined in paragraph (iii)(A), which apply to a ship constructed on or before 30 June 1986;
 - (b) **for a ship constructed on or after 1 July 1986 up to and including 30 June 1998 –**
 - (i) Chapter III of the SOLAS Convention including all amendments made to that Chapter, up to and including those amendments adopted by IMO Resolution MSC.27(61) on 11 December 1992 which came in to force on 1 October 1994; and
 - (ii) the regulations of SOLAS Chapter III as defined in paragraph (iii)(A) which apply to a ship constructed on or after 1 July 1986 up to and including 30 June 1998;
 - (c) **for a ship constructed on or after 1 July 1998 –**
 - (i) Chapter III of the SOLAS Convention including all amendments made to that Chapter, up to and including those amendments adopted by IMO Resolution MSC.350(92) on 21 June 2013 which came in to force on 1 January 2015;
 - (d) **“LSA Code”** means the International Life-Saving Appliance Code adopted by the Maritime Safety Committee of IMO on 4

June 1996 by IMO Resolution MSC.48(66) and which came into force on 1 July 1998, and includes all amendments made to that Code up to and including those adopted by IMO Resolution MSC.368(93) on 22 May 2014 (which came in to force on 1 January 2016);

- (e) the term “**Recommendation on Testing of Life-Saving Appliances**” has a different meaning depending on when the life-saving appliances were installed on board the relevant ship; and the different meanings are as follows –
- (i) where installation was anytime from **17 November 1983 up to and including 30 April 1992**, the term means Recommendation on Testing of Life-saving Appliances adopted on 17 November 1983 by IMO Resolution A.521(13) and includes all amendments made to that Recommendation up to and including those adopted by IMO Resolution MSC.226(82) on 8 December 2006;
 - (ii) where the installation was anytime from **1 May 1992 up to and including 30 June 1999**, the term means the Recommendation on Testing of Life-saving Appliances adopted on 6 November 1991 by IMO Resolution A.689(17) and includes all amendments made to that Recommendation up to and including those adopted by IMO MSC/Circular.809 at the 68th session of the Maritime Safety Committee held 28 May to 6 June 1997;
 - (iii) where the installation was anytime from **1 July 1999 up to and including 30 June 2010**, the term means the Revised Recommendation on Testing of Life-Saving Appliances adopted by IMO Resolution MSC.81(70) on 11 December 1998 including all amendments made to that Recommendation up to and including those adopted by IMO Resolution MSC.200(80) on 13 May 2005; and
 - (iv) where the installation was anytime from **1 July 2010**, the term means the Revised Recommendation on Testing of Life-Saving Appliances adopted by IMO Resolution MSC.81(70) on 11 December 1998 including all amendments made to that Recommendation up to and including those adopted by IMO Resolution MSC.378(93) on 22 May 2014.
- (f) “**Code of Practice for the Evaluation, Testing and Acceptance of Prototype Novel Life-Saving Appliances and Arrangements**” means the Code of Practice for the Evaluation, Testing and Acceptance of Prototype Novel Life-Saving Appliances and Arrangements adopted on 17 November 1983 by IMO Resolution A.520(13).

5 Other definitions

(1) In these Regulations —

“**company**” means the owner of a ship or any other organisation or person such as the manager, or the bareboat charterer, who has assumed responsibility for operation of the ship from the owner and who, on assuming such responsibility, has agreed to take over all the duties and responsibilities imposed by the SOLAS Convention;

“**Department**” means the Department of Economic Development;

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

“**foreign ship**” means any ship that is not a Manx ship;

“**high-speed craft**” has the meaning given by regulation 1.3 of SOLAS Chapter X;

“**IMO**” means the International Maritime Organization;

“**inspector**” means a person appointed as an inspector under section 3 of the Merchant Shipping Act 1985;

“**international voyage**” means a voyage from a country to a port outside that country;

“**Manx ship**” has the meaning given by section 1 of the Merchant Shipping Registration Act 1991 and includes a ship registered under Part IV of that Act (the Demise Charter Register);

“**MSN**” means a Manx Shipping Notice issued by the Department and includes any document which amends that notice;

“**MODU**” means a ship which complies with the MODU Code;

“**MODU Code**” means —

- (a) for a ship constructed on or after 1 January 2012, the Code for the Construction and Equipment of Mobile Offshore Drilling Units 2009 (2009 MODU Code) and includes all amendments made to that Code up to and including those adopted by IMO resolution MSC.359(92) on 21 June 2013;
- (b) for a ship constructed on or after 1 May 1991 up to and including 31 December 2001, the Code for the Construction and Equipment of Mobile Offshore Drilling Units 1989 (1989 MODU Code) and includes all amendments made to that Code up to and including those adopted by IMO resolution MSC.358(92) on 21 June 2013; and
- (c) for a ship constructed on or before 30 April 1991, the Code for the Construction and Equipment of Mobile Offshore Drilling Units 1979 (1979 MODU Code) and includes all amendments

made to that Code up to and including those adopted by IMO resolution MSC.357(92) on 21 June 2013;

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

“**pleasure vessel**” has the meaning given by regulation 6 of the Merchant Shipping (Pleasure Vessel) Regulations 2003¹;

“**RO**” means any recognised organisation specified in MSN 020 which is authorised by the Department to undertake the specified function;

“**SOLAS Chapter 1**” means Chapter 1 of the SOLAS Convention including all amendments made to that Chapter up to and including those adopted by IMO Resolution MSC.204(81) on 18 May 2006;

“**SOLAS Chapter X**” means Chapter X of the SOLAS Convention including all amendments made to that Chapter up to and including those adopted by IMO Resolution MSC.352(92) on 21 June 2013 which came in to force on 1 January 2015; and

“**territorial waters of the Island**” means —

- (a) the territorial sea adjacent to the Island; and
 - (b) any waters within the area that extend landward from the baselines from which the breadth of the territorial sea is measured as far as the mean high water mark of ordinary spring tides.
- (2) In these Regulations, references to a ship’s having been constructed are to its keel having been laid or a similar stage of construction having been reached.

6 Company’s responsibility

- (1) A company must ensure a ship complies with such of the requirements of these Regulations as apply in relation to a ship of its description.
- (2) Paragraph (1) applies whether or not these Regulations impose an obligation on another person.
- (3) A company which fails to comply with paragraph (1) commits an offence and is liable —
 - (a) on conviction on information, to custody for not more than 2 years, a fine, or both; or
 - (b) on summary conviction, to a fine not exceeding £5,000.

7 Provisions relating to offences

- (1) It is a defence for a person charged under these Regulations to show that he or she took all reasonable steps to avoid the commission of the offence.

¹ SD 396/03

- (2) If the commission by any person of an offence under these Regulations is due to the act or default of some other person, that other person commits the offence and a person may be charged with and convicted of the offence by virtue of this regulation whether or not proceedings are taken against the first-mentioned person.
- (3) If a body corporate commits an offence under these Regulations and that offence is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he or she, as well as the body corporate, commits that offence and is liable to be proceeded against and punished accordingly.
- (4) If the affairs of a body corporate are managed by its members, paragraph (3) applies in relation to the acts and defaults of a member in connection with his or her functions of management as if the member were a director of the body corporate.
- (5) For the purposes of this regulation, “**body corporate**” includes a limited liability company constituted under the Limited Liability Companies Act 1996 and, in relation to that company, any reference to a director or other officer of a body corporate is a reference to a member and to the company’s manager and registered agent.

PART 2 – MANX SHIPS

8 Requirement to comply with SOLAS Chapter III, the LSA Code and Testing and Evaluation Requirements

- (1) A ship must comply with such of the requirements of SOLAS Chapter III, as apply in relation to a ship of its description.
- (2) In accordance with SOLAS Chapter III, regulation 34, all life-saving appliances and arrangements on-board must comply with the applicable requirements of the LSA Code.
- (3) For the purposes of SOLAS Chapter III, regulation 4(2), life-saving appliances and arrangements installed on-board must be tested to confirm they meet the applicable requirements of SOLAS Chapter III, the LSA Code and the Recommendation on Testing of Life-Saving Appliances, or substantially equivalent ones as may be specified by the Department.
- (4) For the purposes of SOLAS Chapter III, regulation 4(3), novel life-saving appliances and arrangements installed on-board must –
 - (a) provide safety standards at least equivalent to the requirements of SOLAS Chapter III, and the LSA Code and have been evaluated and tested based on the Code of Practice for the

Evaluation, Testing and Acceptance of Prototype Novel Life-Saving Appliances and Arrangements; or;

- (b) have successfully undergone an engineering analysis, evaluation and approval in accordance with SOLAS Chapter III, regulation 38.
- (5) If there is a footnote in SOLAS Chapter III, and it is clear from the wording and the context that the content of the footnote or of a document referred to in the footnote is intended to form part of the requirement then such content must be treated as part of the requirement.
- (6) Unless the context clearly indicates otherwise, references to 'Administration' in SOLAS Chapter III are to be read as references to the Department or RO, subject to any more specific provision in these Regulations or MSN 062.

9 Type approval

If SOLAS Chapter III or any part of a code applied by SOLAS Chapter III requires anything to be type approved, it must be type approved in accordance with MSN 062.

10 Exemptions

- (1) In accordance with SOLAS Chapter 1, regulation 4(a), a ship which is not normally engaged on international voyages but which, in exceptional circumstances, is required to undertake a single international voyage, may be exempted by the Department from any of the requirements of SOLAS Chapter III.
- (2) An exemption under paragraph (1) may only be granted to a ship if the Department is satisfied that the ship complies with safety requirements which are adequate for the voyage to be undertaken.
- (3) In accordance with SOLAS Chapter 1, regulation 4(b), the Department may exempt a ship which embodies features of a novel kind from any of the provisions of SOLAS Chapter III, the application of which might seriously impede research into the development of such features and their incorporation in ships engaged on international voyages.
- (4) An exemption under paragraph (3) may only be granted to a ship if the Department is satisfied that the ship complies with safety requirements which —
 - (a) are adequate for the service for which it is intended;
 - (b) ensure the overall safety of the ship; and
 - (c) are acceptable to the Governments of the States to be visited by the ship.

- (5) In accordance with SOLAS Chapter III, regulation 2.1, the Department may, if it considers that the sheltered nature and conditions of the voyage render the application of any specific requirements of SOLAS Chapter III unreasonable or unnecessary, exempt individual ships or classes of ships from those requirements.
- (6) An exemption under paragraph (5) may only be granted to individual ships or classes of ships if they do not sail at distances of more than 20 miles from the nearest land.
- (7) In accordance with SOLAS Chapter III, regulation 2.2, in the case of passenger ships which are employed in special trades for the carriage of large numbers of special trade passengers, such as the pilgrim trade, the Department may, if it is satisfied that it is impracticable to enforce compliance with the requirements of SOLAS Chapter III, exempt such ships from those requirements.
- (8) An exemption under paragraph (7) may only be granted to a ship provided that it complies fully with the provisions of —
 - (a) the rules annexed to the Special Trade Passenger Ships Agreement, 1971 as adopted by the IMO on 6 October 1971, which came in to force on 2 January 1974; and
 - (b) the rules annexed to the Protocol on Space Requirements for Special Trade Passenger Ships, 1973 as adopted by the IMO on 13 July 1973, which came in to force on 2 June 1977.
- (9) In accordance with SOLAS Chapter III, regulation 27.5, the Department may, for search and rescue purposes, exempt passenger ships from the requirement to record the names and gender of all persons on board, distinguishing between adults, children and infants.
- (10) An exemption under paragraph (9) may only be granted to a ship if the Department considers the scheduled voyages of the passenger ship render it impracticable to prepare such records.

11 Equivalent arrangements

- (1) In accordance with SOLAS Chapter 1, regulation 5, if SOLAS Chapter III requires that —
 - (a) a particular fitting, material, appliance or apparatus, or type thereof, must be fitted or carried in a ship; or
 - (b) any particular provision must be made,the Department may allow any other fitting, material, appliance or apparatus, or type thereof, to be fitted or carried or any other provision to be made in that ship.
- (2) An equivalent arrangement may only be permitted under paragraph (1) if the Department is satisfied by trial thereof or otherwise that the fitting,

material, appliance or apparatus, or type thereof, or provision is at least as effective as that required by SOLAS Chapter III.

12 Waiver

- (1) In accordance with SOLAS Chapter III, regulation 20.6.2, the Department may waive requirements for all engines in lifeboats and rescue boats to be run for a total period of not less than 3 minutes, provided the ambient temperature is above the minimum temperature required for starting and running the engine.
- (2) A waiver may only be permitted under paragraph (1) for ships constructed before 1 July 1986.
- (3) To avoid doubt, the reference in paragraph (1) to SOLAS Chapter III means SOLAS Chapter III as defined in regulation 4(4)(c)(i).

13 Qualification of certificates

- (1) In accordance with SOLAS Chapter 1, regulation 18, an annex to the Passenger Ship Safety Certificate may be issued by the Department, stating there is no infringement of the provisions of SOLAS Chapter III, if in the course of a particular voyage, a ship —
 - (a) has on board a number of persons less than the total number stated in the Passenger Ship Safety Certificate; and
 - (b) is in consequence, in accordance with the provisions of SOLAS Chapter III, free to carry a smaller number of lifeboats and other life-saving appliances than that stated in the certificate.
- (2) An annex issued in accordance with paragraph (1) is only valid —
 - (a) if it is annexed to the Passenger Ship Safety Certificate and substituted for it in so far as the life-saving appliances are concerned; and
 - (b) for the particular voyage for which it is issued.

14 Validity of approvals, type approvals, exemptions, equivalent arrangements and waivers

An approval or type approval required by SOLAS Chapter III, or an exemption, equivalent arrangement or waiver permitted by SOLAS Chapter III is only valid if —

- (a) it is in writing;
- (b) it specifies the date on which it takes effect; and
- (c) any conditions stated in it are complied with.

PART 3 – FOREIGN SHIPS

15 Requirement to comply with SOLAS Chapter III, the LSA Code and Testing and Evaluation of Life Saving Requirements

- (1) A foreign ship in the territorial waters of the Island must comply with such of the requirements of SOLAS Chapter III as apply in relation to a ship of its description.
- (2) For the purposes of SOLAS Chapter III, regulation 34, all life-saving appliances and arrangements on-board a foreign ship in the territorial waters of the Island must comply with the applicable requirements of the LSA Code.
- (3) For the purposes of SOLAS Chapter III, regulation 4(2), life-saving appliances and arrangements installed on-board a foreign ship in the territorial waters of the Island must be tested to confirm they meet the applicable requirements of SOLAS Chapter III, the LSA Code and the Recommendation on Testing of Life-Saving Appliances, or substantially equivalent ones as may be specified by the foreign ship's flag State.
- (4) For the purposes of SOLAS Chapter III, regulation 4(3), novel life-saving appliances and arrangements installed on-board a foreign ship in the territorial waters of the Island must –
 - (a) provide safety standards at least equivalent to the requirements of SOLAS Chapter III and the LSA Code and have been evaluated and tested based on the Code of Practice for the Evaluation, Testing and Acceptance of Prototype Novel Life-Saving Appliances and Arrangements, or;
 - (b) have successfully undergone an engineering analysis, evaluation and approval in accordance with SOLAS Chapter III, regulation 38.

16 Inspection of a foreign ship

- (1) A foreign ship in a port of the Island may be subject to inspection by an inspector to verify that certificates issued under SOLAS Chapter 1, regulations 12 or 13, are valid.
- (2) For the purposes of paragraph (1), an inspector may accept any certificate that he or she considers to be equivalent to the certificates issued under SOLAS Chapter 1, regulations 12 or 13 if the flag State of the foreign ship is not a Party to the SOLAS Convention.

17 Provisions relating to detention

- (1) If an inspector carries out an inspection in accordance with regulation 16 and finds that –

- (a) the certificates are not produced, have expired or ceased to be valid; or
- (b) there are clear grounds for believing —
 - (i) the condition of the foreign ship or its equipment does not correspond substantially with the particulars of the certificate; or
 - (ii) the foreign ship or its equipment are not in compliance with the requirements of SOLAS Chapter 1 regulation 11(a) or (b);

the foreign ship may be detained.

- (2) A foreign ship detained in accordance with paragraph (1) is not permitted to sail until it can proceed to sea or leave the port for the purpose of proceeding to the nearest appropriate repair yard available without danger to the foreign ship or persons on board.
- (3) If an inspection is conducted or when measures are taken in accordance with paragraph (1), all reasonable efforts must be made to avoid a foreign ship being unreasonably delayed or detained.
- (4) If a foreign ship is detained in accordance with this regulation, the following provisions have effect in accordance with section 74 of the *Merchant Shipping Registration Act 1991*, any —
 - (a) commissioned officer on full pay in the naval or military service of Her Majesty;
 - (b) officer of the Department;
 - (c) inspector; or
 - (d) officer of customs and excise,

may detain the ship.

- (5) If the ship after detention or after service on the master of any notice of or order for detention proceeds to sea before it is released by competent authority, the master of the ship and the owner each commits an offence, as does any person who sends the ship to sea, if that owner or person is party or privy to the offence; and any of the aforementioned persons who is convicted —
 - (a) on information, is liable to a fine; or
 - (b) summarily, is liable to a fine not exceeding £50,000.
- (6) Where a foreign ship is detained a ship proceeding to sea under paragraph (a) takes to sea when on board thereof in the execution of his duty any officer authorised to detain the ship the owner and master of the ship shall each be liable to pay all expenses of and incidental to the officer's or surveyor's being so taken to sea, and also on conviction on

information to a fine or on summary conviction to a fine not exceeding £5,000;

- (a) where under these Regulations —
- (i) a ship is to be detained, an officer of customs and excise shall; or
 - (ii) a ship may be detained, an officer of customs and excise may,
refuse to clear that ship outwards or to grant a transire to that ship.

PART 4 – CONSEQUENTIAL AMENDMENTS

18 Consequential amendments

The schedule (consequential amendments) has effect.

MADE 26 MAY 2017

LAURENCE SKELLY
Minister for Economic Development

SCHEDULE

Consequential Amendments

- 1 The Merchant Shipping (Passenger Ship Construction and Survey) Regulations 1984² are amended in regulation 48 by omitting paragraph (1)(a)(i) and substituting the following –

at every muster and embarkation station on deck and over sides as required by the Merchant Shipping (SOLAS Chapter III)(Life-Saving Appliances and Arrangements) Regulations 2017;³

- 2 The Merchant Shipping (Demise Charter Register) Regulations 1991³ are amended by omitting from Schedule 2, Part II (in the table entitled ‘Application of subordinate legislation’) the following –

GC273/91	Merchant Shipping (Life-Saving Appliances)(Ships Built before 1st July 1986) Regulations 1991	The whole regulations
SD431/99	Merchant Shipping (Life-Saving Appliances) Regulations 1999	The whole Regulations

- 3 The Merchant Shipping (Life-Saving Appliances)(Ships built before 1st July 1986) Regulations 1991⁴ are amended –

(a) in regulation 1(2), (citation, commencement, interpretation, application and revocation), by –

(i) omitting the definition “existing ship”;

(ii) substituting for the definition “fishing vessel” the following –

“fishing vessel” means a vessel used for catching fish, whales, seals, walrus or other living resources of the sea;⁵

(iii) substituting for the definition ‘Manx ship’ the following –

² SI 1984 No 1216 as applied by GC 38/85

³ GC 394/91

⁴ GC 273/91

- ☒ **“Manx ship”** has the meaning given by section 1 of the Merchant Shipping Registration Act 1991 and includes a ship registered under Part IV of that Act (the Demise Charter Register);☒;
- (iv) substituting for the definition ‘tons’ the following –
- ☒ **“tons” or “gt”** in relation to any ship means the gross tonnage indicated in the ship’s International Tonnage Certificate;☒; and
- (v) inserting, at the appropriate point in the alphabetical list, the following definitions –
- ☒ **“foreign ship”** means any ship that is not a Manx ship;
- “high-speed craft”** has the meaning given by regulation 1.3 of SOLAS Chapter X;
- “MODU”** means a ship which complies with the MODU Code;
- “MODU Code” means –**
- (a) for a ship constructed on or after 1 January 2012, the Code for the Construction and Equipment of Mobile Offshore Drilling Units 2009 (2009 MODU Code) and includes all amendments made to that Code up to and including those adopted by IMO resolution MSC.359(92) on 21 June 2013;
- (b) for a ship constructed on or after 1 May 1991 up to and including 31 December 2001, the Code for the Construction and Equipment of Mobile Offshore Drilling Units 1989 (1989 MODU Code) and includes all amendments made to that Code up to and including those adopted by IMO resolution MSC.358(92) on 21 June 2013; and
- (c) for a ship constructed on or before 30 April 1991, the Code for the Construction and Equipment of Mobile Offshore Drilling Units 1979 (1979 MODU Code) and includes all amendments made to that Code up to and including those adopted by IMO resolution MSC.357(92) on 21 June 2013;
- “ship constructed”** means a ship the keel of which is laid or which is at a similar stage of construction;

“**SOLAS Convention**” means the International Convention for the Safety of Life at Sea 1974, as amended by the 1988 Protocol;

“**SOLAS Chapter X**” means Chapter X of the SOLAS Convention including all amendments made to that Chapter up to and including those adopted by IMO Resolution MSC.352(92) on 21 June 2013 which came in to force on 1 January 2015;

“**territorial waters of the Island**” means —

- (a) the territorial sea adjacent to the Island; and
- (b) any waters within the area that extend landward from the baselines from which the breadth of the territorial sea is measured as far as the mean high water mark of ordinary spring tides. **22**;

- (b) by omitting paragraphs (3) and (4) of regulation (1) and substituting the following —

23(3) These Regulations apply to a ship constructed before 1 July 1986 of Class VII, VIIT, VIII, VIIT, VIIIA, VIIAT or IX which is a —

- (a) Manx cargo ship of less than 500gt wherever it may be; or
- (b) foreign cargo ship of less than 500gt whilst it is within the territorial waters of the Island.

(4) To avoid doubt, these Regulations do not apply to a —

- (a) passenger ship;
- (b) high-speed craft;
- (c) MODU;
- (d) pleasure vessel;
- (e) fishing vessel;
- (f) ship of war or troopship;
- (g) ship not propelled by mechanical means; and
- (h) wooden ship of primitive build. **22**; and

- (c) by omitting paragraphs (5) and (6) of regulation 1.

- 4 The Merchant Shipping (Manning and Training) Regulations 1996⁵ are amended by omitting regulation 50 (number of persons trained in survival craft to be carried in passenger ships).
- 5 The Merchant Shipping (Cargo Ship Construction) Regulations 1998⁶ are amended in paragraph 1 of Schedule 10 by omitting subparagraph (a)(i) and substituting the following —
- the emergency lighting required by the Merchant Shipping (SOLAS Chapter III)(Life-Saving Appliances and Arrangements) Regulations 2017.
- 6 The Merchant Shipping (Life Saving Appliances) Regulations 1999⁷ are amended —
- (a) in regulation 2(1), (interpretation) —
- (i) by substituting for the definition ‘fishing vessel’ the following —
- “fishing vessel” means a vessel used for catching fish, whales, seals, walrus or other living resources of the sea;
- (ii) by substituting for the definition ‘Manx ship’ the following —
- “Manx ship” has the meaning given by section 1 of the Merchant Shipping Registration Act 1991 and includes a ship registered under Part IV of that Act (the Demise Charter Register);
- (iii) by substituting for the definition ‘tons’ the following —
- “tons” or “gt” in relation to any ship means the gross tonnage indicated in the ship’s International Tonnage Certificate; and
- (iv) by inserting, at the appropriate point in the alphabetical list, the following definitions —
- “foreign ship” means any ship that is not a Manx ship;
- “high-speed craft” has the meaning given by regulation 1.3 of SOLAS Chapter X;
- “MODU” means a ship which complies with the MODU Code;
- “MODU Code” means —

⁵ SD 723/96

⁶ SD 603/98

⁷ SD 431/99

- (a) for a ship constructed on or after 1 January 2012, the Code for the Construction and Equipment of Mobile Offshore Drilling Units 2009 (2009 MODU Code) and includes all amendments made to that Code up to and including those adopted by IMO resolution MSC.359(92) on 21 June 2013;
- (b) for a ship constructed on or after 1 May 1991 up to and including 31 December 2001, the Code for the Construction and Equipment of Mobile Offshore Drilling Units 1989 (1989 MODU Code) and includes all amendments made to that Code up to and including those adopted by IMO resolution MSC.358(92) on 21 June 2013; and
- (c) for a ship constructed on or before 30 April 1991, the Code for the Construction and Equipment of Mobile Offshore Drilling Units 1979 (1979 MODU Code) and includes all amendments made to that Code up to and including those adopted by IMO resolution MSC.357(92) on 21 June 2013;

“**SOLAS Convention**” means the International Convention for the Safety of Life at Sea 1974, as amended by the 1988 Protocol;

“**SOLAS Chapter III**” means Chapter III of the SOLAS Convention including all amendments made to that Chapter up to and including those adopted by IMO Resolution MSC.350(92) on 21 June 2013 which came in to force on 1 January 2015;

“**SOLAS Chapter X**” means Chapter X of the SOLAS Convention including all amendments made to that Chapter up to and including those adopted by IMO Resolution MSC.352(92) on 21 June 2013 which came in to force on 1 January 2015;

“**territorial waters of the Island**” means —

- (a) the territorial sea adjacent to the Island; and
- (b) any waters within the area that extend landward from the baselines from which the breadth of the territorial sea is measured as far as the mean high water mark of ordinary spring tides. **22**;

(b) by substituting for regulation 3 (application) the following —

3(1) These Regulations apply to a —

- (a) Manx ship which is a cargo ship of less than 500gt wherever it may be; and
 - (b) foreign ship which is a cargo ship of less than 500gt whilst it is within the territorial waters of the Island.
- (2) To avoid doubt, these Regulations do not apply to a –
- (a) passenger ship;
 - (b) high-speed craft;
 - (c) MODU;
 - (d) pleasure vessel;
 - (e) fishing vessel;
 - (f) ship of war or troopship;
 - (g) ship not propelled by mechanical means; and
 - (h) wooden ship of primitive build. ~~22~~;
- (c) in regulation 25 (radio lifesaving devices), by inserting immediately after paragraph (2) the following –
- ~~22~~(2A) The radiotelephone apparatus in paragraphs (1) and (2) must conform to the performance standards specified in SOLAS Chapter III, Regulation 6.2.1.1. ~~22~~; and
- (d) in regulation 26, by inserting immediately after paragraph (1) the following –
- ~~22~~(1A) The SART in paragraph (1) must conform to the performance standards specified in SOLAS Chapter III, Regulation 6.2.2. ~~22~~.

7 The Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) Regulations 2014⁸ are amended by –

- (a) omitting from Schedule 1, in the table entitled ‘Regulations Disapplied’, the following –

Merchant Shipping (Life-Saving Appliances)(Ships Built before 1st July 1986) Regulations 1991	GC273/91	SD 248/93 SD 37/97 SD 396/03 SD 2014/0238
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⁸ SD 2014/0415



Merchant Shipping (Life-Saving Appliances) Regulations 1999	SD431/99	SD 396/03 SD 2014/0238
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and

- (b) inserting after the final entry the following –

<p>☒ Merchant Shipping (SOLAS Chapter III)(Life-Saving Appliances and Arrangements) Regulations 2017</p>	<p>SD 2017/0185 ☒</p>	
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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations give effect to Chapter III of the SOLAS Convention (SOLAS Chapter III) 'Life saving appliances and arrangements', including all amendments made to that Chapter up to and including those adopted by IMO Resolution MSC.350(92), on 21 June 2013 which came in to force on 1 January 2015.

The Regulations require ships to comply with SOLAS Chapter III, the International Life-Saving Appliance Code (LSA Code), the Recommendation on Testing of Life-Saving Appliances and the Code of Practice for the Evaluation, Testing and Acceptance of Prototype Novel Life-Saving Appliances and Arrangements, as apply in relation to a ship of its description.

These Regulations apply to Manx ships which engage on international voyages and to foreign ships which engage on international voyages, whilst they are within the territorial waters of the Island.

These Regulations do not apply to: cargo ships of less than 500gt, high-speed craft, MODU, pleasure vessels, fishing vessels, ships of war or troopships, ships not propelled by mechanical means or wooden ships of primitive build.

These Regulations come into operation on 1 July 2017.

Further information on compliance with these Regulations can be found in MSN 062.

Copies of this document and Manx Shipping Notices are obtainable from the Isle of Man Ship Registry, Department of Economic Development, St Georges Court, Upper Church Street, Douglas, Isle of Man, IM1 1EX and can be accessed via the website: <http://www.iomshipregistry.com>