

D01 Ship registration and identity

D01a INTERNATIONAL LAW ON SHIP REGISTRATION

- * Relevant articles of **UNCLOS** (see A02a) are Articles 91, 92 and 94.
- * **UNCLOS Article 91 (Nationality of ships)** provides that:
 - Every State must fix the conditions for:
 - the grant of its nationality to ships;
 - the registration of ships in its territory; and
 - the right to fly its flag.
 - Ships have the nationality of the State whose flag they are entitled to fly.
 - There must exist a genuine link between the State and the ship.
 - Every State must issue to ships to which it has granted the right to fly its flag **documents to that effect**.
- * **UNCLOS Article 92 (Status of ships)** provides that:
 - Ships must sail under the flag of one State only and, save in exceptional cases expressly provided for in international treaties or in UNCLOS, will be subject to that State's exclusive jurisdiction on the high seas.
 - A ship may not change its flag during a voyage or while in a port of call, save in the case of a real transfer of ownership or change of registry.
 - A ship which sails under the flags of two or more States, using them according to convenience, may not claim any of the nationalities in question with respect to any other State, and may be assimilated to a ship without nationality.
- * **UNCLOS Article 94 (Duties of the flag State)** provides (*inter alia*) that:
 - Every State must effectively exercise its jurisdiction and control in administrative, technical and social matters over ships flying its flag.
 - In particular every State must:
 - maintain a **register of ships** containing the names and particulars of ships flying its flag, except those which are excluded from generally accepted international regulations on account of their small size; and
 - assume **jurisdiction under its internal law** over each ship flying its flag and its master, officers and crew in respect of administrative, technical and social matters concerning the ship.
 - Every State must take such measures for ships flying its flag as are necessary to **ensure safety at sea** with regard, *inter alia*, to:
 - the construction, equipment and seaworthiness of ships;
 - the manning of ships, labour conditions and the training of crews, taking into account the applicable international instruments;
 - the use of signals, the maintenance of communications and the prevention of collisions.

Such measures must include those necessary to ensure:

 - that each ship, **before registration and thereafter at appropriate intervals, is surveyed** by a qualified surveyor of ships, and
 - has on board** such charts, nautical publications and navigational equipment and instruments as are appropriate for the safe navigation of the ship.
- * The **United Nations Convention on Conditions for Registration of Ships, 1986**, is not yet in force. The convention text can be viewed at: www.admiraltylawguide.com/conven/registration1986.html

D01b PURPOSES AND BENEFITS OF REGISTRATION

- * **Registration** of a ship -
 - establishes the ship's **nationality, measurements** and **tonnage** for identification purposes;
 - provides **documentary evidence of ownership** (in the register, not on the Certificate of Registry);
 - allows the ship to **operate commercially** (since clearance from ports normally requires production of a Certificate of Registry to prove nationality);
 - grants **recognition as a vessel of the flag State** and enjoyment of the normal **privileges** accorded to vessels of that State, e.g. consular assistance in foreign ports and the protection of the flag State's armed forces;
- * A major reason for **Part I** and **Part II registration** (i.e. as a merchant ship, large pleasure vessel or fishing vessel) is to be able to use the vessel as **security for a marine mortgage**. Most finance companies prefer the security of having their mortgage on a ship registered so that their claim against the ship is clear.
- * In relation to **flag States**, registration of ships -

- **restricts and controls ownership** of vessels under a flag;
- **facilitates ship purchase, sale and mortgaging** (since proof of title is shown to a buyer or lender by the details on the register, and registration is usually a pre-requisite for mortgaging a ship);
- **brings fee income** (often in US dollars) to many FOC States;
- may have some **prestige value** for some small States with large ship registers;
- may have **strategic importance** (e.g. to an island State which depends on its own ships for carrying imports and exports or wartime supplies).

D01b.1 Additional benefits of “flag of convenience” (FOC) registration

- * An **FOC register** (see B01b.2) may offer any or all of the following:
 - freedom to employ **foreign nationals** as master, officers and/or crew;
 - low **taxes** on company earnings;
 - low **registry fees**;
 - low statutory **survey fees**;
 - **limitation of owner’s liability**;
 - relaxed or non-existent **foreign exchange controls** on owners’ earnings;
 - non-restrictive **ownership qualifications** allowing a foreign company or foreign national to register there;
 - freedom to raise a loan by **mortgaging** the ship; and/or
 - benefits from bilateral or multilateral **agreements on trade**, cargo sharing, port entry or taxation.

D01c BRITISH REGISTRY

D01c.1 Registry legislation

- * **Legislation** on the **British Register** and **registration of British ships** is contained in:
 - Part II of the **Merchant Shipping Act 1995** (i.e. sections 8 to 23);
 - the **MS (Registration of Ships) Regulations 1993** (SI 1993/3138) as amended by the MS (Registration of Ships) (Amendment) Regulations 1994 (SI 1994/541), the MS (Registration of Ships) (Amendment) Regulations 1998 (SI 1998/2976) and the MS (Registration of Ships, and Tonnage) (Amendment) Regulations 1999 (SI 1999/3206); and
 - in respect of “small ships”, the **MS (Small Ships Register) Regulations 1983** (SI 1983/1470).
- * The 1993 Regulations were made under the Merchant Shipping (Registration, etc) Act 1993, which is consolidated into Merchant Shipping Act 1995.
- * The **MS (Registration of Ships, and Tonnage) (Amendment) Regulations 1999** (SI 1999/3206) make amendments to the 1993 Registration Regulations which mainly concern fishing vessels.

D01c.2 The British Register

- is maintained by the **Registry of Shipping and Seamen** (RSS) (see B05c).
- is in four parts:
 - **Part I** for merchant ships and pleasure vessels;
 - **Part II** for fishing vessels;
 - **Part III** for small ships (under 24m in length); this part is known as the “**Small Ships Register**”;
 - **Part IV** for ships which are bareboat chartered.
- is, except for Part III, a **title register** and a **permanent public record** showing:
 - a **description** of every registered ship;
 - all **registered owners** of a ship;
 - all **registered mortgages** against a ship.

- **incorporates** the registers of:
 - the **Crown Dependencies**, i.e. Isle of Man, Guernsey and Jersey; and
 - the **British Overseas Territories**¹ (formerly called British Dependent Territories), i.e. the registers of Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Falkland Islands, Montserrat, St Helena², and Turks and Caicos Islands.
- is one of the **Red Ensign Group** of registers, which is a group consisting of the ship registers of the UK, Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Falkland Islands, Gibraltar, Guernsey, St Helena, Isle of Man, Jersey, Montserrat and Turks and Caicos Islands. Although administered individually under the local legislation of their own respective territories, each register is subject to overall control of the UK Department for Transport. The Group meets annually in one of the member countries to exchange views on policies and technical issues relating to regulation, marine safety, pollution prevention and the welfare of seafarers for ships on their registers world-wide and for visiting ships in their waters.
- * The **MS (Categorisation of Registries of Relevant British Possessions) Order 2003** (SI 2003/1248), applies to the registration in “relevant British possessions” of ships other than small ships or fishing vessels and establishes two **categories of registry**: Category 1 and Category 2.
- * A **Category 1 registry** is a registry that is unrestricted as to the tonnage, type and length of individual ships on its register. The Schedule to the 2003 Order lists Bermuda, Cayman Islands, Gibraltar and the Isle of Man as Category 1 registries.
- * A **Category 2 registry** is a registry that is limited as to the tonnage and type of individual ships on its register. Passenger ships, pleasure vessels of more than 150 gross tonnage, or ships which are not passenger ships or pleasure vessels, but are of more than 150 gross tonnage may not be registered on a Category 2 register, but an exception is made for domestic-trading passenger ships, pleasure vessels of less than 400 gross tonnage, and ships of special local importance. The Schedule to the 2003 Order lists Anguilla, British Virgin Islands, Falkland Islands, Guernsey, Jersey, Montserrat, St Helena, and Turks and Caicos Islands as Category 2 registries.
- * The **Small Ships Register** (Part III of the Register) is maintained under regulation 3(1) of the **MS (Small Ships Register) Regulations 1983** (SI 1983/1470) for ships of less than 24 metres in overall length and gives cheap, “simple” registration. It does not register title, and mortgages cannot be registered. Ships owned by a company, ships of 24 metres or more in length, fishing vessels and submersible vessels may not be registered on the Small Ships Register. A **Part III certificate**, as issued to a “small ship”, is a Certificate of British Registry and should be accepted world-wide.
- * A **pleasure vessel** may be registered in the UK with “**full**” registration on Part I, or with **simplified registration** (if less than 24m in length) on Part III. All such vessels may fly the Red Ensign³.

D01c.3 United Kingdom ships

- are ships registered in (and thus having a port of choice in) the **United Kingdom of Great Britain and Northern Ireland** (i.e. England, Scotland, Wales or Northern Ireland, but not in the Isle of Man and Channel Islands).
- are registered on either **Part I, II, III or IV of the Register** maintained by the RSS at Cardiff.
- are subject, wherever they may be, to **UK merchant shipping legislation**.

D01c.3a Definition of “ship”

- * Section 313(1) of the Merchant Shipping Act 1995 provides that, in the Act, unless the context requires otherwise, “**ship**” includes **every description of vessel used in navigation**.

D01c.4 British ships

- include all **United Kingdom ships** (as described in D01c.3).
- include all ships registered in the **Crown Dependencies** (as listed in D01c.2).
- include all ships registered in the **British Overseas Territories** (formerly known as Dependent Territories) (as listed in D01c.2).
- are entitled to fly a **Red Ensign** or the ensign of the Overseas Territory in which they are registered (which in most territories is a Red Ensign defaced with the territory’s badge).

¹ British Overseas Territories also include British Antarctic Territory, British Indian Ocean Territory, Pitcairn Island, South Georgia and South Sandwich Islands, none of which has a ship register.

² Ascension Island and Tristan da Cunha are sub-dependencies of St Helena.

³ For a definition of “pleasure vessel”, see D031.8.

- **are subject, wherever they may be**, to the merchant shipping legislation of **their own flag State**. For example, Isle of Man legislation applies to an Isle of Man registered ship, Bermuda legislation applies to a Bermuda registered ship, etc.
- **are subject, when in UK ports and waters**, to certain provisions of UK merchant shipping legislation.

D01c.5 Government or Crown ships

- are **UK Government-owned or -controlled ships**, nominally owned by Her Majesty the Queen, e.g. RFA naval auxiliary vessels, SFPA fishery protection vessels, CEFAS fisheries research vessels and RMAS vessels.
- by virtue of **section 308 of the Merchant Shipping Act 1995** are not subject to the Merchant Shipping Acts, including registration legislation, although the Government may by Order in Council make regulations with respect to compliance with certain legislation, e.g. registration legislation, either generally or by any class of Government ship. (Some Government ships are registered, while others are not.)
- * The **MS (Ministry of Defence Ships) Order 1991** (SI 1989/1991) makes provision for the **registration** under the Merchant Shipping Acts 1894-1988 of ships belonging to the Secretary of State for Defence and in the service of the Ministry of Defence, and for certain modifications and exceptions in the application of those Acts to such ships. By virtue of section 47 of the Merchant Shipping Act 1988, the Order and the provisions of the Merchant Shipping Acts applied by it (both as modified by that section) apply also to UK-registered ships in the service of the Ministry of Defence by reason of a charter by demise (i.e. a bareboat charter) to the Crown. The Order does not apply to ships forming part of the Royal Navy.
- * Similar **Orders making provision for the registration as British ships** of Government ships managed commercially for the MoD and sailing yachts belonging to the Secretary of State for Defence and in the service of the MoD are, respectively, the **MS (Ministry of Defence Commercially Managed Ships) Order 1992** (SI 1992/1293) and the **MS (Ministry of Defence Yachts) Order 1992** (SI 1992/1294).

D01c.6 Entitlement to register

- * The former **requirement** of Merchant Shipping Act 1894 for a British ship to be registered is replaced in section 9 of the Merchant Shipping Act 1995 by an **entitlement to register as a British ship**, provided it is owned, to the prescribed extent, by persons qualified to own British ships, and provided certain other requirements of the relevant regulations are met.

D01c.7 Ownership of British ships

- * For the purposes of registration, **property in every British ship**, except for “small ships”, is divided into **64 shares**. An applicant may be registered as the owner of all, one or some of the shares. Each share may be owned by up to 5 persons or companies as joint owners. Joint owners are considered as one party although all of the names of the joint owners are recorded on the register as owners of that share or shares. (All joint owners or shareholders in a ship must act together if they wish to sell or mortgage the vessel or shares, and all their signatures will be needed by RSS to carry out any action.) Any person qualified to be an owner of a British ship may be registered as the owner of one or more shares. **At least 33 of the 64 shares** must be owned by **persons qualified** to own a British ship. The **balance** of 31 or fewer shares may be owned by **non-qualified persons** such as foreign nationals or companies.
- * **Persons qualified to own a British ship on Part I of the Register** include:
 - British citizens or non-UK nationals exercising their right of freedom of movement of workers or right established under Article 48 or 52 of the EEC Treaty or Article 28 or 31 of the EEA Agreement;
 - British Dependent Territories citizens;
 - British Overseas citizens;
 - persons who under the British Nationality Order 1981 are British subjects;
 - persons who under the Hong Kong (British Nationality) Order 1986 are British Nationals (Overseas);
 - companies incorporated in an EEA State (i.e. a country which is a Party to the Agreement on the European Economic Area, known as the EEA Agreement);
 - companies incorporated in any British overseas possession and having their principal place of business in the UK or in any such possession.
 - European Economic Interest Groupings being groupings formed in pursuance of Article I of Council Regulation (EEC) No. 2137/85 and registered in the UK.

- Local authorities which, under section 308 of the Merchant Shipping Act 1995, may register ships as Government ships.
- * “Non-UK nationals exercising their right of freedom of movement of workers or right of establishment” means persons who are either:
 - nationals of an EC member State (other than the UK) who are exercising in the UK their rights under Article 48 or Article 52 of the EEC Treaty, as the case may be; or
 - nationals of a State (other than an EC member State) which is a party to the EEA Agreement, who are exercising in the UK their rights under Article 28 or Article 31 of the EEA Agreement, as the case may be.
- * Individuals, companies, local authorities and groups who are eligible to register a ship are called “**qualified persons**”.

D01c.7a Representative person

- * When none of the qualified owners are resident in the UK, a **representative person** must be appointed.
- * A representative person may be either:
 - an individual resident in the UK; or
 - a company incorporated in one of the EEA countries with a place of business in the UK.

D01c.7b Managing owner

- * If the ship is owned by more than one qualified person (and no representative person has been appointed) one of the qualified owners who lives in the UK must be appointed as **the managing owner**. All RSS correspondence will be sent to that person unless another person, such as an agent, is nominated by the owner to receive correspondence.

D01c.8 Ship's name

- * An applicant for registration will be asked to **choose a name** for the ship. **Several names** should be entered on the application form, in order of preference.
- * Every ship on Part I and all merchant vessels on Part IV of the Register must have a name that is different from that of any other ship on that part of the Register.
- * The RSS may refuse a name which may cause **confusion in an emergency** or one which could be regarded as **offensive**.
- * After registry, application for a **change of name** of a ship should be made on the appropriate form, with the appropriate fee, to RSS. It is an **offence** to alter the name marked on a ship until receipt of a Carving and Marking Note showing the approved changes.

D01c.9 Port of choice

- * An applicant for registration will be asked to choose the **port of choice**, i.e. the port with which the ship is to be associated. (The actual “**port of registry**” is Cardiff, being the RSS’s location and the place where the register on which the ship is entered is kept.) A list of about 80 designated ports of choice in the UK (which are the old UK “ports of registry”) is included in Annex 2 of the *Registering British Ships* booklet.
- * If, after registry, the port of choice is to be changed, an application for a **change of port of choice** should be made to the RSS on the appropriate form, with the appropriate fee. It is an **offence** to alter the port marked on a ship’s stern until receipt of a Carving and Marking Note showing the approved changes.

D01d REGISTRATION PROCEDURE IN THE UK

D01d.1 Application

- * Registration was, until the early 1990s, carried out by Registrars of British Ships (who were officers of HM Customs and Excise), at “**ports of registry**” around the UK coast. Registry is now carried out (mainly by post) by the **Registry of Shipping and Seamen (RSS)**, whose office at **Cardiff** is open to the public on weekdays for counter service.
- * A booklet entitled *Registering British Ships in the United Kingdom* is available free of charge from RSS.

- * In the case of a ship being “flagged in” to the UK Register, once the owner/manager decides to proceed with UK registration, a **Customer Service Manager (CSM)** will be appointed by RSS. The CSM is a fully qualified surveyor who will be the owner/manager’s single point of contact with the RSS and will oversee the smooth transfer to the UK Register.
- * **Applications for registry** should be made to RSS well before the required sailing date. Registration will normally take no more than 10 working days from receipt of documents by RSS. Applications must be accompanied by the proper **fee** before being any registration work is completed.
- * Information required by RSS to formally register a ship comprises:
 - Application to Register a British Ship;
 - Declaration of Eligibility;
 - Certificate of Survey from classification society;
 - Tonnage Certificate;
 - Certificate of Incorporation (for a company);
 - Evidence of ownership (proof of title) comprising last Bill of Sale;
 - Deletion Certificate from foreign registry (if applicable).
- * An **application form** is obtained from RSS by the ship’s owner or managing owner, or the owner’s agent who is carrying out the registration work, as appropriate. When registering a merchant ship the following details must be entered on the application form:
 - In section 1 (**Details of the ship**): the proposed name of the ship (several names should be entered in order of preference); the port of choice (i.e. the port with which the ship is to be associated: this is selected from an official list in Annex 2 of the Registering British Ships booklet; no physical link with the port is required); the radio call sign, if known (obtained from the Radiocommunications Agency of the Home Office); the IMO number (the Lloyd’s Register of Ships serial number preceded by the letters “IMO”), or the Hull Identification Number for a ship which is not listed in Lloyd’s Register of Ships; the make and power of engine; the vessel’s approximate length (in metres or feet and tenths); the year of build; the type of ship (e.g. bulk carrier); the construction material; the name and address of the builder; the place of build (if different); and the country of build.
 - In section 2 (**Previous registration details**): name of ship (if different from section 1); registration number, port of registration; registered length (m); details of where the ship was registered, with former registration numbers, etc.; whether the ship has any outstanding registered mortgage.
 - In section 4 (**Details of the applicant**): full name and address, etc. stating whether the applicant is the permanent agent of the owner. (All RSS correspondence is sent to the owner or managing owner unless the owner requests it to be sent to a specified person.)
- * The application form contains **instructions** to send the form to RSS together with the correct **fee**, the **Declaration of Eligibility**, a copy of any **Certificate of Incorporation** (for each company, if any, amongst the owners), a **Builder’s Certificate** and/or **Bills of Sale**. There is also a reminder to the applicant that if the vessel carries a **406MHz EPIRB**, this must be registered with the MCA (see D04b.4).

D01d.2 Evidence of title

- * **Evidence of title** on registration must be proved by sending the following documents with the application form:
 - for a new ship, the Builder’s Certificate⁴;
 - for a ship which is not new, a previous Bill or Bills of Sale showing the ownership of the ship for at least 5 years before the application is made; or
 - if the ship has been registered with full registration at any time within the last 5 years, a Bill or Bills of Sale evidencing all transfers of ownership during the period since it was so registered.
- * For a ship which at the time of application is on a **foreign register**, a **certified extract from the register** is required.
- * A **Declaration of Eligibility to register a British Ship** is made on a separate form, declaring that a majority interest in the ship is owned by persons qualified to be owners of British ships, and that the ship is otherwise entitled to be registered.
- * **The application form is sent to RSS** with the above documents (and those in D01d.1), as well as the company’s Certificate of Incorporation (and any certificates of changes of name) and the registration fee as listed in the MS (Fees) Regulations (as amended) in force at the time of application.

⁴ A **Builder’s Certificate** is issued by the shipbuilder to the shipowner following completion, and certifies that the vessel was built for the person whose name and address appears on the certificate. It is required in order to provide evidence of title to the flag State registry when first registering the vessel. The certificate varies in form from one shipbuilder to another. It is not required by UK regulations to be carried on board, and in many cases is kept in the owner’s or manager’s office.

D01d.3 Transfer of flag survey

- * Every ship “flagging in” to the UK Register from another register must have a **“transfer of flag” survey** before it can be registered. MCA’s general policy is for this survey to be carried out by an MCA surveyor; however, under certain circumstances, arrangements can be made for this survey to be carried out by a class surveyor on behalf of the MCA.
- * The Customer Service Manager will request a copy of all **existing statutory certification** in order that new certificates can be prepared prior to survey.
- * If, at survey, the surveyor is satisfied that the vessel **meets international standards of safety and pollution prevention** he will issue **short-term certification** there and then; **full term certification** will follow in due course.

D01d.4 Measurement survey

- * Every ship being registered must have a measurement survey to establish her physical characteristics and tonnage under the **MS (Tonnage) Regulations 1997** (SI 1997/1510) for entry on the register. Application for this survey is made to one of six classification societies approved by RSS for measuring ships:
 - **Lloyd’s Register of Shipping (LR);**
 - The British Committee of **Bureau Veritas (BV);**
 - The British Committee of **Germanischer Lloyd (GL);**
 - The British Technical Committee of the **American Bureau of Shipping (ABS);**
 - The British Committee of **Det Norske Veritas (DNV);** and
 - The British Committee of **Registro Italiano Navale (RINA).**
- * A ship which is being **registered for the first time on the UK register** which has been surveyed and measured for tonnage in the previous 12 months, or which is being re-registered within 12 months of its UK registry ceasing, will not be required to undergo another measurement survey if the owners make a declaration to the RSS that the details have not changed from those previously recorded on the Register. The RSS may, however, require the declaration to be confirmed by an authorised measurer or surveyor.
- * Following completion of the measurement survey, the surveyor issues a **Certificate of Survey⁵** certifying the ship’s dimensions and tonnage; this is sent to RSS. (The particulars on it are also used for tonnage certification purposes.)

D01d.5 Official number and marking

- * When satisfied that the ship is entitled to be registered, etc., RSS issues to the owner the ship’s **Official Number** and a **Carving and Marking Note**.
- * **Official Numbers of British ships** registered on Part I of the Register, and of Commonwealth ships, are taken from a single series of 6-figure numbers controlled by the RSS. This series is currently used by all Commonwealth countries except India, Sri Lanka, Sierra Leone, Kenya, Malta and Trinidad and Tobago, each of which has its own series. As a general rule the Official Number will not change during the ship’s life unless she is sold outside the British Register. **Bareboat chartered ships** on Part IV of the Register generally retain their original national unique number, and only if a ship’s primary register does not allocate such numbers will the RSS allocate an Official Number; in the latter case the Official Number will normally be a 4-digit number preceded by the letters “BCS”, and only one number will appear on the Certificate of Registry.
- * The owner appoints an **Inspector of Marks** (who is normally a surveyor of an authorised classification society) and delivers to him/her the Carving and Marking Note, which bears the **instructions for statutory marking** of the ship.
- * A **Carving and Marking Note** (for pleasure vessels of 24 metres and over or merchant ships on Part I and IV of the Register) shows, at the top section of the front: Name of ship; Official Number; Port of choice; Registered tonnage or Net tonnage (as appropriate); and an instruction for the vessel to be marked with:
 - the **official number** and **“appropriate tonnage”**, to be conspicuously carved or marked;
 - the **name**, to be marked on each of its bows and its stern;
 - the **port of choice**, to be marked on the stern.

⁵ A **Certificate of Survey** is issued by an authorised classification society in respect of a classed ship, or by the MCA in respect of an unclassed ship, in respect of any ship measured for tonnage. It details the measurements of the ship which are required for both registry and tonnage certification purposes. It is sent to the Registry of Shipping and Seamen (RSS) by the measuring authority and a copy is issued to the ship. It is not required by regulations to be carried on board but it may prove to be useful where the Certificate of Registry is lost and details of the ship have to be provided to a proper officer abroad.

- * The bottom section of the front of the Carving and Marking Note is for completion by the Inspector of Marks and contains his certification that he has inspected the vessel and that it has been carved and marked in accordance with the instructions.
- * The back of the Carving and Marking Note contains the full **instructions for carving and marking**.
- * The ship's **official number** and **registered or net tonnage** (as appropriate) must be marked on the main beam of the ship, or if there is no main beam, on a readily accessible visible permanent part of the structure of the ship either by cutting in, centre punching or raised lettering. Alternatively it may be engraved on plates of metal, wood or plastic, secured to the main beam (or if there is no main beam, to a readily accessible visible part of the structure) with rivets, through bolts with the ends clenched, or screws with the slots removed. The official number and registered/net tonnage must be marked as follows:

O.N. 345678	R.T. $\frac{30.93}{100}$	N.T. $\frac{30.93}{100}$
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- * The ship's **name** must be marked on each of its bows, and its name and port of choice must be marked on its stern; the marking must be on a dark ground in white or yellow letters or on a light ground in black letters, the letters being not less than 10 centimetres high and of proportionate breadth. Pleasure vessels, pilot vessels, non-seagoing barges and ships employed solely in river navigation are **exempt** from marking the name on each of the bows.
- * When the marks have been made as instructed, the Inspector of Marks certifies the Carving and Marking Note and returns it to the RSS.

D01d.6 Registration

- * On receipt of the signed Carving and Marking Note, RSS formally registers the ship on the British Register by completing the computer database entry. The computerised Register entry contains the following details:
 - ship's name and port of choice;
 - details of tonnage and building;
 - particulars of the ship's origin;
 - name and description of the ship's registered owner, and if more than one owner, number of 64th shares owned by each;
 - any mortgages against the vessel;
 - any discharge of a mortgage;
 - any transfer of a mortgage;
 - any alterations and issues of new Certificates of Registry;
 - any transfer of registry from one port to another;
 - any change of ship's name.
- * RSS finally issues the owner with a **Certificate of British Registry** printed from the computer file (see D01e).

D01d.7 Alterations of particulars entered on the Register

- * If any registered particulars, e.g. tonnage, owner, owner's address, etc., are changed, the changed details must be **registered** with the RSS. A fee is payable for each change.
- * When **main dimensions** are altered or where the **propelling machinery** is changed, the ship must be completely re-registered.
- * Where **tonnage** is changed, the ship must be re-measured and a new Certificate of Survey sent to the RSS.
- * When **ownership** changes the new owner (provided he is qualified to own a British ship) may apply to have the ship re-registered, but this is not always compulsory.
- * When changes occur that do not affect tonnage, the owner should notify the RSS who will advise what evidence will be required to be produced, e.g. re-survey, or a declaration by a person with knowledge of the facts.
- * After a change is registered, a **new Certificate of Registry** will be issued. This will expire on the day that the original certificate would have expired.
- * A **mortgage** remains on the Register until the RSS is notified that it has been discharged, even if the ship and/or shares are sold to another person.
- * All **transfers of ownership** must be supported by an approved **Bill of Sale**. A new owner has 30 days to apply to transfer title; failure to do so means a full registration fee, rather than a transfer fee, will be payable.

D01d.8 Removal from the Register

- * The Registrar may, subject to service of notices, **terminate a ship's registration** in the following circumstances:
 - on application of the owner;
 - on the ship no longer being eligible to be registered;
 - on the ship being destroyed (by sinking, fire, etc.);
 - if he considers that the condition of the ship as it relates to safety, health and welfare or risk of pollution renders it inappropriate for the ship to remain registered;
 - where a penalty in respect of any of the Merchant Shipping Acts remains unpaid for more than 3 months and no appeal against that penalty is pending;
 - when the owner does not comply with a summons for any contravention in respect of any of the above Acts, and a period of not less than 3 months has elapsed.
- * On termination of registration, the owner must **surrender the Certificate of Registry** to RSS for cancellation.

D01d.9 Transfer to another EU register

- * **M.1477** (which was cancelled without replacement) contained the text of Council Regulation (EEC) No. 613/91 on the transfer of ships from one register to another within the European Community (EC, now EU). This Regulation is law in the UK.

D01d.10 Renewal of registration

- * Between 3 and 6 months before expiry of the 5-year registration period the RSS will issue a **Renewal Notice** to the owner. The owner may apply for renewal at any time after receiving this notice but before expiry of the registration period. Notwithstanding this, an application for renewal may be made prior to the last 3 months of the current registration, but the new Certificate of Registry will not be valid for more than 5 years.
- * Application for renewal must be made on the appropriate RSS form accompanied by:
 - a **Declaration of Eligibility**; and
 - a declaration that there have been **no changes to any registered details** of the ship which have not already been notified to the RSS.
- * If no application for renewal is made, the RSS notifies each and every mortgagee that the registration has expired.

D01e CERTIFICATE OF BRITISH REGISTRY

- * **A Certificate of British Registry -**
 - **establishes** the ship's nationality and tonnages, but does not prove ownership or show mortgages.
 - **is valid** for a maximum of 5 years; if ownership of the ship changes in the 5-year period, a new 5-year certificate will be issued.
 - **contains** the details entered on the Register with the exception of mortgage particulars.
 - **shows on the front** the following details: Name of ship; Official number; Radio call sign; IMO number/HIN; Port; Type of ship; Method of propulsion; Engine make & model; Total engine power (in kW); Length (in metres); Breadth (in metres); Depth (in metres); Gross tonnage; Net tonnage; Registered tonnage; Year of build; Name of builder; Country of build; Date and time of issue of certificate; Date of expiry of certificate; Signature of official signing "For and on behalf of the Registrar General of Shipping and Seamen; badge of the General Register Office of Shipping and Seamen. Note: Figures shown for engine power, dimensions and tonnages are to 2 decimal places.
 - **shows on the back** the following details: Note stating: "For the purposes of registration there are 64 shares in a ship"; Name and address of owner(s); Number of shares (of each owner); Footnote headed "Important information", stating: "A Certificate of Registry is not proof of ownership. Details of registered mortgages are not shown. The Registry must be informed immediately: of any changes to the ship's particulars of ownership; if the vessel is lost. The certificate must be surrendered to the Registry if the ship ceases to be a British registered ship. A duplicate must be obtained if the certificate is lost or becomes illegible. For further information contact the Registry of Shipping and Seamen (address stated)." The address stated on older Certificates will be invalid; for the new RSS address, see B05c.

D01e.1 Status and use of the Certificate of Registry

- * **Section 13 of the Merchant Shipping Act 1995** provides that the Certificate of Registry of a British ship will be used only for the lawful navigation of the ship, and will not be subject to detention to secure any private right or claim.
- * **The Certificate of Registry -**
 - should always **accompany the ship**, in order to establish her nationality and tonnage when required.
 - is **not a document of title**, and is not to be taken as legal evidence of registered ownership.
 - is probably the **most important document** on the ship.
 - is the **only proof of the vessel's nationality**.
 - should remain in the **master's custody**, even when the ship is chartered or mortgaged (although agents will usually want to take it ashore for production to customs officials for clearance purposes).
 - must be **produced** on every occasion when **clearing outwards** from a UK port, and when entering (and/or clearing) many foreign ports.
- * A prudent master will **keep a note of the details** recorded on his ship's Certificate of Registry ; this may make it easier to obtain a duplicate Certificate of Registry in the event that the original is lost by an agent, etc.
- * **If the ship is lost, sold** to foreigners, **captured** by an enemy or **broken up, notice of the circumstances**, together with the **Certificate of Registry** (if existing) must be given immediately to the RSS.

D01e.2 Handing over the Certificate of Registry to a succeeding master

- * For notes on the **handing over of ship's documents** to a succeeding master, see D05e.
- * Documents handed over should always include the Certificate of Registry. It may be the case, however, that at the time of the hand-over the Certificate is in the custody of the port agent for customs report or clearance purposes, etc.

D01e.3 Loss of Certificate of Registry

- * If the Certificate of Registry is **lost or stolen in the UK**, the owner may obtain a **duplicate certificate** from the RSS.
- * If the Certificate of Registry is **lost or stolen abroad** (e.g. when an agent fails to return it after taking it ashore for entry or clearance purposes), the master should:
 - make a **declaration** to a Proper Officer that the Certificate of British Registry is lost or stolen, giving names and descriptions of the registered owners;
 - apply to the Proper Officer for a **Provisional Certificate of British Registry**;
 - give the Proper Officer as much information about the ship as possible (e.g. tonnages and measurements from the International Tonnage Certificate 1969 or Certificate of Survey).

D01e.4 Provisional Certificate of British Registry

- * Where a ship whose owner intends to register her on the British Register is outside the British Islands, the owner may apply to the RSS for **provisional registration**, or, if the ship is at a port outside the British Islands, the owner may apply to the "appropriate person" (i.e. a Proper Officer, e.g. British Consul) for provisional registration of the ship.
- * **Provisional registration** is valid until:
 - expiration of 3 months from the date of issue; or
 - the ship's arrival in the UK; or
 - the termination by the Registrar on request from the owner.
- * Where a ship has been provisionally registered once, it cannot be provisionally registered again **within one year** of the date of issue of the certificate except with the consent of the RSS.

D01f BRITISH REGISTRY OF BAREBOAT CHARTER SHIPS

- * Section 17 of the Merchant Shipping Act 1995 makes it possible to register as a British ship a foreign-owned merchant or fishing vessel which is **bareboat chartered to a British charterer**⁶.
- * A “**bareboat charter ship**” is a ship which is registered under the law of a country other than the UK, which is chartered on bareboat charter terms to a charterer who is qualified to own a British ship.
- * “**Bareboat charter terms**” means the hiring of a ship for a stipulated period of time on terms which give the charterer possession and control of the ship, including the right to appoint the master and crew.
- * The charterer must be one of the qualified persons listed in D01c.6.
- * The charterer must apply to the RSS and send:
 - a **Declaration of Eligibility**;
 - a copy of the **bareboat charter party**;
 - the **Certificate of Registry** issued by the responsible authority in the country of **primary registration**; and
 - in the case of a charterer which is a company, its **Certificate of Incorporation**.
- * The **same rules** on names, survey or measurement, carving and marking, change of name, etc. apply to bareboat charter ships as to ships on Part I of the Register.
- * If none of the charterers is resident in the UK, a **representative person** must be appointed in the UK.
- * The registration of a bareboat charter ship will remain in force (unless terminated earlier under regulations) for **5 years or until the end of the bareboat charter period**, whichever is the shorter period.
- * Bareboat charter ships become **British ships** for the duration of the bareboat charter period and are entitled to fly the British flag. During this period they are subject to the requirements of the Merchant Shipping Acts.
- * The RSS will notify the primary registration authority of the bareboat charter registration under the Red Ensign.
- * A **Certificate of British Registry for a Bareboat Chartered Ship** is a buff-coloured form showing **on the front**: Name of ship; Official number; Radio call sign; IMO number/HIN⁷; Port; BCS⁸ Number; Country of primary registration; Name on primary register; Type of ship; Method of propulsion; Engine make and model; Total engine power (in kW); Length (in metres); Breadth (in metres); Depth (in metres); Gross tonnage; Net tonnage; Registered tonnage; Year of build; Date and time of issue of certificate; Date of expiry of certificate; Signature of official signing for and on behalf of the Registrar General of Shipping and Seamen; badge of the General Register Office of Shipping and Seamen. Note: Figures shown for engine power, dimensions and tonnages are to 2 decimal places.
- * Details shown **on the back** of certificates are: Note stating: “For the purposes of registration there are 64 shares in a ship”; Name and address of owner(s); No. of shares (of each owner); Name and address of the bareboat charterer(s) of the ship; Footnote headed “Important information”, stating: “A Certificate of Registry is not proof of ownership. Details of registered mortgages are not shown. The Registry must be informed immediately: of any changes to the ship’s particulars of ownership; if the vessel is lost. The certificate must be surrendered to the Registry if the ship ceases to be a British registered ship. A duplicate must be obtained if the certificate is lost or becomes illegible. For further information contact the Registry of Shipping and Seamen, PO Box 165, Cardiff, United Kingdom CF14 5FU. Telephone 029 20747333. Fax: 029 20747877”.
- * The **MS (Modification of Enactments) (Bareboat Charter Ships) Order 1994** (SI 1994/774) provides that, in relation to bareboat charter ships, references in Merchant Shipping Acts and other enactments to the “owner” (whether of a British, UK or UK registered ship) mean the bareboat charterer.

D01g PROPER COLOURS AND NATIONAL CHARACTER OF BRITISH SHIPS

D01g.1 Proper colours

- * **Section 2 of the Merchant Shipping Act 1995** provides that the flag which every British ship, other than Government ships, is entitled to fly is the **Red Ensign** (without any defacement or modification). The following are also **national colours**:
 - any colours allowed to be worn under a **warrant** from Her Majesty or from the Secretary of State (e.g. a Blue Ensign); and

⁶ Some flag States, such as Bermuda, refer to bareboat charter registry as “demise charter registry”, and issue a Certificate of Demise Charter Registry.

⁷ **Hull Identification Number** : a coded number marked on small craft in accordance with the International Standards Organisation standard ISO 10087:1995. Schedule 1 of The Recreational Craft Regulations 1996 (SI 1996/1353) requires the marking of leisure craft built in the UK with an HIN.

⁸ BCS stands for “Bareboat Charter Ship”.

⁹ The address of the RSS changed in 2002. For the current address and contact details, see B05c.

- in the case of British ships registered in a relevant British possession (i.e. a Crown Dependency or British Overseas Territory), any colours consisting of the **Red Ensign defaced or modified** whose adoption for ships registered in that possession is authorised or confirmed by Order in Council.
- * Section 5 of the Merchant Shipping Act 1995 provides that, except in small ships, the Red Ensign or other proper national colours **must be hoisted**-
- **on a signal** being made to the ship by one of Her Majesty’s ships (including any ship under the command of a commissioned naval officer);
 - **on entering or leaving any foreign port**; and
 - in a ship of 50 gross tonnage or more, **on entering or leaving any British port**.

D01g.2 Duty to declare national character of ship

- * Section 6 of the Merchant Shipping Act 1995 provides that a customs officer must **not grant a clearance or transire** for any ship until the master has **declared** to him the name of the nation to which he claims the ship belongs (i.e. the flag State). The customs officer must enter that country’s name on the clearance or transire (see I07h).

D01g.3 Offences relating to British character of ship

- * **Section 3(1) of the Merchant Shipping Act 1995** provides that if the master or owner of a ship which **is not a British ship** does anything, or permits anything to be done, for the purpose of **causing the ship to appear to be a British ship**, then the ship will be liable to **forfeiture** and the master, owner and any charterer will each be guilty of an offence. Exceptions to this are where -
- the assumption of British nationality has been made to **escape capture** by an enemy or by a foreign warship in the exercise of some belligerent right; or
 - the British registration of the ship has terminated, but **marks** required under British registration regulations are displayed within a **14-day** period from the date of termination.
- * If the master or owner of a British ship does anything, or permits anything to be done, for the purpose of **concealing the nationality** of the ship, the ship will be liable to **forfeiture** and the master, owner and any charterer will each be guilty of an offence.

Offence (with offenders shown in bold)	Legislation contravened	Penalties provision and penalties on summary conviction (SC) & conviction on indictment (COI)
The master or owner of a ship which is not a British ship does anything, or permits anything to be done, for the purpose of causing the ship to appear to be a British ship.	Section 3(1), Merchant Shipping Act 1995	Section 3(6). SC: A fine not exceeding £50,000. COI: Max. 2 years imprisonment or a fine or both. Ship liable to forfeiture under section 3(1).
The master or owner of a British ship does anything, or permits anything to be done, for the purpose of concealing the nationality of the ship. (The master, owner and any charterer)	Section 3(4), Merchant Shipping Act 1995	Section 3(6). SC: A fine not exceeding £50,000. COI: Max. 2 years imprisonment or a fine or both. Ship liable to forfeiture under section 3(4).
Any distinctive national colours except the red ensign, the Union flag (commonly known as the Union Jack) with a white border, any colours authorised or confirmed under section 2(3)(b), or any colours usually worn by Her Majesty’s ships or resembling those of Her Majesty, or the pendant usually carried by Her Majesty’s ships or any pendant resembling that pendant, are hoisted on board any British ship without warrant from Her Majesty or from the Secretary of State. (The master, the owner [if on board], and every other person hoisting them)	Section 4(1), Merchant Shipping Act 1995	Section 4(2). SC: A fine not exceeding the statutory maximum. COI: A fine. Commissioned naval or military officer, officer of customs and excise, or British consular officer may board ship and seize and take away the colours under section 4(3). Colours seized will be forfeited to Her Majesty under section 4(4).

D01h IMO SHIP IDENTIFICATION NUMBER

- * **SOLAS regulation XI-1/3** (Ship identification number)¹⁰ applies to all passenger ships of 100gt and upwards and all cargo ships of 300gt and upwards. Every ship must be provided with an identification number which conforms to the IMO Ship Identification Number Scheme adopted by IMO (regulation 3.1). The ship’s identification number (the “IMO Number”) must be inserted on the certificates and certified copies thereof issued under regulation I/12 or

¹⁰ Regulation XI/3 is one of four regulations in **SOLAS Chapter XI-1 (Special measures to enhance maritime safety)**, the others being regulation 1 (Authorization of recognized organizations), regulation 2 (Enhanced surveys) (see D04f.1a) and regulation 4 (Port State control on operational requirements) (see I02c.3l).

regulation I/13 (i.e. the SOLAS “safety certificates”) (regulation 3.2). For ships built before 1 January 1996, regulation XI/3 takes effect when a certificate is renewed on or after 1 January 1996 (regulation 3.4).

- * Regulation XI-1/3 was modified in December 2002 to require ships’ identification numbers to be permanently marked in a visible place either on the ship’s hull or superstructure. Passenger ships must carry the marking on a horizontal surface visible from the air. Ships must also be marked with their identification number internally.
- * **The IMO Ship Identification Number Scheme -**
 - was introduced as a **voluntary scheme**, recommended in IMO Resolution A.600(15) and intended to enhance maritime **safety** and marine **pollution prevention** and to facilitate the prevention of maritime **fraud**.
 - may be applied for **new or existing ships**, under their flag, engaged on international voyages. Administrations can also assign the “IMO numbers” to ships engaged solely on domestic voyages, and insert the number in national certificates (e.g. a Passenger Certificate).
 - **does not apply to** fishing vessels, non-mechanically propelled ships, pleasure yachts, ships engaged on special service (e.g. lightships, floating radio stations, search and rescue vessels), hopper barges, hydrofoils, hovercraft, floating docks and similar structures, warships, troopships, or wooden ships.
- * A ship’s **IMO Number** is a 7-digit number, e.g. 8712345, derived from the reference number allocated to the ship when it is first entered in Lloyd’s Register’s *Register of Ships*. It should not be confused with the ship’s **official number**, which is allocated by the flag State register during the registration process.
- * The IMO Number is applied to the ship by the flag State Administration under the **IMO Ship Identification Number Scheme**. It is a **permanent identification number** which will remain unchanged upon transfer of flag (whereas the official number assigned by the flag State Administration would cease to be valid upon transfer to another flag State’s register).
- * The **IMO Number** is assigned by the flag State, for a new ship, **when the ship is registered**, and for an existing ship at **some convenient date** such as during a renewal survey or when new statutory certificates are issued. It should be inserted **on the Certificate of Registry and on all certificates issued under IMO Conventions**. IMO recommend that it is also inserted on **other certificates** such as Suez and Panama Canal Tonnage Certificates. It should preferably be included, according to Resolution A.600(15), in the box headed “Distinctive number or letters” in addition to the call sign.

D01i MMSI AND SELCALL NUMBER

- * All digital selective calling (DSC) equipment in the Global Maritime Distress and Safety System (GMDSS) is programmed with a unique nine-digit identification number known as a **Maritime Mobile Service Identity (MMSI)**. The MMSI is sent automatically with each and every DSC transmission made.
- * The first three digits of an MMSI are known as the “Maritime Identification Digits” (**MID**). The MID represents the vessel’s country of registration or the country in which the DSC shore station is located. MIDs are allocated on an international basis by the ITU, in much the same way as a callsign prefix.
- * **MIDs allocated to different nations** can be viewed at www.itu.int/cgi-bin/htsh/mars/cga_mids.sh
- * **MIDs allocated to UK stations** are: 232, 233, 234 and 235.
- * **MMSIs allocated to merchant vessels** are normally allocated with three “trailing zeros”, while those allocated to recreational craft have two or one trailing zero, and Coast Station MMSI’s have two leading zero’s. For example, a typical Australian merchant vessel MMSI might be 503001000, where 503 is the Australian MID and 01000 is the individual ship number. A Coast Station MMSI might be 005030001, where 503 is the Australian MID and 0001 is the individual Coast Station number.
- * The International Telecommunication Union (ITU) operates an international web-based data base of MMSIs, known as the **Maritime Mobile Access and Retrieval System (MARS)**. The **MARS website** is at: www.itu.int/cgi-bin/htsh/mars/ship_search.sh
- * The ship’s **MMSI** is one of the particulars which, in relation to each EPIRB carried, must be registered under the MS (EPIRB Registration) Regulations 2000 (SI 2000/1850) (see D04b.5). Regulation 2 of the Regulations defines “MMSI” as meaning “Maritime Mobile Service Identity, being a nine-digit identification number made up of the three-digit MID followed by a six-digit identification number”.
- * A **Selective Calling Number**, commonly known as a “**Selcall Number**”, is a code which, when programmed into a radio receiver, will ensure that the receiver will respond only to calls addressed to it. If a Selcall number is required, it is requested when applying to the Radiocommunications Agency for a Ship Fixed Radio Licence. Selcall numbers allotted will be added to the licence document in addition to the List of Ship Stations published by the ITU.
- * For notes on the **Ship Fixed Radio Licence**, see D04m.3a.

D01j CONTINUOUS SYNOPSIS RECORD

- * SOLAS regulation XI-1/5 provides that, with effect from 1 July 2004, ships must be issued with a **Continuous Synopsis Record** (CSR) which is intended to provide an on-board record of the history of the ship.
- * The CSR will be issued by the **flag State administration** and will contain information such as the name of the ship and of the State whose flag the ship is entitled to fly (the flag State), the date on which the ship was registered with that State, the ship's identification number (i.e. its IMO number), the port at which the ship is registered and the name of the registered owner(s) and their registered address.
- * **Any changes** must be recorded in the CSR so as to provide updated and current information together with the history of the changes.

D02 Ship construction standards and ship classification

D02a CONSTRUCTION STANDARDS APPLICABLE TO UK SHIPS

D02a.1 IMO ship construction standards

- * **Standards for the construction and equipment of passenger ships (of any tonnage) and cargo ships over 500gt on international voyages** are set out in **SOLAS chapter II-1** (Construction – Structure, subdivision and stability, machinery and electrical installations) and **chapter II-2** (Construction – Fire protection, fire detection and fire extinction).
- * **SOLAS chapter II-1** is given effect in the UK -
 - in respect of **passenger ships** by the **MS (Passenger Ship Construction: Ships of Classes I, II and II(A)) Regulations 1998** (SI 1998/2514); and
 - in respect of **cargo ships** by the **MS (Cargo Ship Construction) Regulations 1997** (SI 1997/2367), as amended by the **MS (Cargo Ship Construction) (Amendment) Regulations 1999** (SI 1999/643).
- * **SOLAS chapter II-2** is given effect in the UK by the **MS (Fire Protection: Large Ships) Regulations 1998** (SI 1998/1012) (see D04l.1).
- * **Regulation 3-1 of chapter II-1** provides that in addition to the requirements contained elsewhere in the SOLAS regulations, ships must be **designed, constructed and maintained in compliance with the structural, mechanical and electrical requirements of a classification society** which is recognised by the flag State Administration in accordance with the provisions of regulation XI/1, **or with applicable national standards** of the Administration which provide an equivalent level of safety¹¹.
- * **Standards for the construction and equipment of chemical tankers** are set out in the International Bulk Chemical Code (IBC Code), which is made mandatory by SOLAS regulation VII/10.1 for chemical tankers built on or after 1 July 1986, including those of less than 500gt. The provisions of the IBC Code are implemented in the UK by the **MS (Dangerous or Noxious Liquid Substances Carried in Bulk) Regulations 1994** (SI 1994/2464), as amended by SI 1998/1153 (see D03e.2a).
- * **Standards for the construction and equipment of gas carriers** are set out in the International Gas Carrier Code (IGC Code), which is made mandatory by SOLAS regulation VII/13.1 for gas carriers built on or after 1 July 1986, including those of less than 500gt. The provisions of the IGC Code are implemented in the UK by the **MS (Gas Carriers) Regulations 1994** (SI 1994/2464) (see D03d.2a).
- * **Standards for the construction and equipment of ships carrying irradiated nuclear fuel (INF) cargo** are set out in the International Code for the Safe Carriage of Packaged Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes on Board Ships (INF Code), which is made mandatory by SOLAS regulation VII/15.1 ships carrying INF cargo, including those of less than 500gt. The provisions of the INF Code are implemented in the UK by the **MS (Carriage of Packaged Irradiated Nuclear Fuel etc.) (INF Code) Regulations 2000** (SI 2000/3216) (see F07h).
- * **Standards for the construction and equipment of high-speed craft** are set out the International Code of Safety for High-Speed Craft. The provisions of the HSC Code are implemented in the UK by the **MS (High Speed Craft) Regulations 1996** (SI 1996/3188) (see D03i.2).

¹¹ The vast majority of UK merchant ships are built in accordance with the rules and regulations of a classification society, but some UK ships are unclassified.

D02a.2 EC Directive 94/57/EC

- * **European Council Directive 94/57/EC** (see D04d.1) imposes, in Article 14.1, an obligation on every EU Member State to ensure that vessels flying its flag are **constructed and maintained** in accordance with the requirements for hull, machinery and electrical and control installations laid down by a **recognised organisation**.
- * The Directive is given effect in the UK by a range of measures including regulations, as listed in D04d.1.

D02b SHIP CLASSIFICATION

- * **“Ship classification”** entails inspection of a ship and its components at all stages of construction from design to sea trials, and regular inspection throughout its life to ensure that it is maintained to the required standards of the classification society. It is valuable to insurers, shipbrokers, bankers, shippers and other parties needing reliable information about a vessel’s condition.
- * **IACS** (see D02c.2) defines “ship classification” as follows: “Ship Classification, as a minimum, is to be regarded as the development and worldwide implementation of published Rules and/or Regulations which will provide for:
 1. the structural strength of (and where necessary the watertight integrity of) all essential parts of the hull and its appendages,
 2. the safety and reliability of the propulsion and steering systems, and those other features and auxiliary systems which have been built into the ship in order to establish and maintain basic conditions on board, - thereby enabling the ship to operate in its intended service.”
- * The **classification process for a new UK ship** typically includes the following steps:
 1. Selection by the shipowner, bareboat charterer or other entity responsible for operating the ship of a classification society authorised by the MCA to perform duties under the MS (Ship Inspection and Survey Organisation) Regulations 1996 (SI 1996/2908) (see D04d.2).
 2. Review by the society’s surveyors and engineers of design plans, to verify compliance with the society’s rules.
 3. Attendance on-site by the society’s surveyors during construction to review the building process and verify that the approved plans are followed, approved material and components are properly installed, good workmanship practices applied, and the society’s rules are adhered to. The vessel is said to be built “under survey”.
 4. Attendance by the society surveyors at manufacturing plants and fabricating shops to witness testing of materials and components in accordance with the society’s rules.
 5. Assignment of an appropriate class, and certification of the vessel to confirm that assignment. Records of the vessel’s class status are thereafter maintained by the society¹².
- * The **classification process continues** throughout the life of UK ship in the following ways:

During the vessel’s service life, the society’s surveyors will conduct periodical surveys to determine that class is being maintained in accordance with the society’s rules.

The society’s surveyors will attend during repairs and modifications to make recommendations as appropriate and to determine that the work conforms to the society’s rules.
- * The American Bureau of Shipping (ABS) describes the **classification process** as consisting of:
 - the **development of rules**, guides, standards and other criteria for the design and construction of marine vessels and structures, for materials, equipment and machinery;
 - the **review of design and survey during and after construction** to verify compliance with such rules, guides, standards or other criteria;
 - the **assignment and registration of class** when such compliance has been verified; and
 - the **issuance of a renewable Classification certificate**, with annual endorsements, valid for five years.

The Rules and standards are developed by Bureau staff and passed upon by committees made up of naval architects, marine engineers, shipbuilders, engine builders, steel makers and by other technical, operating and scientific personnel associated with the worldwide maritime industry. Theoretical research and development, established engineering disciplines, as well as satisfactory service experience are utilized in their development and promulgation. The Bureau and its committees can act only upon such theoretical and practical considerations in developing Rules and standards. For classification, vessels are to comply with both the hull and the machinery requirements of the Rules¹³.
- * **Classification is not mandatory** for any particular class or type of ship. There is, however, as outlined in D02a.1 and D02a.2, a statutory requirement for UK and other SOLAS Party State ships to be **designed, constructed and maintained in compliance with the structural, mechanical and electrical requirements of a classification society** which is recognised by the flag State Administration in accordance with the provisions of SOLAS regulation XI-1/1, **or with applicable national standards** of the Administration which provide an equivalent level of safety.

¹² To establish the **class status** of a ship classed with Lloyd’s Register, the **quarterly computer print-out** issued by LR and the Interim Certificates issued on completion of classification surveys should be consulted, in addition to the Certificate of Class.

¹³ ABS Rules for Building and Classing Steel Vessels 2001, Part 1: Conditions of Classification, Section 1, paragraph 1.

- * **Classification** is in many cases a **contractual requirement** of:
 - hull and machinery underwriters¹⁴;
 - cargo underwriters¹⁵; and
 - P&I clubs¹⁶,- breach of which may render the insurance cover void.
- * **Statutory safety certification** under international conventions is **conditional** on a ship’s hull structure and essential shipboard engineering systems being satisfactory in all respects. However, the **only recognised authoritative rules** for ensuring this are those of the major classification societies. Compliance with the rules of major classification societies is therefore the only practical basis for essential statutory certification (e.g. Cargo Ship Safety Construction Certificate and Passenger Ship Safety Certificates), and flag States consequently rely to a great extent on class survey information. (See also notes on the MS (Ship Inspection and Survey Organisations) Regulations in D04d.2.)
- * A vessel without a valid **Certificate of Class** or **Interim Certificate of Class** is not “in class” and is therefore not **seaworthy** in the eyes of courts. This may have the **knock-on effects** of:
 - breaching the **implied warranty of seaworthiness in the vessel’s hull and machinery policy**, rendering the policy void;
 - breaching any **express warranty in the hull and machinery policy** stating that, for example, the vessel will be “LR class and class maintained”;
 - breaching the **rules of the owner’s P&I club**, rendering the P&I policy void;
 - breaching any similar **warranty of seaworthiness in the cargo insurance policy**, rendering the policy void; and
 - making the **shipowner liable for any loss, damage or delay** to ship or cargo.

D02c CLASSIFICATION SOCIETIES

D02c.1 Nature and functions of classification societies

- * An “**international classification society**” may be defined as an independent, non-governmental, non-profit distributing organisation which develops and updates adequate published rules, regulations and standards for the safe design, construction and periodical maintenance of ships which are capable of trading internationally, and implements them on a worldwide basis using its own exclusive staff. Over 50 organisations in the world claim to be classification societies, but few of them fit the definition. (Many of these organisations fail to meet the criteria in the definition, e.g. by employing the services of non-exclusive surveyors.)
- * **Leading societies are involved in:**
 - setting **technical standards** for ships;
 - providing **inspection** and assistance to enable the shipping industry to meet these standards;
 - regularly publishing the **survey status of classed ships**, and other vital information, in register books; and
 - providing many **other services** to the industry, such as design advice, bunker fuel and lubricating oil analysis, and quality system accreditation.

D02c.2 International Association of Classification Societies (IACS)

- * **IACS** represents the major classification societies shown in the table below.

Society	Letters	Headquarters	Website
American Bureau of Shipping	ABS	Houston, TX, USA	www.eagle.org
Bureau Veritas	BV	Courbevoie, France	www.veristar.com
China Classification Society	CCS	Beijing, China	www.ccs.org.cn
Det Norske Veritas	DNV	Høvik, Norway	www.dnv.com
Germanischer Lloyd	GL	Hamburg, Germany	www.GermanLloyd.org

¹⁴ For notes on **Clause 13 – Classification and ISM** of the International Hull Clauses (01/11/02), see G04a.2i. In hull and machinery policies to which the Institute Time Clauses – Hulls (1/10/83) are attached a classification warranty is usually given by owners, e.g.: “Vessel classed LR and class maintained”. The warranty may specify a particular society approved by underwriters, but some warranties specify no particular society.

¹⁵ Cargo insurance policies often contain the London **Institute Classification Clause** which provides that the marine transit rates agreed for the insurance apply only to cargoes carried by steel ships classed by either Lloyd’s Register, LR, American Bureau of Shipping, Germanischer Lloyd, Nippon Kaiji Kyokai, Det Norske Veritas, Registro Italiano Navale, the Russian Register or the Polish Register.

¹⁶ **Rule 28.4 of Assuranceforeningen Skuld** (Skuld P&I Club) for example, provides that “it shall be a condition precedent of the insurance cover that the entered vessel remains fully classed with a classification society approved by the Association, and that the vessel’s classification society is not changed without the Association’s prior consent”.

Korean Register of Shipping	KR	Taejon, South Korea	www.krs.co.kr
Lloyd's Register of Shipping	LR	London, England	www.lr.org
Nippon Kaiji Kyokai	NK	Tokyo, Japan	www.classnk.or.jp
Registro Italiano Navale	RINA	Genova, Italy	www.rina.org
Russian Maritime Register of Shipping	RS	St Petersburg, Russian Federation	www.rs-head.spb.ru
Hrvatski Registar Brodova (Croatian Register of Shipping)*	CRS	Split, Croatia	www.crs.hr
Indian Register of Shipping*	IRS	Mumbai, India	www.irclass.org

* Associate Member

- * **Full Members** of IACS have, as a minimum, 30 years' experience as a classification society with their own Classification Rules, a classed fleet of not less than 1500 ocean-going vessels of over 100gt with an aggregate total of not less than 8 million gross tonnage, and a professional staff of at least 150 exclusive surveyors and 100 technical specialists, all of whom must be qualified and trained in accordance with IACS Procedures.
- * **Associate Members** of IACS have, as a minimum, 15 years' experience as a classification society with their own Classification Rules, a classed fleet of not less than 750 ocean-going vessels of over 100gt with an aggregate total of not less than 2 million gross tonnage, and a professional staff of at least 75 exclusive surveyors and 50 technical specialists, all of whom must be qualified and trained in accordance with IACS Procedures.
- * **Over 90% of the world's merchant tonnage** is covered by **IACS Members' unified standards for hull structure and essential engineering systems**, which are established, updated, applied and monitored on a continuous basis. To ensure uniform application of high standards, IACS member societies are strictly bound by ISO-based Quality Assurance standards.
- * IACS publishes **Unified Requirements**, which are adopted resolutions on matters directly connected to or covered by specific Rule requirements and practices of individual classification societies and the general philosophy on which the Rules and practices of classification societies are established. Subject to ratification by the governing body of each Member or Associate Member society, Unified Requirements must be incorporated in the Rules and practices of IACS member societies within one year of approval by the IACS Council. The existence of a Unified Requirement on a particular matter does not oblige a member society to issue respective Rules covering that matter. Unified Requirements are minimum requirements; each member society remains free to set more stringent requirements. (For notes on a Unified Requirement relating to anchoring equipment, see D04s.1.)
- **Website:** www.iacs.org.uk

D02c.2a Lloyd's Register of Shipping

- **is a member** of IACS (see D02c.2).
- **approves** the design, surveys and reports on: hovercraft, non-mercantile shipping, yachts and small craft; amphibious and land and sea and sea bed installations, structures, plant, etc; machinery, apparatus, materials, components, equipment, production methods and processes of all kinds; for the purposes of testing their compliance with plans, specifications, Rules, Codes of Practice, etc., or their fitness for particular requirements.
- **acts with delegated authority** on behalf of numerous governments in respect of statutory regulations.
- **provides other technical inspection and advisory services** relating to ships and the maritime industry generally and also in respect of land and sea-based undertakings.
- **will act**, when authorised on behalf of Governments, in respect of national and international statutory safety and other requirements for passenger and cargo ships.
- **employs** exclusive surveyors worldwide (whereas some societies use non-exclusive, part-time surveyors).
- * **Website:** www.lr.org

D02c.3 Non-IACS societies

- * More than 50 organisations claim to class ships but most are not IACS members and can not realistically be called classification societies. Many of them are not international in character, being little more than national ship registers which hope to attract shipping (including sub-standard shipping) from other flags. There is no uniformity of rules, or of application of rules, as there is with the IACS member societies.

D02c.4 Class rules and regulations

- * Each of the leading classification societies, including all Members and Associate Members of the IACS, publish **rules and regulations for the construction and maintenance of ships** classed by the particular society. Lloyd's Register of Shipping, for example, publishes its *Rules and Regulations for the Classification of Ships* in a 7-volume set comprising the following sections:
 - **Section 1: Regulations;**
 - **Section 2: Rules for the manufacture, testing and certification of materials;**
 - **Section 3: Ship structures** (general) - the basic structural philosophy of hull construction, longitudinal strength, aft end structures, etc.;
 - **Section 4: Ship structures** (ship type) - hull construction requirements for specific ship types, e.g. tugs, ferries, bulk carriers, oil tankers and container ships;
 - **Section 5: Main and auxiliary machinery** - including shaft vibration and alignment, piping systems for oil and chemical tankers, and steering gear;
 - **Section 6: Control, electrical, refrigeration and fire** - automation and control systems, electrical systems, refrigeration systems and fire prevention systems;
 - **Section 7: Other ship types and systems** - highly specialised ships to which the format of the rest of the Rules for Ships cannot easily be applied – e.g. ships with installed process plant, fire-fighting ships, dynamic positioning installed in ships, oil-recovery ships, burning of coal in ships' boilers, positional mooring systems and thruster-assisted positional mooring systems.
- * **A classed ship will continue to be "in class"** so long as it is found, in **surveys**, to be maintained in accordance with the society's rules and regulations. Classification is conditional on compliance with the society's requirements for both **hull and machinery**.
- * The society may also want to be satisfied that **very small ships** or **ships of a special type** are suitable for the geographical or other limits or conditions of the service contemplated.

D02d CLASS SURVEYS AND DOCUMENTATION

The following notes are based on Lloyd's Register of Shipping's Rules and Regulations for the Classification of Ships (which are broadly similar to the rules of other IACS member societies) and relate chiefly to those aspects of class and class maintenance of importance to the master.

D02d.1 Periodical surveys of existing ships

- * Maintenance of class depends on the programme of **periodical hull and machinery surveys** being carried out within stipulated periods. Survey programmes consist chiefly of **special, annual and intermediate surveys**.
- * **Special surveys** of the hull are carried out at 5 yearly intervals in order to establish the condition of the hull structure to confirm that the structural integrity is satisfactory in accordance with the classification requirements, and will remain fit for its intended purpose until the next special survey, subject to proper maintenance and operation. Special surveys are also intended to detect possible damages and to establish the extent of any deterioration. Special surveys of machinery are carried out at the same intervals and have corresponding aims. Following satisfactory completion of special surveys (as reported by LR surveyors), a new Certificate of Class is issued by the society.
- * **Annual surveys** must be carried out within 3 months before or after each anniversary date of the completion commissioning or special survey in order to confirm that the general condition of the vessel is maintained at a satisfactory level. Following satisfactory completion of an annual survey, the Certificate of Class is endorsed by the LR surveyor.
- * **Intermediate surveys** are carried out on all ships instead of either the second or third Annual Survey. Following satisfactory completion of an intermediate survey, the Certificate of Class is endorsed by the LR surveyor.
- * **Docking surveys** are carried out by arrangement with the owner. Ships under 15 years old must be examined in drydock twice in any 5 year period; not more than 3 years may elapse between dockings. Ships 15 or more years old must be examined in drydock at 2-yearly intervals with extension to 2.5 years when a suitable high-resistance paint is applied to the underwater portion of the hull.
- * **Continuous surveys** of the hull are permitted on all ships other than bulk carriers, combination carriers and oil tankers, which are now subject to enhanced surveys. All hull compartments are to be opened up for survey and testing in rotation with a 5-year interval between examinations of each part.
- * **Complete surveys of machinery (CSM)** are carried out every 5 years, with parallel arrangements as for the hull.
- * **Chief engineer's examinations of machinery** may be made where the society agrees to some items of the machinery being examined by the ship's chief engineer at ports where the society is not represented, or, where

practicable, at sea. A limited confirmatory survey is carried out at the next port where a society surveyor is available. Where an approved planned maintenance system operates, confirmatory surveys may be held at annual intervals.

- * **In-water Surveys** may be accepted in lieu of any one of the two Docking Surveys required every 5 years on ships less than 15 years old and are to provide the information normally obtained from Docking Surveys, so far as practicable. The beam must be greater than 30m (or as agreed), and a suitable high-resistance paint must have been applied to the underwater portion of the hull. (For notes on **statutory provisions relating to in-water surveys**, see D04e.8a.)
- * **Inert gas systems** must be surveyed annually. In addition, on ships to which an IGS notation has been assigned, a special survey of the IG plant must be carried out every 5 years.
 - Following satisfactory completion of any periodical survey, the LR surveyor will issue an **Interim Certificate of Class** to the ship and send his survey report to the Committee of LR with his recommendation that class be maintained with new records as shown on the Interim Certificate.

D02d.1a Survey Programme

- Lloyd's Register requires a **Survey Programme** to be prepared by Owners at least 6 months in advance of each survey and submitted to LR for agreement. The Survey Programme is to include the proposals for survey including the means of providing access for **Close-up Survey, thickness measurement and tank testing**. Detailed requirements for means of access, illumination, etc. are provided in the Rules and Regulations.

D02d.1b Enhanced Survey Programme

- * In response to concern over the extraordinarily high rate of **loss of bulk carriers** in the 1980s and 1990s, IACS and IMO introduced more stringent survey requirements for these ships, including a programme of **enhanced surveys**.
- * The **Enhanced Survey Programme (ESP) for bulk carriers** was introduced in 1993 as a voluntary measure through IMO resolution A.744(18) and as a mandatory requirement (for bulk carriers classed by IACS member societies) through IACS Unified Requirement Z10.2.
- * **Enhanced surveys became mandatory** under international law for bulk carriers under **SOLAS Chapter XII** (Additional safety measures for bulk carriers), which entered into force on 1 July 1999, and for bulk carriers and tankers under **SOLAS Chapter XI-1** (Special measures to enhance maritime safety). For notes on these SOLAS provisions, see D04f.1a.

D02d.2 Damage surveys

- * Any **damage, defect or breakdown** which could invalidate the conditions for which a class has been assigned must be **reported** to the society without delay. A **damage survey** may be required. **Damage surveys** are occasional surveys falling outside the periodical survey programme, requested following hull or machinery damage or following discovery of a defect.
- * Any **repairs** to hull, equipment and machinery required in order to retain class must be carried out to the satisfaction of the society's surveyors.
- * When repairs are made at a place where the services of a LR surveyor are not available, they must be surveyed by a LR surveyor at the **earliest opportunity thereafter**.
- * If a ship classed with LR is damaged to such an extent as to necessitate **towage outside port limits**, the owner must **notify LR** at the first opportunity.
- * In some cases, depending on the type, location and extent of damage, **permanent repairs may be deferred** following survey to coincide with a planned periodical survey.
- * Following satisfactory completion of any recommended repairs, the LR surveyor will issue an **Interim Certificate of Class** to the ship and send his survey report to the Committee of LR with his recommendation that class be maintained.

D02d.3 Certificates of Class

- * A **Certificate of Class** is a document issued by a classification society certifying the structural and mechanical fitness of a ship for a particular use or service in accordance with the rules and regulations laid down and made public by that society.
- * A valid Certificate of Class may be a requirement of:
 - a Hull and Machinery insurer, for a ship being insured;

- a P&I club, for an entered ship;
 - a cargo insurer, for the carrying ship;
 - the flag State Administration, for ship registration purposes;
 - a port authority or customs administration, for port clearance purposes.
- * **Certificates of Class** in respect of **Hull and Machinery** (separately), or **combined certificates**, are issued to builders or owners when reports on completion of a **special survey** have been submitted by a surveyor and approved by the Committee of the society. Separate certificates may be issued in respect of **refrigerating machinery installations** in reefer ships.
- * **Certificates of Class Maintenance** in respect of **completed periodical surveys** of hull and machinery are issued to owners on application.
- * The ship’s “**character of classification symbols**” (e.g. “**100A1**”) and appended **service notation** (e.g. “*United Kingdom coastal service, and to Orkney and Shetland Islands; Ice Class 2*”) are recorded on its certificate of class. **Machinery and refrigerating machinery installations** have their own classification symbols, e.g. “**LMC**” and “**RMC**”.
- * The certifying statement on a Lloyd’s Register Certificate of Class reads as follows: “*This certificate is issued to the (ship’s name, LR number, date of build, port of registry, gross tonnage) to confirm that, having been surveyed by Lloyd’s Register Surveyors and reported by them to be in compliance with Lloyd’s Register’s Rules and Regulations for the Classification of Ships, it has been assigned the class (character of classification symbols and class notation for hull and machinery)*”. The certificate shows the date of assignment of the Special Survey, and the expiry date. The certificate is subject to the terms and conditions on its reverse.
- Where a Certificate of Class is required but the ship is not classed, or is below a certain tonnage (e.g. 500gt), a **Certificate of Seaworthiness** may be acceptable. Certificates of Seaworthiness are issued, chiefly to small ships and craft, by professional surveyors for a variety of purposes, and generally certify that the vessel has been found to be seaworthy for a specified purpose or voyage. Some of the many organisations that offer ship classification services may refer to their “class certificate” as a Certificate of Seaworthiness.

D02d.3a Interim Certificates of Class

- * **Class surveyors** of Lloyd’s Register of Shipping do not issue Certificates of Class, but endorse them on completion of annual and other surveys. On completion of all survey work at a particular port (including any statutory surveys carried out), and provided that in his opinion the ship is in a fit and efficient condition, a class surveyor will generally issue the master with an **Interim Certificate of Class**, which permits the vessel to proceed on her voyage. The surveyor will send his **survey report and recommendations** to the Committee of Lloyd’s Register, which in due course will amend the ship’s latest survey details in the class Register Book and may issue a **Certificate of Class**, which may be referred to as a **Certificate of Class Maintenance**.
- * Interim certificates of class contain the **surveyor’s recommendations for continuance of class**, but in all cases are subject to **confirmation** by the society’s Committee (see D02d.4).
- **The surveyor’s statement** on a Lloyd’s Register Interim Certificate of Class states: “*I have carried out the surveys detailed below. All recommendations made by me have been dealt with to my satisfaction. I am recommending to the Committee of Lloyd’s Register of Shipping that class be maintained with new records as follows.*”

D02d.3b Conditions of Class

- * Where a class surveyor considers that continuance of a ship in class should depend on certain requirements being fulfilled by the shipowner, e.g. the repair at the next dry-docking of certain specified damage, or the inspection or testing of certain specified equipment, or the witnessing of the first loading of a cargo on a new ship, he will list these on the Interim Certificate of Class as “**Conditions of Class Now Imposed**”.
- * When imposed conditions of class, as listed on an Interim Certificate of Class, have been met to the satisfaction of a class surveyor (e.g. at the next dry-docking or annual survey), these are listed on the next Interim Certificate of Class issued as “**Conditions of Class Deleted**”.
- * If conditions of class are not complied with, class is liable to be suspended or withdrawn by the society.
- * **An example of conditions of class imposed** is shown below.

CONDITIONS OF CLASS NOW IMPOSED	DUE
NO. 4 HOLD DB HOPPER SIDE PLATING FRMS 47 & 49 PORT SIDE TEMPORARILY REPAIRED 03/02. PERMANENT REPAIRS TO BE EFFECTED BY NEXT DRY DOCKING.	07/03
BOTTOM SHELL FRAMES 54, 55 AND 56 PORTSIDE WASTED AND THINNED AT CONNECTION WITH TANK TOP, TO BE PART CROPPED AND RENEWED.	11/02

D02d.3c Ice classes

- * Some of the leading classification societies designate a range of **ice classes** for assignment to ships with suitable strengthening and engine output for winter navigation in ice conditions. Where a classed ship meets the strength and power criteria laid down in the society's rules for a particular set of ice conditions, an appropriate ice class will be assigned and shown on the Certificate of Class.
- * **General Ice Classes** designated by Lloyd's Register are as follows:
 - **Ice Class AS.** With exception from the engine output requirements in Part 5, Chapter 9,1.3 of LR's Rules, the requirements for Ice Class AS are to be taken as the requirements for Ice Class 1AS. Ice Class AS is not designed for operation in the Northern part of the Baltic in the winter season.
 - **Ice Class A.** With exception from the engine output requirements in Part 5, Chapter 9,1.3 of LR's Rules, the requirements for Ice Class A are to be taken as the requirements for Ice Class 1A. Ice Class A is not designed for operation in the Northern part of the Baltic in the winter season.
- * **Baltic ice classes** designated by Lloyd's Register are as follows:
 - **Ice Class 1AS** - for ships intended to navigate in first-year ice conditions equivalent to unbroken level ice with a thickness of 1.0m.
 - **Ice Class 1A** - for ships intended to navigate in first-year ice conditions equivalent to unbroken level ice with a thickness of 0.8m.
 - **Ice Class 1B** - for ships intended to navigate in first-year ice conditions equivalent to unbroken level ice with a thickness of 0.6m.
 - **Ice Class 1C** - for ships intended to navigate in first-year ice conditions equivalent to unbroken level ice with a thickness of 0.4m.
 - **Ice Class 1D** - for ships intended to navigate in light first-year ice conditions in areas other than the Northern Baltic. The standard of strengthening is equivalent to that for Ice Class 1C but only the requirements for strengthening the forward region, the rudder and steering arrangements are applicable.
- * Certain ice classes assigned by the classification societies have equivalents in the **Finnish-Swedish Ice Class Designations**. A ship navigating in winter conditions in the Baltic Sea will only be eligible for icebreaker assistance from a Finnish or Swedish government icebreaker subject to assignment of an ice class equivalent to one of the Finnish-Swedish Ice Class Designations.

D02d.4 Class documentation to be carried on board

- * Lloyd's Register's *Rules and Regulations for the Classification of Ships* lay down documentation requirements for **bulk carriers** in Part 1, Section 6, **oil tankers** (including ore/oil ships and ore/bulk/oil ships) in Part 1, Section 7, and **chemical tankers** in Part 1, Section 8.
- * By way of example, in respect of **bulk carriers**, Part 1, Section 6, paragraph 6.2 requires the Owner to maintain documentation on board as follows:
 - a **survey file** (known as the "**Enhanced Survey Report File**") comprising reports of structural surveys, thickness measurement and executive hull summary in accordance with IMO Resolution A.744(18);
 - **supporting documentation** consisting of:
 - main structural plans of cargo holds and ballast tanks;
 - previous repair history;
 - cargo and ballast history;
 - reports on structural defects/deterioration in general;
 - reports on leakage in bulkheads and piping systems;
 - condition of coatings or corrosion prevention systems, if any;
 - extent of use of inert gas plant and tank cleaning procedures when forming part of approved corrosion control system;
 - information that may help to identify critical areas; and
 - Survey Programme** as required by 6.3.
- * The complete documentation listed above must be readily available for examination by the surveyor and should be used as a **basis for survey**. The documentation should be kept on board for the lifetime of the ship.
- * For notes on **Enhanced Survey Programme documentation** required to be carried under the IMO Guidelines, see D04f.1a.

D02d.5 Suspension or withdrawal of class

- * When the **society's regulations** as regards surveys on hull, equipment or machinery are **not complied with**, the ship is not entitled to retain class. Class will be **suspended** or **withdrawn**, and a **corresponding notation** will be assigned.
- * When it is found, from reported defects in the hull, equipment or machinery, that a ship is **not entitled to retain class** in the Register Book, and the owner **fails to repair such defects** in accordance with the society's requirements, class will be suspended or withdrawn.
- * When any society-classed ship **proceeds to sea with less freeboard than that approved by the society**, or when her **freeboard marks are placed higher** than the position assigned or approved by the society, class is liable to be withdrawn or suspended.
- * When it is found that a **specialised ship** is being operated in a manner contrary to that agreed at the time of classification, or is being operated in environmental conditions which are more onerous, or in areas other than those agreed by the society, class is liable to be automatically withdrawn or suspended.
- * Under regulation 5(2) of the **MS (Ship Inspection and Survey Organisations) Regulations 1996** (SI 1996/2908), an MCA- authorised classification society must not issue certificates to a UK ship **de-classed** or **changing class for safety reasons** before consulting the MCA to determine whether a **full inspection** is necessary. Under regulation 6(3), the society, as a recognised organisation, is required to provide all relevant information to the MCA about changes of class or de-classing of vessels.
- * Lloyd's Register's website carries a regularly updated list of **class suspensions and withdrawals**, with reasons given including "overdue surveys", "non-compliance with recommendations and/or conditions of class", "transfer of class", "pending disposition of casualty" and other safety-related and non-safety related reasons.

D03 Ship operational requirements

D03a OPERATIONAL REQUIREMENTS APPLICABLE TO ALL UK SHIP TYPES

D03a.1 ISM Code Regulations

- * The **MS (International Safety Management (ISM) Code) Regulations 1998** (SI 1998/1561) -
 - **give effect in the UK to SOLAS chapter IX** (Management for the Safe Operation of Ships) and the **ISM Code** (see C04b), except in relation to ro-ro passenger ferries, in respect of which SOLAS Chapter IX and the ISM Code are given effect by the MS (ISM Code) (Ro-Ro Passenger Ferries) Regulations 1997 (see D03b.1a).
 - **apply to UK ships** wherever they may be, and to other ships while they are in UK waters (regulation 3(1)). **apply**, by virtue of regulation 3(2), to:
 - **passenger ships** of Classes I, II and II(A), from 1 July 1998;
 - **oil tankers, chemical tankers, gas carriers, bulk carriers, and cargo high-speed craft**, of 500gt or more and which engage in international voyages, from 1 July 1998; and
 - **other cargo ships¹⁷ and mobile offshore drilling units (MODUs)** of 500gt or more which engage in international voyages, from **1 July 2002**.
 - **apply to every company operating a ship** to which the Regulations apply (as above) regulation 3(3)).
 - **do not apply** to those companies and ships to which **Council Regulation (EC) No. 3051/95** on the safety management of roll-on/roll-off passenger ferries applies (see D03b.1a) (regulation 3(4)).
 - **provide that every company** must comply with the requirements of the ISM Code as it applies to that company and to any ship owned by it or for which it has responsibility (regulation 4).
 - **provide that the master of every ship** must operate his ship in accordance with the **safety management system** on the basis of which the Safety Management Certificate was issued.
 - **impose obligations on a Company**, including a requirement for the appointment of a **Designated Person**, for **audits** and for the holding of a **Document of Compliance**, as outlined in C04b.3.
 - **impose obligations on each ship operated by the Company**, including a requirement for audits and the holding of a Safety Management Certificate.
 - **are explained** in **MGN 40**.

¹⁷ "Cargo ship" in the Regulations means a cargo ship within the meaning of the MS (Cargo Ship Construction) Regulations 1997 (SI 1997/1509), i.e. any mechanically propelled ship which is not a passenger ship, troop ship, pleasure vessel or fishing vessel. Thus the term "cargo ships" includes ships such as survey ships, research ships and other ships which do not carry cargo.

* In the Regulations:

- **“audit”** means a systematic and independent examination to determine whether the safety management system is suitable to meet the objectives set out in Section 1 of the Code, and, so far as the system has been operated, that the system has been implemented effectively. Such audits must take into account the Guidelines on the Implementation of the ISM Code by Administrations, adopted by IMO pursuant to Assembly Resolution A. 788 (19);
- **“company”** means the owner of a ship to which the Regulations apply or any other organisation or person such as the manager, or the bareboat charterer, who has assumed the responsibility for the operation of the ship from the owner;
- **“Document of Compliance”** means the Document of Compliance referred to in SOLAS, Chapter IX, Regulation 4;
- **“Safety Management Certificate”** means the Safety Management Certificate referred to in SOLAS, Chapter IX, Regulation 4;
- **“safety management system”** means a structured and documented system enabling company personnel to effectively implement the company safety and environmental protection policy.

D03a.1a Duty to comply with ISM Code (regulation 4)

- * **Every company** must comply with the requirements of the ISM Code as it applies to that company and to any ship owned by it or for which it has responsibility.

D03a.1b Duty to hold certificates (regulation 5)

- * **No company may operate a ship** unless that company holds a valid **Document of Compliance (DOC)** (regulation 5(1)).
- * **No company** may operate a ship unless there is in force in respect of that ship a valid **Safety Management Certificate (SMC)** (regulation 5(2)).
- * **No UK ship may be operated** unless the company holds a **DOC** issued or accepted by the MCA, and there is in force in relation to the ship an SMC issued by the MCA (regulation 5(3)).
 - For the purposes of regulation 5 a DOC or SMC is not valid unless it has been **endorsed**, in the circumstances required by the ISM Code, showing, in the case of a **DOC satisfactory annual audits**, or in the case of an **SMC, a satisfactory intermediate audit**.

D03a.1c Duty to carry certificates (regulation 6)

- * **Every company** must ensure that a valid **SMC** and a copy of the **DOC** is carried on board each ship to which the Regulations apply.

D03a.1d Duty of master (regulation 7)

- * **The master** of every ship must **operate his ship in accordance with the Safety Management System** on the basis of which the SMC was issued.

D03a.1e Designated person (regulation 8)

- * **The company must** designate a person who will be responsible for monitoring the safe and efficient operation of each ship with particular regard to the safety and pollution prevention aspects (regulation 8(1)).
- * **The designated person must:**
 - take such steps as are necessary to ensure compliance with the company Safety Management System on the basis of which the DOC was issued (regulation 8(2)(a)); and
 - ensure that proper provision is made for each ship to be so manned, equipped and maintained that it is fit to operate in accordance with the Safety Management System (SMS) and with statutory requirements (regulation 8(2)(b)).
- * **The company must** ensure that the designated person:
 - is provided with sufficient authority and resources (regulation 8(3)(a)); and
 - has appropriate knowledge and sufficient experience of the operation of ships at sea and in port to enable him to comply with the above requirements (regulation 8(3)(b)).

D03a.1f Issue of Document of Compliance and Safety Management Certificate (regulation 9)

- * If the MCA is satisfied that a company operating UK ships complies with the requirements of the ISM Code, the **MCA may** issue the company with a **Document of Compliance (DOC)** valid for not more than **5 years** (regulation 9(1)).
- * If the MCA is satisfied that a ship is operated by a company to which it has issued a DOC and that **the company and its shipboard management operate in accordance with the approved SMS**, the **MCA must** issue the ship with a **Safety Management Certificate (SMC)** valid for not more than **5 years** (regulation 9(2)).
- * Where a company operating ships registered in more than one country, but **at least one of which is registered in the UK**, complies with the requirements of the ISM Code, the MCA may accept a DOC issued by the government of **one of those countries** to which SOLAS applies, if prior to the issue of the DOC it has agreed to accept it (regulation 9(3)). Conditions for acceptance may include completion of a satisfactory audit of the company by an authorised person.
- * Where a **company newly registers a ship in the UK**, the MCA may accept a DOC issued by the government of one of those countries to which SOLAS applies in which ships operated by the company are registered. Conditions for acceptance may include completion of a satisfactory audit by an authorised person (regulation 9(4)).
- If the MCA is satisfied that a UK ship is operated by a company which has a DOC accepted by the MCA under regulation 9(3) or regulation 9(4) and that its shipboard management operates in accordance with a SMS which complies with the ISM Code, the **MCA must** issue in respect of that ship an **SMC** valid for not more than **5 years** (regulation 9(5)).

D03a.1g Interim DOC and SMC (regulation 10)

- * **Where a company is newly established**, or the company assumes for the first time the responsibility for operating a **ship type not covered by its DOC**, an **Interim Document of Compliance** may be issued to facilitate implementation of the ISM Code (regulation 10(1)(a)).
- * An **Interim DOC**, valid for no more than **12 months**, may be issued to a company following a demonstration that the company has a **safety management system (SMS)** that meets the objectives of section 1.2.3 of the ISM Code (regulation 10(1)(b)). **The company must** demonstrate **plans** to implement a **SMS meeting the full requirements of the ISM Code** within the period of validity of the Interim DOC.
- * Under regulation 10(2)(a) an **Interim Safety Management Certificate**, valid for no more than **6 months**, may be issued:
 - in respect of a **new ship on delivery**;
 - when a company takes on the responsibility for the **management of a ship which is new to the company**; or
 - when a ship is **transferred between flag States**.
- * The MCA may, if appropriate, **extend** the validity of an Interim SMC for a further **6 months**.
- * Regulation 10(2)(b) provides that **an Interim SMC may only be issued** when the MCA is satisfied that:
 - the DOC or Interim DOC is relevant to that ship type;
 - the SMS provided by the company for the ship includes all key elements of the ISM Code and has been assessed in the audit for issuance of the DOC or Interim DOC;
 - the **master and relevant senior officers are familiar with the SMS** and the planned arrangements for its implementation;
 - **instructions** which have been identified as essential to be provided prior to sailing have been given;
 - plans exist for a **company audit of the ship** within the next 3 months; and
 - the relevant **information on the SMS** is given in a **working language or languages** understood by the ship's personnel.

D03a.1h Issue and endorsement of SMC by another government (regulation 11)

- * The **MCA may request**, through a proper officer or otherwise, the government of **another SOLAS Convention country** to conduct an **audit of the SMS operated on a UK ship**, and if satisfied that the requirements of the ISM Code are complied with, to **issue the ship with an SMC** or authorise such issue or, where appropriate, **endorse the SMC** in accordance with the requirements of SOLAS after **intermediate audit**.

D03a.1i Issue of certificates on behalf of other governments (regulation 12)

- * The **MCA may**, at the request of the government of another SOLAS Convention country, **audit the SMS of companies and ships registered in that country and issue a DOC or SMC or endorse them** in accordance with the requirements of SOLAS after **annual or intermediate audits**.

D03a.1j Annual audit of DOC (regulation 13)

- * The **MCA must** carry out an **annual audit of the SMS of every company** issued by the MCA with a DOC, within 3 months of its anniversary date.

D03a.1k Intermediate audit of SMC (regulation 14)

- * The **MCA must** carry out an **intermediate audit of each ship** to ensure that the conditions for the continued validity of any SMC issued by the MCA are being met, **between the second and third anniversaries of the SMC** and at **such other times as thought fit**.

D03a.1l Renewal of certificates (regulation 15)

- * Before the renewal of any certificate, the MCA must carry out a **renewal audit** of the company or ship during the 6-month period preceding the expiry date of the DOC or SMC as the case may be, to ensure that compliance with the requirements of the ISM Code is maintained.

D03a.1m Powers of audit, inspection, suspension of service and detention (regulation 16)

- * **An audit of the SMS of any company** may be carried out by any **authorised person** (regulation 16(1)(a)). (An “authorised person” means a person authorised by the Secretary State to carry out inspections and audits for the purpose of the Regulations and including **any surveyor of ships** appointed under section 256 of the Merchant Shipping Act 1995.) An authorised person exercising functions under regulation 16 has the powers conferred on an **inspector** by section 259 of the Merchant Shipping Act 1995 (regulation 16(3)). (For notes on powers of inspectors, see B05b.4c.)
- * If an authorised person considers that a company, notwithstanding that it holds a DOC, is unable to operate ships without creating a risk of:
 - **serious danger to safety of life**; or
 - **serious damage to property**; or
 - **serious harm to the environment**,
 - or that the **company does not hold a DOC**,- he may **suspend the operation of ships by the company** until such time as the risk is removed or a DOC is held (regulation 16(1)(b)).
- * Where a service is to be suspended, **notice is to be served** on the company (regulation 16(1)(c)).
- * **Any authorised person may inspect any ship**, and any such inspection may include an **audit of its SMS** (regulation 16(2)(a)).
- * If an authorised person is satisfied that there is a failure to comply with the requirements of regulations 4 or 5, he may detain the ship (regulation 16(2)(b)). A Detention Notice must in this case be served.

D03a.1n Exemption (regulation 17)

- * The MCA may grant **exemptions** from any or all of the provisions of the Regulations for classes of cases or for individual cases on specified terms, and may alter or cancel any exemption granted.

D03a.1o Suspension or cancellation of DOC or SMC (regulations 18 & 19)

- * Regulation 18(1)(a) provides that the MCA may suspend or cancel any DOC or SMC issued by it or at its request under the Regulations where there is reason to believe that:
 - the certificate was issued on false or erroneous information; or
 - since any audit required by the Regulations, the management structure of either the company or the ship has changed substantively,- or where any audit of the company or a ship has revealed a failure to comply with regulation 4 (see D03a.1a).

- * Any DOC or SMC issued by the MCA which has expired or been suspended or cancelled may be required to be surrendered.
- * Regulation 18(3) provides that no person may:
 - intentionally alter a DOC or SMC;
 - in connection with any audit conducted under the Regulations, knowingly or recklessly furnish false information;
 - with intent to deceive, use, lend or allow to be used by another, a DOC or SMC;
 - fail to surrender a DOC or SMC required to be surrendered; or
 - in Scotland forge any DOC or SMC.

D03a.1p Defence (regulation 20)

- * It will be a defence for a person charged with an offence under the Regulations to show that he took all reasonable precautions and exercised due diligence to avoid the commission of the offence.

D03a.1q MGN 40

- * **MGN 40** informs ship operators and crews about the ISM Code and contains:
 - an introduction to the MS (International Safety Management (ISM) Code) Regulations 1998;
 - an introduction to the ISM Code (including, in Annex 1, the full text of IMO Resolution A.741(18) containing the text of the ISM Code itself);
 - a description of ships to which the Code applies and applicable dates;
 - notes on the Voluntary Certification Scheme;
 - in Annex 2, Guidance on Developing a Safety Management System;
 - in Annex 3, Guidance to Companies Operating Multi-Flagged Fleets and Supplementary Guidelines to Administrations;
 - other advice and useful references.

D03a.2 Prevention of Oil Pollution Regulations

- * The **MS (Prevention of Oil Pollution) Regulations 1996** (SI 1996/2154) -
 - **give effect** in the UK to **Annex I of MARPOL 73/78**.
 - **apply to:**
 - **all UK ships of any tonnage** (although certain regulations apply to ships of specified tonnages);
 - **non-UK ships** (of any tonnage) while they are within the UK or UK territorial waters; and
 - **Government ships** (of any tonnage) registered in the UK, and UK Government non-registered ships of any tonnage “held for the purposes of HM Government in the UK” (regulation 2(1));
 - **offshore installations**, when engaged in the exploration, exploitation and associated offshore processing of sea bed mineral resources (regulation 32). Both fixed and **mobile installations** must comply with the requirements applicable to ships of 400gt and above other than oil tankers, notwithstanding that they are not proceeding on a voyage, except that they must be equipped as far as practicable with oil filtering equipment and an oil discharge monitoring and control system (as required by regulation 14) and tanks for oil residue (regulation 25(1) and (2)) and must keep a record of all operations involving oil or oily mixture discharges, in an approved form.
 - **do not apply** to warships, naval auxiliaries or other ships owned or operated by a State and being used solely for governmental non-commercial service (regulation 2(2)).
 - **apply in part** to non-tankers which carry bulk oil (regulation 2(4)).
 - **provide for exemptions** to be granted at the discretion of the MCA (regulation 2(3) and 2(5)).
 - **provide for an equivalent fitting, material, appliance or apparatus** to be permitted by the MCA (regulation 3).
 - **are amended by the MS (Prevention of Oil Pollution) (Amendment) Regulations 1997** (SI 1997/1910), which increased to **£250,000** the maximum fine on summary conviction for the offence of making an illegal discharge of oil from a ship and to **£255,000** the maximum amount of security an owner or master accused of the offence has to give to secure release of the ship. The Amendment Regulations also correct minor errors in the principal Regulations.
 - **are further amended by the MS (Prevention of Oil Pollution) (Amendment) Regulations 2000** (SI 2000/483), which make the **North West European waters area** a special area for the purposes of MARPOL

Annex I, and introduce new requirements specifying the intact stability criteria of tankers of 5,000 tons dwt and above in respect of which building contracts were placed on or after 1 February 1999.

- * The Regulations are in **ten Parts** as follows.
- * **Part I – General** contains the following regulations: **1.** Citation, commencement, interpretation and revocation; **2.** Application and exemptions; **3.** Equivalents.
- * **Part II – Surveys, certificates and oil record book** contains the following regulations: **4.** Surveys before issue of a Certificate; **5.** Annual survey; **6.** Intermediate survey; **7.** Issue and duration of a Certificate; **8.** Responsibilities of owner and master; **9.** Procedure to be adopted when corrective action is necessary; **10.** Oil Record Book.
- * **Part III – Requirements for control of operational pollution - control of discharge of oil** contains the following regulations: **11.** General exceptions; **12.** Ships other than oil tankers and machinery space bilges of oil tankers; **13.** Oil tankers; **14.** Oil filtering equipment and oil discharge monitoring and control system; **15.** Retention of oil on board; **16.** Methods for the prevention of oil pollution from ships operating in special areas.
- * **Part IV – Requirements for the segregation of cargo** contains the following regulations: **17.** Interpretation of Part IV; **18.** General application; **19.** Protective location of segregated ballast spaces; **20.** Requirements for oil tankers with dedicated clean ballast tanks; **21.** Requirements for crude oil washing; **22.** Existing oil tankers engaged in specific trades; **23.** Existing oil tankers having special ballast arrangements; **24.** Segregation of oil and water ballast and carriage of oil in fore peak tanks; **25.** Tanks for oil residues (sludge); **26.** Pumping, piping and discharge arrangements of oil tankers.
- * **Part V – Requirements for minimising oil pollution from oil tankers due to side and bottom damage** contains the following regulations: **27.** Interpretation; **28.** Limitation of size and arrangement of cargo tanks; **29.** Subdivision and stability.
- * **Part VA¹⁸ – Intact stability of oil tankers of 5,000 tons deadweight and above** contains regulation 29A
- * **Part VI – Improved requirements for the design and construction of oil tankers against oil pollution in event of collision or stranding** contains the following regulations: **30.** New oil tankers (Building contracts after 5 July 1993); **31.** Existing oil tankers (Building contracts before 6 July 1993).
- * **Part VII – Offshore installations** contains the following regulation: **32.** Requirements for offshore installations.
- * **Part VIII – Prevention of pollution arising from an oil pollution accident** contains the following regulation: **33.** Shipboard oil pollution emergency plan.
- * **Part IX – Powers to inspect and deny entry, detention and penalties** contains the following regulations: **34.** Power to inspect; **35.** Power to deny entry or detain; **36.** Penalties; **37.** Enforcement and application of fines.
- * **Part X – Proceeding for pollution offences committed outside UK waters** contains the following regulations: **38.** Restriction on jurisdiction over offences outside UK limits; **39.** Suspensions of proceedings at flag State request; **40.** Supplementary.
- * Regulations in Part II relating to certificates, surveys and Oil Record Books apply to **tankers of 150gt and above and non-tankers of 400gt and above.**
- * Regulations in Part III relating to control of discharges of oil apply to **tankers and non-tankers of any tonnage,** unless stated otherwise in the regulations.
- * For notes on Part II requirements relating to **surveys and certificates** see D04g.
- * For notes on Part II requirements relating to **Oil Record Books** see D05b.2.
- * For notes on Part III requirements relating to the **control of oil discharges** see H03a.
- * For notes on Part VIII requirements relating to **Shipboard Oil Pollution Emergency Plans (SOPEPs)** see D04t.1a.

D03a.3 Load Line Regulations

- * The **MS (Load Line) Regulations 1998** (SI 1998/2241) -
 - **replace** section 89 and Schedule 3 of the Merchant Shipping Act 1995, which previously gave effect in the UK to the Load Lines Convention.
 - **revoke** and replace the MS (Load Line) Rules 1968.
 - **are amended by** the MS (Load Line) (Amendment) Regulations 2000 (SI 2000/1335), which incorporate the amendments made to the Load Line Convention by the Protocol of 1988 (i.e. the amendments introducing the Harmonised System of Survey and Certification).
 - as amended, **give effect** in the UK to the provisions of the International Convention on Load Lines, 1966, as modified by the Protocol of 1988.
 - **apply** to UK ships wherever they are and to **non-UK ships** while they are **in UK waters** other than those mentioned below.
 - **do not apply** to warships, ships solely engaged in fishing, pleasure vessels, or ships which do not go to sea.

¹⁸ Added by SI 2000/483.

- **do not apply to ships under 80 net tons** falling within one of the classes specified in the next paragraph engaged solely in the **coasting trade**, and, subject to regulation 4(3), not carrying cargo. (Under regulation 4(3), a ship listed in the next paragraph will be **excepted** from the provisions of the Regulations while carrying cargo in accordance with the terms, if any, of the ship's Passenger Certificate expressly authorising the carriage of cargo.)
- * The **classes of ships under 80nt in the coastal trade** to which the Regulations do not apply are:
 - tugs or salvage ships;
 - hopper barges or dredgers;
 - ships used by or on behalf of –
 - a general or local lighthouse authority for the purpose of the authority's functions as such;
 - a Government department for fishery protection purposes, or a local fisheries committee for the regulation of sea fisheries within its district;
 - a Government department for fishery or scientific research;
 - the Secretary of State for Defence (i.e. the MoD) for the purpose of ensuring safety in the use of firing ranges or weapons at sea (i.e. "range safety craft") ; and
 - ships in respect of which Passenger Certificates are in force specifying limits beyond which the ship must not ply, and which operate solely within those limits. (These small coastal passenger ships will be excepted from the provisions of the Regulations only while carrying cargo in accordance with the terms, if any, of the ship's Passenger Certificate expressly authorising the carriage of cargo.)
- * A number of the **detailed technical requirements and specifications** of the Regulations are contained in **MSN 1752**.
- * **Further information on load line legislation** can be found in *Instructions to Surveyors of Load Line Ships*, published by the Stationery Office.

D03a.3a General compliance with Load Line Regulations

- * A UK ship to which the Load Line Regulations apply must at all times be in compliance with **regulation 6(3)**, which provides that a ship **may not be so loaded that**:
 - **if the ship is in salt water and has no list**, the appropriate load line on each side of the ship is submerged; or
 - **in any other case** (e.g. where the ship is in dock water or fresh water), the appropriate load line on each side of the ship would be submerged if the ship were in salt water and had no list.
- * The requirements of regulation 6(3) **apply in port as well as at sea**, and **the fact that a vessel is not intending to proceed to sea is immaterial**. The only exception to this rule is in respect of a vessel that is to proceed down-river to sea, which may submerge her marks to allow for the consumption of fuel, water, etc. during the river passage.
- * Regulation 6(4) provides that a ship may **not proceed to sea** in contravention of regulation 6(3).
- * A UK ship to which the Load Line Regulations apply must at all times be in compliance with **regulation 6(3)**.
- * For notes on the provisions of the Regulations relating to **surveys and certification**, see D04i.
- * For notes on the **requirements of the Regulations to be complied with before proceeding to sea**, see I07b.

D03a.4 Minimum Standards of Safety Communications Regulations

- * The **MS (Minimum Standards of Safety Communications) Regulations 1997** (SI 1997/529) -
 - **implement** those provisions in **Council Directive 94/58/EC** on the minimum level of training for seafarers which require means of safe communication among the crew, between the crew and shore-based authorities, and between the crew and passengers on passenger ships in emergency situations.
 - **are amended** by the **MS (Minimum Standards of Safety Communications) (Amendment) Regulations 1999** (SI 1999/1704) to take account of changes made to Council Directive 94/58/EC by **Council Directive 98/35**. (The major amendment was a completely new regulation 5 – Duty to ensure safe communication.)
 - apply (under regulation 3) to:
 - **all UK ships** (of any type and any size); and
 - **non-UK passenger ships** which start or finish a voyage in the UK.
 - **do not apply** to warships, naval auxiliaries, other Crown-owned or Crown-operated ships on governmental non-commercial service, fishing vessels and pleasure vessels.
- * In the Regulations "**company**" includes an individual, and in relation to a ship means the owner of the ship or any other organisation or person such as the manager, or the bareboat charterer, who has assumed the responsibility for the 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 Regulations annexed to the STCW Convention (regulation 2(1) as amended).
- * Regulation 5(1) provides that **the company and master must ensure that on every ship**:

- there are at all times means in place for **effective oral communication related to safety** between all members of the ship's crew, particularly with regard to the correct and timely reception and understanding of messages and instructions (regulation 5(1)(a)); and
 - there are **adequate means of communication** between the **ship** and the **shore-based authorities** in the **English** language (regulation 5(1)(b)).
- * Regulation 5(2)(a) and 5(2)(b) apply only to **passenger ships** (see D03b.8).
- * Regulation 5(3) applies only to UK **oil tankers**, **chemical tankers** and **liquefied gas tankers** (including Government tankers) (see D03c.2c, D03d.2c and D03e.2c).

D03a.5 Navigation bridge visibility

- * The **MS (Safety of Navigation) Regulations 2002** (SI 2002/1473) (see H01f.2) –
 - **revoke** and replace the MS (Navigation Bridge Visibility) Regulations 1998 (SI 1998/1419) and the MS (Passenger Ships of Classes IV, V, VI & VI(A) Bridge Visibility) Regulations 1992 (SI 1992/2357).
 - **require compliance** by a ship to which the Regulations apply with **all paragraphs of SOLAS regulation V/22**.
- * **SOLAS regulation V/22.1** provides that ships of not less than 45m in length as defined in SOLAS regulation III/3.12, built on or after 1 July 1998, must meet the requirements of paragraphs 1.1 to 1.9 of regulation V/22, which set out the technical requirements relating to visibility aspects of bridge design.
- * **SOLAS regulation V/22.2** provides that ships built before 1 July 1998 must, where applicable, meet the requirements of paragraphs 1.1 and 1.2. However, structural alterations or additional equipment need not be required. The regulation is printed, with guidance notes, in the which is published on the MCA website in the "Campaigns and Publications" pages.
- * Regulation V/22, together with the MCA's guidance notes in its 2002 SOLAS V publication (see H01f.2a), supersedes M.760.

D03a.6 Ship security requirements of SOLAS and ISPS Code

- * SOLAS chapter XI-2 (Special Measures to Enhance Maritime Security) applies (from 1 July 2004), under regulation 2, to the following types of ships engaged on international voyages:
 - passenger ships, including high-speed passenger craft;
 - cargo ships, including high-speed craft, of 500 gross tonnage and upwards; and
 - mobile offshore drilling units.
- * SOLAS regulation XI-2/4.2 provides that **ships** (of the above types) must comply with the **relevant requirements of chapter XI-2** and of **Part A of the ISPS Code**, taking into account the **guidance** given in Part B of the ISPS Code. Ships' compliance will be verified and certified as provided for in Part A of the ISPS Code.
- * The relevant requirements of chapter XI-2 referred to above include requirements for:
 - a **ship security alert system** (regulation 6) (see D04t.10c); and
 - the ship to keep **records relating to security measures** (regulation 9.2.3) (see D05b.9).
- * The relevant requirements of **Part A of the ISPS Code** referred to above include requirements for:
 - the making of a **ship security assessment** (see C03c.8b);
 - ships to operate at a specified **security level** (see D03a.6a);
 - the drawing up of a **Ship Security Plan** (see D04t.10a);
 - the issue, following audit, of an **International Ship Security Certificate** or an **Interim International Ship Security Certificate** (see D04t.10b);
 - **records** to be kept onboard (see D05b.9);
 - the appointment and training of a **ship security officer (SSO)** (see E03d.10);
 - the holding of **ship security training and drills** (see E02d.9); and
 - the completion of a **Declaration of Security** (see I01k.2).

D03a.6a Security levels

- * ISPS Code, part A, section 4.1 provides that, subject to the provisions of SOLAS regulations XI-2/3 and XI-2/7, SOLAS Contracting Governments must set **security levels** and provide **guidance** for protection from security incidents. **Higher security levels** indicate greater likelihood of occurrence of a security incident.
- * The **setting of the security level** applicable at any time to a **ship at sea** is normally the responsibility of the ship's **flag State Administration**.

- * The **setting of the security level** applicable at any time to a **ship arriving at or staying at a port** is the responsibility of the **port State**.
- * A **Company** may choose to operate its ships at a specified security level even if international or national regulations do not explicitly require it to do so.
- * **Three security levels** are defined in ISPS Code, part A, section 2.1, as follows:
 - **Security level 1** means the level for which minimum appropriate protective security measures must be maintained at all times.
 - **Security level 2** means the level for which appropriate additional protective security measures must be maintained for a period of time as a result of heightened risk of a security incident.
 - **Security level 3** means the level for which further specific protective security measures must be maintained for a limited period of time when a security incident is probable or imminent, although it may not be possible to identify the specific target.
- * ISPS Code, part A, section 7.2 provides that **at security level 1**, the following **activities** must be carried out, through appropriate measures, on all ships, taking into account the guidance given in part B of the ISPS Code, in order to identify and take preventive measures against security incidents:
 - ensuring the performance of all ship security duties;
 - controlling access to the ship;
 - controlling the embarkation of persons and their effects;
 - monitoring restricted areas to ensure that only authorized persons have access;
 - monitoring of deck areas and areas surrounding the ship;
 - supervising the handling of cargo and ship’s stores; and
 - ensuring that security communication is readily available.
- * **At security level 2, additional protective measures**, as specified in the Ship Security Plan, must be implemented for each activity detailed in section 7.2, taking into account the guidance given in part B of the Code.
- * **At security level 3, further specific protective measures**, as specified in the Ship Security plan, must be implemented for each activity detailed in section 7.2, taking into account the guidance given in part B of the Code.
- * SOLAS Contracting Governments (i.e. flag States and port States), when they set **security level 3**, must issue, as necessary, **appropriate instructions** and must **provide security related information** to the ships and port facilities that may be affected (ISPS Code, part A, section 4.2).
- * ISPS Code, part A, section 7.1 provides that a **ship** is required to act upon the **security levels** set by SOLAS Contracting Governments (i.e. flag States and port States).
- * ISPS Code, part A, section 7.5 provides that whenever security level 2 or 3 is set by the Administration, the **ship must acknowledge receipt** of the instructions on change of the security level.
- * ISPS Code, part A, section 7.9.1 provides that when advising such ships of the applicable security level, a SOLAS **Contracting Government** must, taking into account the guidance given in ISPS Code, part B, also **advise those ships of any security measure** that they should take and, if appropriate, of **measures that have been taken** by the Contracting Government to provide protection against the threat.

D03a.7 Publications applicable to all ship types

- * Publications containing **standards of good operational practice** applicable to **all ship types** are shown in the following table.

Document title	Publisher
Bridge Procedures Guide	ICS
Bridge Watchkeeping - A Practical Guide	Nautical Institute
Code of Safe Working Practices for Merchant Seamen	The Stationery Office (tSO)
Code of Safe Working Practices for Merchant Seamen, The	The Stationery Office (tSO)
Drug Trafficking and Drug Abuse: Guidelines for Owners and Masters on Recognition and Detection	ICS
Guide to Helicopter/Ship Operations	ICS
Guidelines on the Application of the IMO International Safety Management (ISM) Code	ICS/ISF
IAMSAR Manual, Volume III	IMO/ICAO
International Shipboard Work Hour Regulations	ISF
Manual on Oil Pollution	IMO
Mariner's Role in Collecting Evidence, The	Nautical Institute
Nautical Institute on Command, The	Nautical Institute
Peril at Sea and Salvage - A Guide for Masters	ICS/OCIMF
Pirates and Armed Robbers: A Master's Guide	ISF
Port State Control: A Guide for Masters	ICS/ISF
Shipmaster's Business Companion, The	Nautical Institute
Shipping and the Environment: A Code of Practice	ICS
Ships Routing	IMO