

Statutory Instrument 1996 No. 75

The Merchant Shipping (Distress Signals and Prevention of Collisions) Regulations 1996

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1996 No. 75

**MERCHANT SHIPPING
SAFETY**

**The Merchant Shipping (Distress Signals and Prevention of Collisions)
Regulations 1996**

Made 16th January 1996

Laid before Parliament 23rd January 1996

Coming into force 1st May 1996

The Secretary of State for Transport, after consulting the persons referred to in section 86(2) of the Merchant Shipping Act 1995^[1], in exercise of the powers conferred by subsections (1)(a) and (b), and (3) to (7) of section 85 and subsections (1) and (2) of section 86 of that Act, and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

Citation, commencement, interpretation and revocation

1.—(1) These Regulations may be cited as the Merchant Shipping (Distress Signals and Prevention of Collisions) Regulations 1996 and, subject to paragraph (2) below, shall come into force on 1st May 1996.

(2) These Regulations shall not have effect in relation to a vessel until noon on 1st May 1996.

(3) In these Regulations—

"the Hydrographer of the Navy" means the person for the time being appointed to that office by the Admiralty Board;

"the International Regulations" means the International Regulations for Preventing Collisions at Sea 1972 as amended by—

(a) Resolutions A464(XII), A626(15), A678(16) and A736(18) of the Organisation^[2]; and

(b) any further Resolutions of the Organisation which the Secretary of State notifies by Merchant Shipping Notice that he considers relevant from time to time;

"Merchant Shipping Notice" means a Notice described as such and issued by the Marine Safety Agency;

"mile" means a nautical mile of 1,852 metres;

"Notice to Mariners" means an Admiralty Notice to Mariners published by the Hydrographer of the Navy;

"the Organisation" means the International Maritime Organization.

(4) The traffic separation schemes which are referred to in Rule 10(a) of the International Regulations are the schemes listed in Notice to Mariners No. 17 and marked "*" in the margin.

In this paragraph, "Notice to Mariners No. 17" means Notice to Mariners No. 17 in the Annual Summary of Admiralty Notices to Mariners of 1989 and any subsequent Notice to Mariners containing like material which the Hydrographer of the Navy considers relevant from time to time being a Notice to Mariners which—

(a) replaces Admiralty Notice to Mariners No. 17, or

(b) replaces any subsequent Notice to Mariners containing the like material:

and a reference to any such subsequent Notice to Mariners includes a reference to any Notice to Mariners amending the same which the Hydrographer of the Navy considers relevant from time to time.

(5) In the International Regulations—

"date of entry into force of these Regulations" in Rule 38 (exemptions) means, in the case of a vessel registered outside the United Kingdom, the date of entry into force of the International Regulations for the State whose flag the vessel is entitled to fly;

"high speed craft" means a craft capable of maximum speed equal to or exceeding—

$$3.7 \quad 0.1667 \text{ (m/s)}$$

where

is the displacement corresponding to the design waterline (m³).

(6) The diagram mentioned in paragraph 7 of Annex 1 to the International Regulations is the diagram specified in the Chromaticity Chart (1975) published by the International Illumination Commission (CIE).

(7) The reference to the International Code of Signals in paragraph 3 of Annex IV to the International Regulations is a reference to the International Code of Signals (1985) published by the Organisation, and the reference to the Merchant Ship Search and Rescue Manual in that paragraph is a reference to the manual of that name published in 1986 by the Organisation; and such references include reference to any document amending either of those publications which is considered by the Secretary of State to be relevant from time to time and is specified in a Merchant Shipping Notice.

(8) The following instruments are revoked, namely—

- (a) the Merchant Shipping (Distress Signals and Prevention of Collisions) Regulations 1983^[3];
- (b) the Merchant Shipping (Distress Signals and Prevention of Collisions) Regulations 1989^[4];
- (c) the Merchant Shipping (Distress Signals and Prevention of Collisions) (Amendment) Regulations 1991^[5];
- (d) the Merchant Shipping (Signals of Distress) Rules 1992^[6];
- (e) the Collision Regulations (Seaplanes) Order 1989^[7];
- (f) the Collision Regulations (Seaplanes) (Amendment) Order 1990^[8];
- (g) the Collision Regulations (Seaplanes) (Amendment) Order 1991^[9].

Application

2.—(1) These Regulations apply to the following vessels—

- (a) United Kingdom ships wherever they may be, and other ships while within the United Kingdom or the territorial waters thereof; and
- (b) seaplanes registered in the United Kingdom and on the surface of water anywhere, and other seaplanes on the surface of water in the United Kingdom or the territorial waters thereof.

(2) In this regulation "ships" include hovercraft.

Signals of distress

3.—(1) The signals of distress which shall be used by vessels to which regulation 2(1)(a) of these Regulations apply are those set out in Annex IV to the International Regulations.

(2) No signal of distress shall be used by any vessel unless the master of the vessel so orders.

(3) The master shall not order any signal of distress to be used by his vessel unless he is satisfied—

- (a) that his vessel is in serious and imminent danger, or that another ship or an aircraft or person is in serious and imminent danger and cannot send that signal; and
- (b) that the vessel in danger (whether his own vessel or another vessel) or the aircraft or person in danger, as the case may be, requires immediate assistance in addition to any assistance then available.

(4) The master of a vessel which has sent any signal of distress by means of radio or other means shall cause that signal to be revoked by all appropriate means as soon as he is satisfied that the vessel or aircraft to which or the person to whom the signal relates is no longer in need of assistance as aforesaid.

Prevention of collision

4.—(1) Subject to paragraph (2) below, vessels to which these Regulations apply shall comply with the provisions of Rules 1 to 36 of and Annexes I to III to the International Regulations.

(2) Nothing in these Regulations shall be taken to require compliance by any vessel or class of vessels, which by virtue of Rule 38 of the International Regulations may be exempted from compliance therewith, with any of the provisions of the said Regulations specified in paragraphs (a) to (h) inclusive of that Rule, at any time when, by virtue of that Rule, that vessel or class of vessels may be exempted from that provision.

Exemptions

5. The Secretary of State may exempt any ship or description of ships from all or any of the provisions of these Regulations which relate to the number, position, range or arc of visibility of lights or shapes, as well as to the disposition and characteristics of sound-signalling appliances if he is satisfied that compliance with such provision is either impractical or unreasonable in the case of that ship or description of ships in such terms (if any) as he may specify and may, subject to giving reasonable notice, alter or cancel any such exemption.

Penalties

6.—(1) Where any of these Regulations is contravened, the owner of the vessel, the master and any person for the time being responsible for the conduct of the vessel shall each be guilty of an offence, punishable on conviction on indictment by imprisonment for a term not exceeding two years and a fine, or on summary conviction:

- (a) in the case of any infringement of Rule 10(b)(i) (duty to proceed with traffic flow in lanes of separation schemes) of the International Regulations (being an offence corresponding to an offence under section 419(2) of the Merchant Shipping Act 1894^[10]) by a fine not exceeding £50,000; and
- (b) in any other case by a fine not exceeding the statutory maximum.

(2) It shall be a defence for any person charged under these Regulations to show that he took all reasonable precautions to avoid the commission of the offence.

Power to detain

7. In any case where a ship does not comply with the requirements of these Regulations, the ship shall be liable to be detained and section 284 of the Merchant Shipping Act 1995 (which relates to the detention of a ship) shall have effect in relation to the ship, subject to the modification that as if for the words "this Act" wherever they appear, there were substituted "the Merchant Shipping (Distress Signals and Prevention of Collisions) Regulations 1996".

Signed by authority of the Secretary of State for Transport

Steven Norris

Parliamentary Under-Secretary of State, Department of Transport

16th January 1996

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations give effect to the International Regulations for Preventing Collisions at Sea, 1972, as amended.

These Regulations replace the Merchant Shipping (Distress Signals and Prevention of Collisions) Regulations 1989, as amended, and related instruments. United Kingdom vessels (including hovercraft) wherever they may be, and other vessels in United Kingdom waters are required to comply with the International Regulations as so amended; and the signals of distress set out in Annex IV to the International Regulations are prescribed for use by vessels as such signals. The Regulations apply to seaplanes on the surface of the water, except with regard to signals of distress.

The International Regulations for Preventing Collisions at Sea are now set out in a Merchant Shipping Notice (Merchant Shipping Notice No. M.1642/COLREG 1). This incorporates changes to Rule 26, and Annexes I, II and IV adopted in November 1993 by the International Maritime Organisation (Resolution A736(18)).

Apart from the change mentioned in the International Regulations, no substantive changes are made.

Merchant Shipping Notices are obtainable from the Marine Information Centre, Marine Safety Agency, Spring Place, 105 Commercial Road, Southampton, Hampshire SO15 1EG.

The Merchant Ship Search and Rescue Manual and the International Code of Signals mentioned in Annex IV of the International Regulations can be obtained from the International Maritime Organisation, 4 Albert Embankment, London SE1 7SR.

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Notes:

[1] [1995 c. 21](#); sections 86 and 87 apply to hovercraft by virtue of the Hovercraft (Application of Enactments) Order 1989 (S.I. [1989/1350](#)).

[2] The International Regulations, together with these amendments, are set out in Merchant Shipping Notice No. M.1642/COL REG 1.

[3] S.I. 1983/708; save for regulation 1(3) and (4)(b), regulation 1(5)(in part) and Part II of Schedule 2, the Regulations were revoked by S.I. [1989/1798](#).

[4] S.I. [1989/1798](#).

[5] S.I. [1991/638](#).

[6] S.I. [1992/1582](#).

[7] S.I. [1989/2005](#).

[8] S.I. [1990/251](#).

[9] S.I. [1991/768](#).

[10] 1894 c. 60.