
 STATUTORY INSTRUMENTS

1987 No. 306

MERCHANT SHIPPING

SAFETY

 The Merchant Shipping (Submersible Craft)
 (Amendment) Regulations 1987

<i>Made</i>	- - - -	<i>26th February 1987</i>
<i>Laid before Parliament</i>		<i>11th March 1987</i>
<i>Coming into force</i>	-	<i>1st April 1987</i>

The Secretary of State for Transport, in exercise of his powers under sections 16 and 17 of, and Schedule 5 to the Merchant Shipping Act 1974(a) and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

Citation, commencement and interpretation

1. These Regulations may be cited as the Merchant Shipping (Submersible Craft) (Amendment) Regulations 1987 and shall come into force on 1st April 1987.

2. The Merchant Shipping (Registration of Submersible Craft) Regulations 1976(b) shall be amended as follows:—

(a) (i) in regulation 1(2), for the definition of “submersible craft” there shall be substituted the following:—

“ “submersible craft” means any description of manned mobile submersible apparatus which is designed to maintain some or all of its occupants at or near atmospheric pressure including free, self-propelled, tethered, towed or bottom contact propelled apparatus and atmospheric diving suits. A diving bell is not a submersible craft for the purposes of these Regulations; and “diving bell” means any compression chamber which is capable of being manned and is used or designed for use under the surface of water in supporting human life being a chamber in which any occupant is or may be subjected to a pressure of more than 300 millibars above atmospheric pressure during normal operation;”;

(ii) there shall be added at the end the following definition:—

“ “United Kingdom ship” means such a ship as is defined in section 21(2) of the Merchant Shipping Act 1979(c);

(b) in regulation 2(1) for paragraph (b) the following shall be substituted:—

“(b) launched, recovered, operated or supported from or comprises a United Kingdom ship”;

(c) there shall be inserted after regulation 2(1) the following:—

“(1A) These Regulations do not apply to submersible craft which are not

(a) 1974 c.43. (b) S.I. 1976/940, to which there is an amendment not relevant to these Regulations.

(c) 1979 c.39. As to the meaning of “Citizen of the United Kingdom and Colonies” referred to in section 21(2), see now the British Nationality Act 1981 (c.61), section 51(3).

used in the course of or in connection with any trade or business or by any person for hire or reward.”.

3. The Merchant Shipping (Submersible Craft Construction and Survey) Regulations 1981(a) shall be amended as follows:—

(a) in regulation 1(2):—

(i) there shall be inserted (after the definition of “autonomous submersible craft”) the following definition:

“ “Certifying Authority” means the Secretary of State or any person authorised by the Secretary of State and includes (if so authorised) Lloyds Register of Shipping, the British Committee of Bureau Veritas, the British Committee of Det Norske Veritas, the British Committee of Germanischer Lloyd and the British Technical Committee of the American Bureau of Shipping;”;

(ii) for the definition of “crew”, there shall be substituted the following:—

“ “crew” means the person or persons within the submersible craft required to operate the craft and its equipment”;

(iii) for the definition of “submersible craft” there shall be substituted the following:—

“ “submersible craft” means any description of manned mobile submersible apparatus which is designed to maintain some or all of its occupants at or near atmospheric pressure including free, self-propelled, tethered, towed or bottom contact propelled apparatus and atmospheric diving suits. A diving bell is not a submersible craft for the purposes of these Regulations; and “diving bell” means any compression chamber which is capable of being manned and is used or designed for use under the surface of water in supporting human life being a chamber in which any occupant is or may be subjected to a pressure of more than 300 millibars above atmospheric pressure during normal operation;”;

(iv) for the definition of “surveyor” there shall be substituted the following:—

“ “surveyor” means a surveyor appointed by a Certifying Authority;”;

(v) there shall be added at the end the following definition:—

“ “United Kingdom ship” means such a ship as is defined in section 21(2) of the Merchant Shipping Act 1979;

(b) for regulation 2(1)(b) there shall be substituted:—

“(b) launched recovered or operated or supported from or comprises a United Kingdom ship.”;

(c) for regulation 2(2) there shall be substituted:—

“(2) These Regulations do not apply to submersible craft which are not used in the course of or in connection with any trade or business or by any person for hire or reward.”;

(d) in regulation 3(2), for “Secretary of State” (in both places) there shall be substituted “Certifying Authority”;

(e) in regulation 3(3), for the second sentence there shall be substituted:—

“The owner or his agent shall afford all necessary facilities for such survey and shall at the request of the Certifying Authority furnish such further documents or information as may be required”;

(f) in regulation 3(4), for “Secretary of State” there shall be substituted “Certifying Authority”;

(g) in regulation 4, for “Secretary of State” there shall be substituted “Certifying Authority”;

(h) in regulation 5(1) for “Secretary of State” where it first appears there shall be substituted “Certifying Authority”;

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- (i) in regulation 8, there shall be added as paragraph (3) the following:—
“(3) In any proceedings for an offence under these Regulations an averment in any process of the fact that anything was done or situated within waters to which these Regulations apply shall, until the contrary is proved, be sufficient evidence of that fact as stated in the averment.”;
- (j) there shall be inserted in Schedule 1 as a new sub-paragraph 5.2.9. and in Schedule 2 as a new sub-paragraph 5.2.6. the following sub-paragraph:—
“be equipped with such medical stores as the Secretary of State may direct.”.

Michael Spicer

Signed by authority of the Secretary of State Parliamentary Under Secretary of State,
26th February 1987 Department of Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Merchant Shipping (Registration of Submersible Craft) Regulations 1976 and the Merchant Shipping (Submersible Craft Construction and Survey) Regulations 1981, to bring certain definitions and other provisions into line with the Merchant Shipping (Submersible Craft Operations) Regulations 1987 (S.I. No. 311). In particular the definition of “submersible craft” now excludes diving bells (as defined); the application of the Regulations in connection with submersible craft used outside the United Kingdom or its territorial waters is revised; and there is an exclusion for submersible craft not used commercially.

The Regulations also introduce into the 1981 Regulations a requirement that submersible craft be equipped with medical stores, and can enable survey and certification to be performed by Classification Societies.