
STATUTORY INSTRUMENTS

2004 No. 2110

**The Merchant Shipping (Vessel Traffic Monitoring
and Reporting Requirements) Regulations 2004**

PART 1

GENERAL

Citation and commencement

1. These Regulations may be cited as the Merchant Shipping (Vessel Traffic Monitoring and Reporting Requirements) Regulations 2004 and shall come into force on 20th September 2004.

Interpretation

2.—(1) In these Regulations—

“the 1995 Act” means the Merchant Shipping Act 1995;

“agent” means a person mandated or authorised to supply information on behalf of the owner of a ship;

“the BC Code” means the 2001 Edition of the IMO Code of Safe Practice for Solid Bulk Cargoes;

“the Directive” means Directive [2002/59/EC](#) of the European Parliament and of the Council of 27th June 2002 establishing a Community vessel traffic monitoring and information system and repealing Council Directive [93/75/EEC](#)(1);

“domestic voyage” means a voyage from a port of an EEA State to the same or another port of that EEA State;

“EEA State” means a member State, Norway, Iceland or Liechtenstein;

“the IBC Code” means the 1998 edition of the IMO International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk;

“the IGC Code” means the 1993 edition of the IMO International Code for the Construction and Equipment of Ships Carrying Liquified Gases in Bulk;

“IMDG Code” means the 2002 edition of the IMO International Maritime Dangerous Goods Code;

“IMO” means the International Maritime Organization;

“the IMO guidelines” means the Guidelines for Vessel Traffic Services contained in IMO Resolution A.857(20) adopted on 27th November 1997;

“the ISM Code” means the International Management Code for the Safe Operation of Ships and for Pollution Prevention adopted on 4th November 1993 by the IMO by Resolution A.741(18);

(1) OJNo. L 208, 5.8.2002, p10.

“the MCA” means the Maritime and Coastguard Agency, an Executive Agency of the Department for Transport;

“the MARPOL Convention” means the International Convention for the Prevention of Pollution from Ships⁽²⁾ and the 1978 Protocol thereto⁽³⁾;

“Merchant Shipping Notice” means a Notice described as such and issued by the MCA;

“non-United Kingdom ship” means a ship which is not a United Kingdom ship;

“owner”, as regards a ship, includes any organisation or person such as the manager or the bareboat charterer who has assumed responsibility for the operation of the ship from the owner of the ship, and who on assuming such responsibility has agreed to take over all the duties and responsibilities imposed by the ISM Code;

“port authority” is a port authority within the meaning of the Directive and in relation to the United Kingdom means a statutory harbour authority within the meaning of the 1995 Act, and “authority” in relation to a port shall be construed accordingly;

“ship” means a sea-going vessel or craft;

“the SOLAS Convention” means the International Convention for the Safety of Life at Sea, 1974⁽⁴⁾ as amended in accordance with its Protocol of 1988⁽⁵⁾ and the amendments in force on the date on which these Regulations come into force;

“traditional ship” means an historical ship or a replica of an historical ship operated according to traditional principles of seamanship and technique, and for the purposes of this definition, a replica of an historical ship includes such replica designed to encourage and promote traditional skills and seamanship;

“United Kingdom waters” means the sea or other waters within the seaward limits of the territorial sea of the United Kingdom;

“VTS” means vessel traffic service;

“vessel traffic service” means a service—

- (a) which is designed to improve the safety and efficiency of vessel traffic and to protect the environment and which is capable of interacting with that traffic and responding to traffic situations developing in the VTS area; and
- (b) which, in relation to a service operated by the United Kingdom either alone or in conjunction with one or more States, is a service provided from within the United Kingdom which has been designated by the MCA in writing and is specified in a Merchant Shipping Notice.

(2) For the purposes of these Regulations—

- (a) “accident” means any accident or occurrence affecting the safety of a ship, including, without prejudice to the generality of the foregoing, any occurrence whereby a ship—
 - (i) is in collision,
 - (ii) grounds,
 - (iii) is damaged,
 - (iv) malfunctions or breaks down,
 - (v) suffers the flooding or shifting of cargo, or
 - (vi) suffers a defective hull or structural failure;

(2) Cmnd 5748.

(3) Cmnd 7347.

(4) Cmnd. 7874.

(5) Cm 4420.

- (b) “incident” means any incident which affects or could affect the safety of a ship or other ships, including, without prejudice to the generality of the foregoing, a failure or defect which affects or is likely to affect—
 - (i) the manoeuvrability or seaworthiness,
 - (ii) the propulsion system,
 - (iii) the steering gear,
 - (iv) the electrical generating system,
 - (v) the navigation equipment, or
 - (vi) the communications system,of that ship.
- (3) For the purposes of these Regulations, “dangerous goods” means—
 - (a) goods classified as dangerous in the IMDG Code;
 - (b) dangerous liquid substances listed in Chapter 17 of the IBC Code;
 - (c) liquefied gases listed in Chapter 19 of the IGC Code;
 - (d) solids referred to in Appendix B of the BC Code;
 - (e) goods in respect of whose carriage appropriate preconditions have been imposed in accordance with paragraph 1.1.3 of the IBC Code or paragraph 1.1.6 of the IGC Code.
- (4) For the purposes of these Regulations, “polluting goods” means—
 - (a) any oil, oily mixture, oil fuel or crude oil, as defined in Annex I to the MARPOL Convention;
 - (b) any noxious liquid substance, as defined in Annex II to the MARPOL Convention; and
 - (c) any marine pollutant identified in the IMDG Code.
- (5) For the purposes of these Regulations—
 - (a) “United Kingdom ship” means a ship which—
 - (i) is registered in the United Kingdom, or
 - (ii) is not registered under the law of any country but is wholly owned by persons each of whom is—
 - (aa) a British Citizen, a British overseas territories citizen or a British Overseas citizen, or
 - (bb) a body corporate which is established under the law of any part of the United Kingdom and has its principal place of business in the United Kingdom; and
 - (b) “British Citizen”, “British overseas territories citizen” and “British Overseas citizen” have the same meaning as in the British Nationality Act 1981(6).
- (6) Other expressions used in these Regulations (other than regulations 12(4) to 12(9)) and which are also used in the Directive shall have the same meaning as in the Directive and cognate expressions shall be construed accordingly.
- (7) Any reference in these Regulations to a particular Merchant Shipping Notice includes a reference to any such document amending or replacing that Notice which is considered by the Secretary of State to be relevant from time to time.
- (8) Any reference in these Regulations to—
 - (a) the BC Code;

- (b) the IBC Code;
- (c) the IGC Code;
- (d) the IMDG Code; or
- (e) the ISM Code,

includes a reference to any document amending that publication which is considered by the Secretary of State to be relevant from time to time and is specified in a Merchant Shipping Notice.

Competent authority

3. For the purposes of these Regulations—
 - (a) as regards the United Kingdom, the competent authority shall be the MCA;
 - (b) as regards an EEA State other than the United Kingdom, the competent authority shall be the authority designated as such by the EEA State in question in accordance with article 22 of the Directive.

Application

- 4.—(1) Subject to paragraph (2), and unless otherwise stated, these Regulations, apply to—
 - (a) all United Kingdom ships wherever they may be; and
 - (b) all non-United Kingdom ships whilst they are in United Kingdom waters.
- (2) Subject to paragraph (5), these Regulations do not apply to—
 - (a) ships of less than 300 gross tonnage, unless otherwise stated;
 - (b) warships, naval auxiliaries and other ships owned or operated by the Government of an EEA State which are used for non-commercial public service;
 - (c) fishing vessels;
 - (d) traditional ships;
 - (e) recreational craft having a length of less than 45 metres.
- (3) Subject to paragraph (5)(d), in relation to a ship, these Regulations do not apply to—
 - (a) bunkers of less than 5,000 tonnes; and
 - (b) the stores and the equipment,
 for use on board that ship.
 - (4) For the purposes of regulation 10, in relation to a ship, bunkers for use on board that ship shall not be regarded as dangerous or polluting goods.
 - (5) Regulation 12 applies to—
 - (a) fishing vessels;
 - (b) traditional ships;
 - (c) recreational craft having a length of less than 45 metres; and
 - (d) in relation to a ship, bunkers of less than 5,000 tonnes for use on board that ship.
 - (6) In this regulation, “length”, in relation to a recreational craft, means either—
 - (a) 96% of the total length of the craft on a waterline at 85% of the least moulded depth measured from the keel line; or
 - (b) the length from the foreside of the stem to the axis of the rudder stock on that waterline, whichever is the greater, and where the craft in question is designed with rake of keel, the waterline on which the lengths referred to in (a) and (b) are measured shall be parallel to the designed waterline.

