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STATUTORY INSTRUMENTS

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**1997 No. 1509**

**The Merchant Shipping (Cargo Ship  
Construction) Regulations 1997**

**PART I  
GENERAL**

**Citation, commencement and revocation**

1.—(1) These Regulations may be cited as the Merchant Shipping (Cargo Ship Construction) Regulations 1997 and shall come into force on 11th July 1997.

(2) The following Regulations are hereby revoked—

- The Merchant Shipping (Cargo Ship Construction and Survey) Regulations 1981(1);
- The Merchant Shipping (Cargo Ship Construction and Survey) Regulations 1984(2);
- The Merchant Shipping (Cargo Ship Construction and Survey) Regulations 1981 (Amendment) Regulations 1984(3);
- The Merchant Shipping (Application of Construction and Survey Regulations to Other Ships) Regulations 1985(4);
- The Merchant Shipping (Cargo Ship Construction and Survey) Regulations 1981 (Amendment) Regulations 1985(5);
- The Merchant Shipping (Cargo Ship Construction and Survey) Regulations 1984 (Amendment) Regulations 1986(6);
- The Merchant Shipping (Cargo Ship Construction and Survey) Regulations 1984 (Amendment) Regulations 1992(7).

**Interpretation**

2.—(1) In these Regulations—

“accommodation spaces” means passenger spaces, corridors, lavatories, cabins, offices, crew spaces, hairdressing salons, pantries not containing cooking appliances, lockers and similar spaces;

“auxiliary steering gear” means the equipment, other than any part of the main steering gear, necessary to steer the ship in the event of failure of the main steering gear but not including the tiller, quadrant or components serving the same purpose;

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- (1) S.I. 1981/572.
  - (2) S.I. 1984/1217.
  - (3) S.I. 1984/1219.
  - (4) S.I. 1985/661.
  - (5) S.I. 1985/663.
  - (6) S.I. 1986/1067.
  - (7) S.I. 1992/135.

“bulkhead deck” means the deck up to which the majority of transverse watertight bulkheads are carried;

“cargo area” means that part of a ship which contains cargo spaces, slop tanks and cargo pump rooms, cofferdams, ballast and void spaces adjacent to cargo tanks and also deck areas throughout the length and breadth of the part of the ship over such spaces;

“cargo control station” means a space from which the loading, discharging or transferring of any cargo may be controlled;

“cargo ship” means a mechanically propelled ship which is not a passenger ship, troop ship, pleasure vessel or fishing vessel;

“cargo pump room” means a room in which any pumps used for loading, discharging or transferring cargoes are located;

“cargo spaces” means all spaces used for cargo, including cargo tanks, and trunks to such spaces;

“Certifying Authority” means the Secretary of State or any person or organisation authorised by the Secretary of State;

“chemical tanker” means a tanker constructed or adapted and used for the carriage in bulk of any liquid product of a flammable nature listed in Chapter 17 of the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk;

“Code of Safety for Special Purpose Ships” means the Code annexed to IMO Resolution A.534(13);

“Code for the Safe Carriage of Irradiated Nuclear Fuel, Plutonium and High Level Radioactive Wastes on Board Ships” means the Code annexed to IMO Resolution A.748(18);

“control stations” means spaces in which radio or main navigating equipment, or the emergency source of power, or the central fire recording, or fire control equipment, or fire extinguishing installations are located or a control room located outside a propelling machinery space;

“dangerous goods” means goods defined as such in the Merchant Shipping (Dangerous Goods and Marine Pollutants) Regulations 1990(8);

“dead ship condition” means that condition under which the main propulsion plant, boilers and auxiliaries are not in operation due to the absence of power;

“deadweight” means the difference in tonnes between the displacement of a ship at the summer load waterline in water of a specific gravity of 1.025 and the lightweight of the ship;

“EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992(9) as adjusted by the Protocol signed at Brussels on 17th May 1993;

“EEA State” means a State which is a Contracting Party to the EEA Agreement;

“emergency condition” means a condition under which any services needed for normal operational and habitable conditions are not in working order due to failure of the main source of electrical power;

“emergency source of electrical power” means a source of electrical power intended to supply the emergency switchboard in the event of failure of the supply from the main source of electrical power;

“emergency switchboard” means a switchboard which in the event of failure of the main electrical power supply system is directly supplied by the emergency source of electrical power

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(8) 1990/2605, to which there are amendments not relevant to these Regulations.

(9) Cm. 2073.

or the transitional source of emergency power and is intended to distribute electrical energy to the emergency services;

“equivalent material” where the words are used in the expression “steel or other equivalent material” means any material which, by itself or due to insulation provided, has structural and integrity properties equivalent to steel at the end of an appropriate fire test;

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

“forward perpendicular” means the perpendicular defined as such in the Merchant Shipping (Load Line) Rules 1968(10);

“freeboard deck” means the deck defined as such in the Merchant Shipping (Load Line) Rules 1968;

“gas carrier” means a tanker constructed or adapted and used for the carriage in bulk of any liquefied gas or certain other substances of a flammable nature listed in Chapter 19 of the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (1993 Edition);

“Guidelines for the Design and Construction of Offshore Supply Vessels” means the guidelines annexed to IMO Resolution A.469(XII);

“hazardous area” means an area in which explosive gas-air mixtures are, or may be expected to be, present in quantities such as to require special precautions for the construction and use of electrical apparatus or other apparatus which otherwise would constitute a source of ignition;

“high speed craft” is a craft capable of maximum speed in metres per second (m/s) equal to or exceeding—

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

where

$\blacktriangle$  = displacement corresponding to the design waterline (m<sup>3</sup>);

“IMO” means the International Maritime Organization;

“length” means the length of the ship ascertained in accordance with the requirements of the Merchant Shipping (Load Lines) (Length of Ship) Regulations 1968(11);

“lightweight” means the displacement of a ship in tonnes without cargo, fuel, lubricating oil, ballast water, feed water and fresh water in tanks, consumable stores, passengers and crew and their effects;

“machinery alarm and control centre” means the position from which the propelling and auxiliary machinery can be controlled and where the alarms other than those located in accommodation spaces and at the navigating bridge, necessary for the safe operation of such machinery are located;

“machinery control room” means a room from which the propelling machinery and boilers serving the needs of propulsion may be controlled;

“machinery space” means any space which contains propelling machinery, boilers, oil fuel units, steam and internal combustion engines, generators and major electrical machinery, oil filling stations, refrigerating, stabilising, ventilation and air conditioning machinery, and similar spaces; and, where the context so admits, any trunk to such a space;

“machinery spaces of Category A” means a machinery space which contains—

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(10) S.I. 1968/1053, relevant amendment is S.I. 1990/2118.

(11) S.I. 1968/1072.

(a) internal combustion type machinery used either for main propulsion purposes, or for other purposes where such machinery has in the aggregate a total power output of not less than 375 kilowatts; or

(b) any oil fired boiler or oil fuel unit;

and any trunk to such a space;

“main generating station” means the space in which the main source of electrical power is situated;

“main source of electrical power” means a source intended to supply electrical power to the main switchboard for distribution to all services necessary for maintaining a ship in normal operational and habitable condition;

“main steering gear” means the machinery, rudder actuators, steering gear power units, if any, and auxiliary equipment and the means of applying torque to the rudder stock, such as the tiller or quadrant, necessary for effecting movement of the rudder for the purpose of steering the ship under normal service conditions;

“main switchboard” means the switchboard which is directly supplied by the main source of electrical power and is intended to distribute electrical energy to the ship’s services;

“Marine Safety Agency” means the Marine Safety Agency, an Executive Agency of the Department of Transport;

“MARPOL” means the International Convention for the Prevention of Pollution from Ships 1973, including its protocols, Annex I (but no other Annex) and appendices thereto, as amended<sup>(12)</sup>;

“maximum ahead service speed” means the greatest speed which the ship is designed to maintain at sea at her deepest seagoing draught;

“maximum astern speed” means the greatest speed which it is estimated the ship can attain at the designed maximum astern power at the deepest seagoing draught;

“Merchant Shipping Notice” means a Notice described as such, issued by the Department of Transport;

“navigable speed” means the minimum speed at which the ship can be effectively steered in the ahead direction;

“noise level” means “A” weighted sound pressure level in decibels dB(A) as defined and tabulated in the British Standards specification number BS EN 60651; 1994 Specifications for Sound Level Meters;

“normal operational and habitable condition” is a condition under which the ship as a whole, the machinery, services, means and aids ensuring propulsion, ability to steer, safe navigation, fire and flooding safety, internal and external communications and signals, means of escape and emergency boat winches, as well as the designed comfortable conditions of habitability, are in working order and functioning normally;

“oil fuel unit” means the equipment used for the preparation of oil fuel for delivery to an oil fired boiler or equipment used for the preparation for delivery of heated oil to an internal combustion engine and includes any oil pressure pumps, filters and heaters dealing with oil at a pressure greater than 180 kPa;

“oil tanker” means a ship constructed or adapted primarily to carry oil in bulk in its cargo spaces and includes a combination carrier or a chemical tanker when it is carrying a cargo or part cargo of oil in bulk;

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(12) Cmnd. 5748; amended by the Protocol of 1978 (Cmnd. 7374) and by amendments adopted by IMO in 1983, 1985, 1989, 1992 and 1994.

“pleasure vessel” means—

- (a) any vessel which at the time it is being used is—
  - (i) (a) in the case of a vessel wholly owned by an individual or individuals, used only for the sport or pleasure of the owner or the immediate family or friends of the owner; or
  - (b) in the case of a vessel owned by a body corporate, used only for sport or pleasure and on which the persons are employees or officers of the body corporate, or their immediate family or friends; and
  - (ii) on a voyage or excursion which is one for which the owner does not receive money for or in connection with operating the vessel or carrying any person, other than as a contribution to the direct expenses of the operation of the vessel incurred during the voyage or excursion; or
- (b) any vessel wholly owned by or on behalf of a members’ club formed for the purpose of sport or pleasure which, at the time it is being used, is used only for the sport or pleasure of members of that club or their immediate family; and for the use of which any charges levied are paid into club funds and applied for the general use of the club; and
- (c) in the case of any vessel referred to in paragraphs (a) or (b) above no other payments are made by or on behalf of users of the vessel, other than by the owner.

In this definition “immediate family” means in relation to an individual, the husband or wife of the individual, and a relative of the individual or the individual’s husband or wife, and “relative” means brother, sister, ancestor or lineal descendant;

“power actuating system” means the hydraulic equipment provided for supplying power to turn the rudder stock, comprising a steering gear power unit or units, together with the associated pipes and fittings, and a rudder actuator. The power actuating systems may share common mechanical components, that is, tiller, quadrant and rudder stock or components serving the same purpose;

“Reid vapour pressure” means the vapour pressure of a liquid as determined by laboratory testing in a standard manner in the Reid apparatus;

“a similar stage of construction” means a stage at which—

- (a) construction identifiable with a specific ship begins; and
- (b) assembly of that ship, comprising at least 50 tonnes of 1 per cent of the estimated mass of all structural material, whichever is the less, has commenced;

“service spaces” includes galleys, pantries containing cooking appliances, lockers, species rooms, laundries, store rooms, workshops other than those forming part of machinery spaces and similar spaces and trunks to such spaces;

“settling tank” means an oil storage tank having a heating surface of not less than 0.183 square metre per tonne of oil capacity;

“steering gear control system” means the equipment, comprising transmitters, receivers, hydraulic control pumps and their associated motors, motor controllers, piping and cables by which orders are transmitted from the navigating bridge to the steering gear power units.

“steering gear power unit” means—

- (a) in the case of electric steering gear, the electric motor and its associated electric equipment; or
- (b) in the case of electro-hydraulic steering gear, the electric motor, its associated electrical equipment and connected pump; or

- (c) in the case of steam-hydraulic or pneumatic-hydraulic steering gear, the driving engine and connected pump;

“suitable” in relation to material means suitable for the purpose for which it is used;

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

“tanker” means a cargo ship constructed or adapted for the carriage in bulk of liquid cargoes of a flammable nature and except where the context otherwise requires, includes a gas carrier and a chemical tanker;

“tons” means gross tons and a reference to tons—

- (a) in relation to a ship having alternative gross tonnages under paragraph 13 of Schedule 5 to the Merchant Shipping (Tonnage) Regulations 1982<sup>(13)</sup>, permitted to be used pursuant to regulation 12(1) of the Merchant Shipping (Tonnage) Regulations 1997<sup>(14)</sup> is a reference to the larger of those tonnages, and
- (b) in relation to a ship having its tonnage determined both under Part II and regulation 12 of those 1997 Regulations is a reference to its gross tonnage as determined under the said regulation 12(2);

“upper deck” means the uppermost complete deck exposed to the sea and weather fitted as an integral part of the ship’s structure, being a deck, openings in the weather portions of which are fitted with permanent means of closing and below which all openings in the sides of the ship are fitted with permanent means of watertight closing;

“watertight” means capable of preventing the passage of water in any direction;

“weathertight” means that in any sea condition water will not penetrate the ship.

- (2) Any reference in these Regulations to—

- (a) the Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk;
- (b) the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk;
- (c) the Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk;
- (d) the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk;
- (e) Guidelines for the Design and Construction of Offshore Supply Vessels;
- (f) the Code of Safety for Special Purpose Ships;
- (g) the Code for the Safe Carriage of Irradiated Nuclear Fuel Plutonium and High Level Radioactive Wastes on Board Ships;
- (h) MARPOL;
- (i) a British Standard or an equivalent international Standard; or
- (j) a Merchant Shipping Notice; or
- (k) any other specified Code or guidelines;

shall include—

- (i) a reference to any document amending it which is considered by the Secretary of State to be relevant from time to time and is specified in a Merchant Shipping Notice; and
- (ii) as respects a reference to a British Standard, a reference to a relevant standard of an EEA State other than the United Kingdom.

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<sup>(13)</sup> S.I. 1982/841, to which there are amendments not relevant to these Regulations.

<sup>(14)</sup> S.I. 1997/1510.

- (a) (3) (a) In these Regulations—
  - (i) a reference to a numbered regulation is, unless otherwise stated, a reference to the regulation of that number in these Regulations;
  - (ii) a reference in a regulation to a numbered paragraph is, unless otherwise stated, a reference to the paragraph of that number in that regulation;
  - (iii) where a sub-heading refers to “requirements” or to “additional requirements” for certain ships, the text following such a subheading in that regulation (or until the next sub-heading in that regulation) shall (unless the context otherwise requires) relate only to such ships;
  - (iv) a reference to a ship constructed on or after a specified date is a reference to a ship the keel of which is laid or which is at a similar stage of construction on or after that date.
- (4) Any approval given pursuant to these Regulations shall be given in writing and shall specify the date when it is to come into force and the conditions (if any) of which it is given.

### **Exemptions**

3.—(1) The Secretary of State may grant exemptions from all or any of the provisions of these Regulations (as may be specified in the exemption) for classes of cases or individual cases on such terms (if any) as he may so specify and may, subject to giving reasonable notice, alter or cancel any such exemption. In particular, the Secretary of State may, either absolutely or subject to such conditions as he thinks fit, exempt any ship the keel of which was laid before the coming into force of individual regulations, from those requirements if he is satisfied that compliance with those requirements are either impractical or unreasonable in the case of that ship.

(2) Every ship the keel of which was laid before 26th May 1965 shall be exempt from the requirements of these Regulations, except regulation 54 and paragraphs 9, 10, 11 and 12 of Schedule 4 in Merchant Shipping Notice MSN 1671 on condition that it complies with all the requirements of the Merchant Shipping (Cargo Ship Construction and Survey) Regulations 1981 which would have applied to it if those Regulations had not been revoked.

### **Application**

- (a) (a) Subject to paragraph (c), these Regulations apply to—
  - (i) sea-going United Kingdom cargo ships of 500 tons or over wherever they may be;
  - (ii) to other sea-going cargo ships of 500 tons or over, while they are within the United Kingdom waters, when engaged on international voyages; and
  - (iii) to other sea-going cargo ships of 500 tons or over when not engaged on international voyages, while they are within United Kingdom national waters.
- (b) United Kingdom ships which undergo repairs, alterations or modifications of a major character shall meet the requirements applying to a ship constructed at that time in so far as the Secretary of State deems reasonable and practicable.
- (c) Nothing in these Regulations shall apply to—
  - (i) a ship by reason of her being within the United Kingdom or the territorial waters thereof if she would not have been therein but for stress of weather or any other circumstances that the master, or owner, or the charterer (if any), could have prevented;
  - (ii) high-speed craft to which the Merchant Shipping (High-Speed Craft) Regulations 1996(15) apply.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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### **Approved standards**

5. In complying with the requirements of these Regulations, as respects construction or maintenance relating to hull, machinery, electrical installations and control installations, United Kingdom ships shall comply with the approved standards listed in Merchant Shipping Notice No. M.1672 relevant to those statutory obligations.