



MERCHANT SHIPPING (SURVEY AND CERTIFICATION) REGULATIONS 2018

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Statutory Document No. 2018/0088



Merchant Shipping Act 1985

MERCHANT SHIPPING (SURVEY AND CERTIFICATION) REGULATIONS 2018

Laid before Tynwald: 20 March 2018

Coming into Operation: 1 April 2018

The Department for Enterprise, 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 sections 1 and 2 of that Act.

PART 1 – INTRODUCTORY

1 Title

These Regulations are the Merchant Shipping (Survey and Certification) Regulations 2018.

2 Commencement

These Regulations come into operation on 1 April 2018.

3 Interpretation

(1) In these Regulations –

“**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;

“**bulk carrier**” means a ship which is constructed generally with single deck, top-side tanks and hopper side tanks in cargo spaces, and is intended primarily to carry dry cargo in bulk, and includes such types as ore carriers and combination carriers;

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

“**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 on the company by the SOLAS Convention;

“**Convention country**” means a country which has consented to be bound by the SOLAS Convention;

“**Contracting Government**” means the government of a Convention country;

“**Department**” means the Department for Enterprise;

“**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;

“**gas carrier**” is a cargo ship constructed or adapted and used for the carriage in bulk of any liquefied gas or other products listed in either—

- (a) chapter 19 of the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk adopted by IMO resolution MSC.5(48)(the International Gas Carrier Code); or
- (b) chapter XIX of the Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk adopted by IMO resolution A.328(IX) (the Gas Carrier Code),

whichever is applicable;

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

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

“**international voyage**” means a voyage from a country to which the SOLAS Convention applies to a port outside such country, or conversely;

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

“**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);

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

“**MODU Code**” means —

- (a) for a ship built 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 built 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 built 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;

“**NLS tanker**” means a ship constructed or adapted to carry a cargo of noxious liquid substances in bulk;

“**oil tanker**” means a ship constructed or adapted primarily to carry oil in bulk in its cargo spaces and includes combination carriers, any NLS tanker and any gas carrier when carrying a cargo or part cargo of oil in bulk;

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

“**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; and

“**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.

- (2) Unless the context clearly indicates otherwise, references to “Administration” in SOLAS Chapter 1 are to be read as reference to the Department or RO, subject to any more specific provision in these Regulations.
- (3) If there is a footnote in SOLAS Chapter 1, 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.

¹ SD396/03

4 Application of Part 1

This Part applies to —

- (a) a Manx ship, wherever it may be; and
- (b) a foreign ship whilst it is in a port in the Island.

5 Application of Part 2

(1) Part 2 (Surveys and Certification) applies only to a Manx ship which engages on international voyages, but only if it is either —

- (a) a cargo ship of 300gt or above; or
- (b) a passenger ship.

This is subject to paragraph (2).

(2) Despite paragraph (1), Part 2 does not apply to the following Manx ships —

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

6 Application of Part 3

(1) Part 3 (Foreign ships) applies only to a foreign ship whilst it is in a port in the Island, but only if it is either —

- (a) a cargo ship of 300gt or above; or
- (b) a passenger ship.

This is subject to paragraph (2).

(2) Despite paragraph (1), Part 3 does not apply to the following foreign ships whilst they are in a port in the Island —

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

7 Application of Part 4

- (1) Part 4 (Manx Ships – Initial General Inspection and Mandatory General Inspection) applies only to Manx ships (wherever they may be).

This is subject to paragraph (2).

- (2) Despite paragraph (1), Part 4 does not apply to a Manx ship that is either –
 - (a) a pleasure vessel; or
 - (b) a fishing vessel.

8 Application of Part 5

Part 5 (Offences) applies, as may be appropriate, to any ship to which a provision in any of the preceding Parts applies.

PART 2 – SURVEY AND CERTIFICATION

9 Meaning of “ship”

In this Part, “ship” must, unless otherwise expressly stated, be construed in accordance with regulation 5(1) (subject to the exceptions in regulation 5(2)).

10 Survey of passenger ships

- (1) A passenger ship must be surveyed in accordance with SOLAS Chapter 1, regulation 7.
- (2) A survey in accordance with paragraph (1) may be carried out by the Department or RO.

11 Passenger Ship Safety Certificate

- (1) A passenger ship must not proceed to sea without a valid Passenger Ship Safety Certificate.
- (2) A Passenger Ship Safety Certificate must be supplemented by a Record of Equipment in accordance with SOLAS Chapter 1, regulation 12(a)(vi).
- (3) A Passenger Ship Safety Certificate may only be issued by the Department or RO following the successful completion of an initial or renewal survey in accordance with SOLAS Chapter 1, regulation 12(a)(i).
- (4) A Passenger Ship Safety Certificate is only valid if it is –
 - (a) issued in accordance with the requirements of SOLAS Chapter 1, regulation 14; and
 - (b) drawn up in the form corresponding to the models given in the appendix to the annex to the SOLAS Convention.

12 Limit on the number of passengers on passenger ships

The number of passengers on board a passenger ship must not exceed the number of passengers for which the ship is certified on the Record of Equipment.

13 Survey of radio installations of cargo ships

- (1) The radio installations of a cargo ship of 300gt or above must be surveyed in accordance with SOLAS Chapter 1, regulation 9.
- (2) A survey in accordance with paragraph (1) may be carried out by the Department or RO.

14 Cargo Ship Safety Radio Certificate

- (1) A cargo ship of 300gt or above must not proceed to sea without a valid Cargo Ship Safety Radio Certificate.
- (2) A Cargo Ship Safety Radio Certificate must be supplemented by a Record of Equipment in accordance with SOLAS Chapter 1, regulation 12(a)(vi).
- (3) A Cargo Ship Safety Radio Certificate may only be issued by the Department or RO following the successful completion of an initial or renewal survey in accordance with SOLAS Chapter 1, regulation 12(a)(iv).
- (4) A Cargo Ship Safety Radio Certificate is only valid if it is—
 - (a) issued in accordance with the requirements of SOLAS Chapter 1, regulation 14; and
 - (b) drawn up in the form corresponding to the models given in the appendix to the annex to the SOLAS Convention.

15 Survey of cargo ships

- (1) A cargo ship of 500gt or above must be surveyed in accordance with –
 - (a) SOLAS Chapter 1, regulation 8 (Surveys of Life-Saving Appliances and other Equipment of Cargo Ships); and
 - (b) SOLAS Chapter 1, regulation 10 (Surveys of Structure, Machinery and Equipment of Cargo Ships).
- (2) A survey in accordance with paragraph (1) may be carried out by the Department or RO.

16 Cargo Ship Safety Construction Certificate

- (1) A cargo ship of 500gt or above must not proceed to sea without a valid Cargo Ship Safety Construction Certificate.
- (2) A Cargo Ship Safety Construction Certificate may only be issued by the Department or RO following the successful completion of an initial or renewal survey in accordance with SOLAS Chapter 1, regulation 12(a)(ii).
- (3) A Cargo Ship Safety Construction Certificate is only valid if it is —
 - (a) issued in accordance with the requirements of SOLAS Chapter 1, regulation 14; and
 - (b) drawn up in the form corresponding to the models given in the appendix to the annex to the SOLAS Convention.

17 Cargo Ship Safety Equipment Certificate

- (1) A cargo ship of 500gt or above must not proceed to sea without a valid Cargo Ship Safety Equipment Certificate.
- (2) A Cargo Ship Safety Equipment Certificate must be supplemented by a Record of Equipment in accordance with SOLAS Chapter 1, regulation 12(a)(vi).
- (3) A Cargo Ship Safety Equipment Certificate may only be issued by the Department or RO following the successful completion of an initial or renewal survey in accordance with SOLAS Chapter 1, regulation 12(a)(iii).
- (4) A Cargo Ship Safety Equipment Certificate is only valid if it is—
 - (a) issued in accordance with the requirements of SOLAS Chapter 1, regulation 14; and
 - (b) drawn up in the form corresponding to the models given in the appendix to the annex to the SOLAS Convention.

18 Enhanced surveys for bulk carriers and oil tankers

In accordance with SOLAS Chapter XI-1 (Special Measures to Enhance Maritime Safety) regulation 2, bulk carriers and oil tankers must be subject to an enhanced programme of inspections in accordance with the International Code on the Enhanced Programme of Inspections during surveys of Bulk Carriers and Oil Tankers, 2011 (2011 ESP Code), adopted by IMO resolution A.1049 (27) on 30 November 2011.

19 Maintenance of conditions after survey

- (1) The condition of the ship and its equipment must be maintained to conform with the provisions of the SOLAS Convention to ensure that the ship in all respects remains fit to proceed to sea without danger to the ship or persons on board.
- (2) After any survey of the ship under SOLAS Chapter 1, regulations 7, 8, 9 or 10 has been completed, no change shall be made in the structural arrangements, machinery, equipment and other items covered by the survey, without the approval of the Department or RO.
- (3) Whenever an accident occurs to a ship or a defect is discovered, either of which affects the safety of the ship or the efficiency or completeness of its life-saving appliances or other equipment –
 - (i) the master or company must report at the earliest opportunity to the Department and to the RO responsible for issuing the relevant certificate, who shall cause investigations to be initiated to determine whether a survey, as required by SOLAS Chapter 1, regulations 7, 8, 9 or 10, is necessary; and
 - (ii) if the ship is in a port of another Convention country, the master or company must also report immediately to the appropriate authorities of the port State and the Department or RO must ascertain that such a report has been made.
- (4) If a certificate required by these Regulations is subject to conditions, including limitations to sea areas in which the ship may operate, all such conditions must be complied with.

20 Special circumstances

For the purposes of SOLAS Chapter 1, 14(g) the special circumstances in which a new certificate need not be dated from the date of expiry of the existing certificate as required by SOLAS Chapter 1, regulation 14, paragraphs (b)(ii), (e) or (f) may only be determined by the Department.

21 Exemption Certificate

- (1) If an exemption is granted to a ship in accordance with the provisions of the SOLAS Convention, a certificate called an Exemption Certificate must be issued in accordance with SOLAS Chapter 1, regulation 12(a)(vii).
- (2) An Exemption Certificate may only be issued by the Department.
- (3) For the purposes of SOLAS Chapter 1, regulation 14(a), an Exemption Certificate is valid for the period stated in it which must not –
 - (a) exceed 5 years; or

- (b) be valid for longer than the period of the certificate to which it refers.

22 Certificates cease to be valid

A certificate issued under SOLAS Chapter 1, regulation 12 or 13 shall cease to be valid in any of the following cases –

- (a) if the relevant surveys and inspections are not completed within the periods specified under SOLAS Chapter 1, regulations 7(a), 8(a), 9(a) and 10(a);
- (b) if the certificate is not endorsed in accordance with the SOLAS Convention; or
- (c) upon transfer of the ship to the flag of another State.

23 Procedure to be adopted when a ship is deficient

- (1) If a surveyor determines that the condition of a ship or its equipment does not correspond substantially with the particulars of a certificate issued in accordance with these Regulations, or is such that the ship is not fit to proceed to sea without danger to the ship, or persons on board, the surveyor must immediately ensure that corrective action is taken and notify the Department and the RO responsible for issuing the certificate.
- (2) If the corrective action is not taken, the surveyor must notify the Department. Upon receipt of such notification, the Department may instruct the surveyor to withdraw the relevant certificate.
- (3) If the ship is in the port of another Convention country, the surveyor must also notify the appropriate authorities of the Port State of the withdrawal of the certificate.

24 Cancellation of Certificate

- (1) The Department, or with the permission of the Department, an RO, may cancel a certificate issued to a ship where there is reason to believe that –
 - (a) the certificate was issued on false or erroneous information;
 - (b) the structure, equipment or machinery has sustained damage or is otherwise deficient.
- (2) Any certificate issued to a ship by the Department, or on behalf of the Department, which has ceased to be valid in accordance with regulation 22 or has been cancelled in accordance with paragraph (1) must be surrendered upon request to the Department, or with the permission of the Department, by an RO, to the body making the request.

- (3) A person must not –
- (a) alter any certificate referred to in these Regulations unless authorised to do so by the Department or RO;
 - (b) intentionally make a false certificate referred to in these Regulations;
 - (c) in connection with any survey required by these Regulations, knowingly or recklessly furnish false information;
 - (d) with intent to deceive, use, lend or allow to be used by another, a certificate referred to in these Regulations; or
 - (e) fail to surrender a certificate as required by paragraph (2).
- (4) A person who fails to comply with paragraph (3) commits an offence and is liable –
- (a) on conviction on indictment, to custody for a term not exceeding 2 years, a fine, or both; or
 - (b) on summary conviction, to a fine not exceeding £10,000.

25 Issue or endorsement of certificates by another government

- (1) The Department may request that a Contracting Government –
- (a) survey a Manx ship; and
 - (b) if the Contracting Government is satisfied that the requirements of the SOLAS Convention are complied with, the Department may request the Contracting Government to endorse or issue certificates to the ship in accordance with the SOLAS Convention.
- (2) When acting in accordance with paragraph (1), the Department must specifically request that any certificate issued contain a statement to the effect that it has been issued at the request of the Government of the Isle of Man.
- (3) A certificate issued in response to a request under this regulation has the same force and must receive the same recognition as a certificate issued by the Department or RO under these Regulations.

26 Availability of certificates

The certificates required by these Regulations must be readily available on board for examination at all times.

PART 3 – FOREIGN SHIPS

27 Meaning of “ship”

In this Part, “ship” must, unless otherwise expressly stated, be construed in accordance with regulation 6(1) (subject to the exceptions in regulation 6(2)).

28 Foreign ship in a Manx port

- (1) A ship registered in a Convention country must not proceed to sea from a port in the Island unless the ship has valid certificates issued in accordance with the requirements of SOLAS Chapter 1.
- (2) A ship registered in a country which is not a Convention country must not proceed to sea from a port in the Island unless it is in possession of documentation which shows that the ship has been surveyed for compliance with the SOLAS Convention.

PART 4 – MANX SHIPS - INITIAL GENERAL INSPECTION AND MANDATORY GENERAL INSPECTION

29 Meaning of “ship”

In this Part, “ship” must, unless otherwise expressly stated, be construed in accordance with regulation 7(1) (subject to the exceptions in regulation 7(2)).

30 Initial General Inspection

- (1) Subject to paragraph (2), a ship must have an initial general inspection carried out by the Department within 6 months of the date of registration.
- (2) The requirement in paragraph (1) to have an initial general inspection does not apply to a ship if the pre-registration survey required by section 7 of the Merchant Shipping Registration Act 1991 was carried out by the Department.

31 Mandatory General Inspection

- (1) A ship must have two mandatory general inspections carried out by the Department in a 5 year period.
- (2) The period between mandatory general inspections must not exceed 36 months.
- (3) For a ship registered on or after 1 April 2017, the 5 year period starts on the date of registration and every 5 years thereafter.
- (4) For a ship registered before 1 April 2017, the 5 year period starts on the date of the ship’s last general inspection and every 5 years thereafter.

32 Maintenance of conditions after inspection – ships under 500gt

- (1) Subject to paragraph (2), this regulation applies to a ship which is under 500gt.
- (2) This regulation does not apply to a cargo ship which is under 500gt to the extent that regulation 13 (survey of radio installations of cargo ships) applies to the ship in respect of radio surveys and certification.
- (3) The condition of the ship and its equipment must be maintained to ensure that the ship in all respects remains fit to proceed to sea without danger to the ship or persons on board.
- (4) After any inspection of the ship required by regulations 30 or 31 no change shall be made in the structural arrangements, machinery or equipment without the approval of the Department or RO.
- (5) If an accident occurs to a ship or a defect is discovered, either of which affects the safety of the ship or the efficiency or completeness of its life-saving appliances or other equipment –
 - (a) the master or company shall report at the earliest opportunity to the Department; and
 - (b) if the ship is in a port of another Convention country, the master or company must also report immediately to the appropriate authorities of the port and the Department must ascertain that such a report has been made.

33 Exemption

- (1) The Department may exempt a ship from all or any of the requirements of regulations 30 and 31 on such conditions (if any) as it considers appropriate.
- (2) An exemption granted under paragraph (1) is only valid if –
 - (a) it is in writing;
 - (b) it specifies the date on which it takes effect; and
 - (c) any conditions specified in it are complied with.

PART 5 – OFFENCES

34 Responsibility of company and master

- (1) The company and the master of a ship 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 or master which fails to comply with paragraph (1) commits an offence and is liable –
 - (a) on conviction on information, to custody for a term not exceeding 2 years, a fine, or both;
 - (b) on summary conviction, to a fine not exceeding £10,000.

35 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.
- (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 is guilty of 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) a body corporate commits an offence under these Regulations; and
 - (b) that offence is proved to have been –
 - (i) committed with the consent or connivance of; or
 - (ii) 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 also 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 6 – REVOCATIONS AND CONSEQUENTIAL AMENDMENTS

36 Revocations

The following Regulations are revoked –

- (a) Merchant Shipping (Survey and Certification) Regulations 1999²; and
- (b) Merchant Shipping (Harmonised Survey and Certification) Regulations 2000³.

37 Consequential amendments

The schedule (consequential amendments) has effect.

MADE 1 March 2018

LAURENCE SKELLY
Minister for Enterprise

² SD352/99

³ SD441/00

SCHEDULE

CONSEQUENTIAL AMENDMENTS

REGULATION 37

(1) **Merchant Shipping (Passenger Ship Construction) Regulations 1980⁴.**

- (a) The Merchant Shipping (Passenger Ship Construction) Regulations 1980 are amended as follows.
- (b) For regulation 132 (Alternative construction, equipment and machinery) substitute —

132 Equivalent arrangements

(1) If these Regulations require 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 for Enterprise 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 for Enterprise 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 these Regulations.

132A Validity of equivalent arrangements

(1) An equivalent arrangement permitted by these Regulations 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. ⁵

(2) **Merchant Shipping (Fire Appliances) Regulations 1980⁵.**

- (a) The Merchant Shipping (Fire Appliances) Regulations 1980 are amended as follows.
- (b) In regulation 76(1) (Equivalents and exemptions), for “shall approve” substitute —

⁴ SI 1980 No.535 as applied by GC38/85

⁵ SI 1980 No.544 as applied by GC 38/85

- may allow.
- (c) After regulation 76(2) insert—
- (3) An exemption or equivalent arrangement permitted by these Regulations 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.
- (3) **Merchant Shipping (Passenger Ship Construction and Survey) Regulations 1984⁶.**
- (a) The Merchant Shipping (Passenger Ship Construction and Survey) Regulations 1984 are amended as follows.
- (b) In regulation 2 (Exemptions for certain classes of ships and individual ships) —
- (i) number the first paragraph 1; and
- (ii) after paragraph (1) insert —
- (2) An exemption permitted by these Regulations 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.
- (c) For regulation 85 (Alternative construction, equipment and machinery) substitute -
- 85 Equivalent arrangements**
- (1) If these Regulations require 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 for Enterprise 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 for Enterprise is satisfied by trial thereof or otherwise that the fitting, material, appliance or

⁶ SI 1984 No.1216 as applied by GC38/85

apparatus, or type thereof, or provision is at least as effective as that required by these Regulations.

85A Validity of equivalent arrangements

(1) An equivalent arrangement permitted by these Regulations 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. **22**

(4) **Merchant Shipping (Fire Protection)(Ships Built Before 25 May 1980) Regulations 1985⁷.**

- (a) The Merchant Shipping (Fire Protection) (Ships Built before 25 May 1980) Regulations 1985 are amended as follows.
- (b) After regulation 74(3) (Equivalents and exemptions) insert –

74(4) Validity of exemptions or equivalent arrangements

(1) An exemption or equivalent arrangement permitted by these Regulations 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. **22**

(5) **Merchant Shipping (Life-Saving Appliances)(Ships Built Before 1st July 1986) Regulations 1991⁸.**

- (a) The Merchant Shipping (Life-Saving Appliances)(Ships Built Before 1st July 1986) Regulations 1991 are amended as follows.
- (b) After regulation 59 (Equivalents and exemptions) insert –

59A Validity of exemptions or equivalent arrangements

An exemption or equivalent arrangement permitted by these Regulations 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. **22**

⁷ SI 1985 No.1218 as applied by GC357/85

⁸ GC273/91

(6) **Merchant Shipping (Demise Charter Register) Regulations 1991⁹.**

- (a) The Merchant Shipping (Demise Charter Register) Regulations 1991 are amended as follows.
- (b) In Schedule 2, Part II (in the table entitled ‘Application of subordinate legislation’) omit –

SD 352/99	Merchant Shipping (Survey and Certification) Regulations 1999	The whole Regulations
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(7) **Merchant Shipping (Cargo Ship Construction) Regulations 1998¹⁰**

- (a) The Merchant Shipping (Cargo Ship Construction) Regulations 1998 are amended as follows.
- (b) After regulation 3(2) insert –

▣(3) An exemption permitted by these Regulations 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. ▣

- (c) For regulation 59(1) (Alternative construction, equipment and machinery) substitute –

▣(1) If these Regulations require 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.

- (1A) 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 these Regulations.

⁹ SD394/91

¹⁰ SD603/98

- (1B) An equivalent arrangement permitted by these Regulations 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. **22**
- (8) **Merchant Shipping (High-Speed Craft) Regulations 1998¹¹.**
- (a) The Merchant Shipping (High-Speed Craft) Regulations are amended as follows.
 - (b) For the title of regulation 10 substitute —
 - 23** Exemptions and equivalent arrangements **22**; and
 - (c) In regulation 10 —
 - (i) number the first paragraph **23** 1 **22**; and
 - (ii) after paragraph (1) insert —
 - 23** (2) If these Regulations require 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.
 - (3) An equivalent arrangement may only be permitted under paragraph (2) 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 these Regulations.
 - (4) An exemption or equivalent arrangement permitted by these Regulations 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. **22**

¹¹ SD260/98

- (9) **Merchant Shipping (Radio Installations) Regulations 1999¹².**
- (a) The Merchant Shipping (Radio Installations) Regulations 1999 are amended as follows.
- (b) After regulation 5(2) (Equivalents and exemptions) insert –
- 5A(3)** An exemption or equivalent arrangement permitted by these Regulations 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. **5B**
- (10) **Merchant Shipping (Life-saving Appliances) Regulation 1999¹³.**
- (a) The Merchant Shipping (Life-Saving Appliances) Regulations 1999 are amended as follows.
- (b) After regulation 52(3)(Equivalents and exemptions) insert –
- 52A(4)** An exemption or equivalent arrangement permitted by these Regulations 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. **52B**
- (11) **Merchant Shipping (Safety of Navigation – SOLAS Chapter V) Regulations 2004¹⁴.**
- (a) The Merchant Shipping (Safety of Navigation – SOLAS Chapter V) Regulations 2004 are amended as follows.
- (b) In regulation 10 (Exemptions and equivalents) after paragraph (5), insert –
- 10A(5A)** If these Regulations require 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.

¹² SD50/99

¹³ SD431/99

¹⁴ SD269/04

(5B) An equivalent arrangement may only be permitted under paragraph (5A) 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 these Regulations. **22**

(12) **Merchant Shipping (Additional Safety Measures For Bulk Carriers – SOLAS Chapter XII) Regulations 2006¹⁵.**

(a) The Merchant Shipping (Additional Safety Measures For Bulk Carriers – SOLAS Chapter XII) Regulations 2006 are amended as follows.

(b) After regulation 17 (Exemptions) insert –

17A Equivalent arrangements

(1) If these Regulations require 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 these Regulations.

17B Validity of exemptions or equivalent arrangements

An exemption or equivalent arrangement permitted by these Regulations 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. **22**

(13) **Merchant Shipping (Carriage of Cargoes) Regulations 2006¹⁶.**

(a) The Merchant Shipping (Carriage of Cargoes) Regulations 2006 are amended as follows.

(b) In regulation 16 (Equivalentents and exemptions) –

(i) for paragraph (1) substitute -

¹⁵ SD156/06

¹⁶ SD276/06

☒ If these Regulations require 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.

(1A) 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 these Regulations. ☒

(ii) After paragraph (3) insert —

☒ (4) An exemption or equivalent arrangement permitted by these Regulations 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. ☒

(14) The Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) Regulations 2014¹⁷.

- (a) The Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) Regulations 2014 are amended as follows.
- (b) In Schedule 1, in the table entitled “Regulations Disapplied” -
 - (i) omit —

Merchant Shipping (Survey and Certification) Regulations 1999	SD 352/99	SD 441/00 SD 396/03 SD 269/04
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and

(ii) insert after the final entry —

☒ Merchant Shipping (Survey and Certification) Regulations 2018	SD2018/0088 ☒	
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¹⁷ SD2014/0415



(15) **The Merchant Shipping (SOLAS VII – Carriage of Dangerous Goods) Regulations 2015.**¹⁸

- (a) The Merchant Shipping (SOLAS VII – Carriage of Dangerous Goods) Regulations 2015 are amended as follows.
- (b) In regulation 28(2) (Accident or defect reporting) for “regulation 8 of the Merchant Shipping (Survey and Certification) Regulations 1999” substitute –
- ▣ regulations 19(3) or 32(5) of the Merchant Shipping (Survey and Certification) Regulations 2018 ▣

(16) **The Merchant Shipping (Fees) Regulations 2017**¹⁹

- (a) The Merchant Shipping (Fees) Regulations 2017 are amended as follows.
- (b) In regulation 3 (Interpretation) –
- (i) For the definition of “initial general inspection” substitute –
- ▣ “initial general inspection” means the inspection required by regulation 30 of the Merchant Shipping (Survey and Certification) Regulations 2018; ▣
- (ii) For the definition of “mandatory general inspection” substitute –
- ▣ “mandatory general inspection” means the inspection required by regulation 31 of the Merchant Shipping (Survey and Certification) Regulations 2018; ▣.

¹⁸ SD2015/0230

¹⁹ SD2017/0070

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations give effect to the latest survey and certification requirements of SOLAS Chapter 1 up to and including amendments made to that Chapter by IMO resolution MSC.204(81) adopted on 18 May 2006. The Regulations also require all Manx ships (except for fishing vessel and pleasure vessels) to be subject to General Inspections that are in addition to the requirements of SOLAS Chapter 1.

Part 2 of the Regulations require Manx cargo ships of 300gt and above and Manx passenger ships to be surveyed and certificated in accordance with the requirements of SOLAS Chapter 1.

Part 3 of the Regulations makes it an offence for a foreign cargo ship of 300gt and above or a foreign passenger ship to proceed to sea from a Manx port without appropriate certification demonstrating they have been surveyed in accordance with SOLAS Chapter 1.

Part 4 of these Regulations requires all Manx ships (except for fishing vessels and pleasure vessels) to be subject to General Inspections in addition to the surveys required by SOLAS Chapter 1. Ships must have an Initial General Inspection within 6 months of the date of registration and 2 Mandatory General Inspections in a 5 year period thereafter. The Initial General Inspection and the Mandatory General Inspections must be carried out by the Department and may not be delegated to a Classification Society.

These Regulations revoke and replace the existing Regulations on the same subject – the Merchant Shipping (Survey and Certification) Regulations 1999 (SD352/99), and the Merchant Shipping (Harmonised Certification and Survey) Regulations 2000 (SD441/00).

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

The International Convention for the Safety of Life at Sea 1974, its Protocol, IMO resolutions and circulars can be obtained from the International Maritime Organisation, 4 Albert Embankment, London SE1 7SR and can be accessed via their website: <http://www.imo.org>