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STATUTORY INSTRUMENTS

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**1998 No. 2647**

**MERCHANT SHIPPING  
SAFETY**

**The Merchant Shipping (Carriage of  
Nautical Publications) Regulations 1998**

<i>Made</i>	- - - -	<i>26th October 1998</i>
<i>Laid before Parliament</i>		<i>3rd November 1998</i>
<i>Coming into force</i>	- -	<i>1st December 1998</i>

The Secretary of State, after consulting the persons referred to in section 86(4) of the Merchant Shipping Act 1995<sup>(1)</sup>, in exercise of the powers conferred by section 85(1)(a) and (b), (3), (5) and (7) and section 86(1) and (2) of that Act and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

**Citation, commencement, repeals and revocations**

1.—(1) These Regulations may be cited as the Merchant Shipping (Carriage of Nautical Publications) Regulations 1998 and shall come into force on 1st December 1998.

(2) The following provisions of the Merchant Shipping Act 1995 are hereby repealed—

- (a) section 90; and
- (b) in section 261(4)(a) the number “90.”.

(3) The Merchant Shipping (Carriage of Nautical Publications) Rules 1975<sup>(2)</sup> are hereby revoked.

(4) In the Fishing Vessels (Safety Provisions) Rules 1975<sup>(3)</sup> rule 70 and Schedule 25 shall be omitted.

**Interpretation**

2.—(1) In these Regulations—

“passenger ship” means a ship or hovercraft carrying more than 12 passengers;

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(1) 1995 c. 21; sections 85 and 86 were amended by the Merchant Shipping and Maritime Security Act 1997 (c. 28), section 8, and are applied to hovercraft by the Hovercraft (Application of Enactments) Order 1989 (S.I.1989/1350).  
(2) S.I. 1975/700.  
(3) S.I. 1975/330, to which there are amendments not relevant to these Regulations.

“pleasure vessel” and “tons” have the same meaning as in the Merchant Shipping (Cargo Ship Construction) Regulations 1997(4);

“sea-going” means going beyond the limits of waters of categories A, B, C and D (as categorised in Merchant Shipping Notice No. M1504 or any subsequent Merchant Shipping Notice amending or replacing it which the Secretary of State considers relevant from time to time).

(2) In regulations 4 to 8 “ship” includes hovercraft; and cognate expressions shall be construed accordingly; except that “United Kingdom ship” in relation to hovercraft, means hovercraft registered in the United Kingdom.

### **Application**

3.—(1) Subject to paragraph (2), these Regulations apply—

- (a) to United Kingdom ships and hovercraft registered in the United Kingdom wherever they may be; and
- (b) to other ships or hovercraft while in United Kingdom waters.

(2) These Regulations do not apply to:

- (a) ships which are less than 12 metres in registered length; or in the case of ships which are not registered, are of less than 12 metres in length ascertained in accordance with the definition of “length” in the Merchant Shipping (Load Lines) Regulations 1998(5);
- (b) hovercraft with a bottom planking which is less than 12 metres in length; or
- (c) pleasure vessels.

### **Requirement to carry nautical publications**

4.—(1) All ships shall carry—

- (a) such charts complying with regulation 5; and
- (b) such adequate and up to date sailing directions, lists of lights, notices to mariners, tide tables and other nautical publications,

as are necessary for the intended voyage.

(2) All sea-going passenger ships, and all other ships of 300 tons or more, shall carry the International Code of Signals published by the International Maritime Organization.

(3) Without prejudice to paragraphs (1) and (2), sea-going United Kingdom ships shall carry the publications in Part A of the Schedule hereto, and all United Kingdom ships shall carry the publications, or relevant parts of publications, specified in Part B of the Schedule hereto.

### **Charts**

5. The charts referred to in regulation 4(1)(a) must—

- (a) be of such a scale and contain sufficient detail as clearly to show—
  - (i) all navigational marks which may be used by a ship when navigating the waters which are comprised in the chart,
  - (ii) all known dangers affecting those waters, and
  - (iii) information concerning any ships' routing and ship reporting measures applicable to those waters,

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(4) S.I. 1997/1509.

(5) S.I. 1998/2241.

- (b) either be published by the Hydrographer of the Navy or, if not so published, be of a similar scale to those so published and contain equivalent detail; and
- (c) in all cases, be of the latest obtainable edition and, be—
  - (i) in the case of charts published by the Hydrographer of the Navy, corrected and kept up to date from the latest relevant obtainable Notices to Mariners and Radio Navigational Warnings, and
  - (ii) in the case of charts not so published, otherwise adequately corrected and kept up to date.

In paragraph (b) the reference to the Hydrographer of the Navy includes a reference to any authority in any country other than the United Kingdom exercising functions similar to those of the Hydrographer.

### **Publications**

6.—(1) The publications carried pursuant to regulation 4(2) and (3) must be of the latest obtainable edition and incorporate the latest relevant supplements and corrections.

(2) In the case of publications listed in Part B of the Schedule hereto, only those parts of the publication which are relevant to a ship's voyage and operation need be carried.

(3) In the case of publications whose publisher is listed in the Schedule as the Hydrographer of the Navy, it shall be acceptable if the publication is published by some other person or body and is of equivalent standard and content.

### **Penalties**

7.—(1) If a ship goes to sea or on a voyage, or attempts to go to sea or on a voyage, in contravention of regulation 4, the owner and master shall each be guilty of an offence, and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(2) It shall be a defence for a person charged under these Regulations to show that he took all reasonable steps and used all due diligence to avoid commission of the offence.

### **Power to detain**

8. In any case where a ship does not comply with the requirements of these Regulations the ship shall be liable to be detained and section 284 of the Merchant Shipping Act 1995(6) (which relates to the detention of a ship) shall have effect in relation to the ship, subject to the modification that as if for the words "this Act", wherever they appear, there were substituted the words "the Merchant Shipping (Carriage of Nautical Publications) Regulations 1998".

Signed by authority of the Secretary of State

*Glenda Jackson*  
Parliamentary Under-Secretary of State,  
Department of the Environment, Transport and  
the Regions

26th October 1998

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(6) Section 284 was amended by the Merchant Shipping and Maritime Security Act 1997, Schedule 1.

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

SCHEDULE

Regulation 4(3)

PUBLICATIONS TO BE CARRIED BY UNITED KINGDOM SHIPS

<b>Publication</b>	<b>Publisher</b>
<i>Part A—Publications which must be carried by sea-going ships:—</i>	
International Code of Signals	International Maritime Organisation
Mariners' Handbook	Hydrographer of the Navy
<i>Part B—Publications of which only those parts relevant to a ship's voyage and operation must be carried</i>	
Merchant Shipping Notices, Marine Guidance Notes and Marine Information Notes	Maritime and Coastguard Agency
Notices to Mariners	Hydrographer of the Navy
Lists of Radio Signals	Hydrographer of the Navy
Lists of Lights	Hydrographer of the Navy
Sailing Directions	Hydrographer of the Navy
Nautical Almanac	.....
Navigational Tables	.....
Tide Tables	.....
Tidal Stream Atlases	.....
Operating and Maintenance Instructions for Navigational Aids Carried by the Ship	.....

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations revoke the Merchant Shipping (Carriage of Nautical Publications) Rules 1975 and omit rule 70 and Schedule 25 of the Fishing Vessels (Safety Provisions) Rules 1975. They replace them with safety Regulations requiring the carriage of up-to-date charts and other nautical publications necessary for the intended voyage and operation.