
STATUTORY INSTRUMENTS

2010 No. 680

The Merchant Shipping (Passenger Ships) (Safety Code for UK Categorised Waters) Regulations 2010

Application

3.—(1) Subject to paragraph (2), these Regulations apply to new passenger ships engaged only on voyages in UK categorised waters.

(2) These Regulations do not apply to—

(a) high speed craft as defined in regulation 2(1) of the Merchant Shipping (High Speed Craft) Regulations 2004⁽¹⁾;

(b) any ship—

(i) the keel of which was laid, or which had reached a similar stage of construction, on a day that falls within the period of two years prior to the operative date;

(ii) in respect of which the Secretary of State has issued a determination in writing to the effect that the ship cannot reasonably be expected to comply with the mandatory safety requirements; and

(iii) which is made subject to an initial survey under regulation 4(a) of the 1995 Regulations and in respect of which, in consequence of the completion of that survey, a passenger certificate was issued not more than two years after the day referred to in paragraph (i);

(c) any ship—

(i) that was laid up on a day that falls within the period of five years prior to the operative date;

(ii) in respect of which the Secretary of State has issued a determination in writing to the effect that the ship cannot reasonably be expected to comply with the mandatory safety requirements; and

(iii) which is made subject to an initial survey under regulation 4(a) of the 1995 Regulations and in respect of which, in consequence of the completion of that survey, a passenger certificate was issued not more than five years after the day it was laid up or two years after the operative date whichever is the earlier;

(d) any ship—

(i) that was the subject of a major modification commenced on a day that falls within the period of two years prior to the operative date;

(ii) in respect of which the Secretary of State has issued a determination in writing to the effect that the ship cannot reasonably be expected to comply with the mandatory safety requirements; and

(iii) which is made subject to an initial survey under regulation 4(a) of the 1995 Regulations and in respect of which, in consequence of the completion of that survey,

(1) S.I. 2004/302.

a passenger certificate was issued not more than two years after the day that major modification commenced.

- (3) For the purpose of this regulation—
- (a) “the 1995 Regulations” means the Merchant Shipping (Survey and Certification) Regulations 1995⁽²⁾;
 - (b) “UK categorised waters” means the waters specified as category A, B, C or D waters in Merchant Shipping Notice 1776 (M);
 - (c) “laid up”, in relation to a ship, means a ship that has been taken out of service and is not the subject of a valid passenger certificate on the operative date;
 - (d) “major modification”, in relation to a ship, means a modification that substantially alters the passenger carrying capacity of that ship or substantially increases the expected life of that ship;
 - (e) “new passenger ship” means a passenger ship in respect of which there does not exist, on the operative date, a valid passenger certificate;
 - (f) “operative date” means the date these Regulations come into force;
 - (g) “passenger certificate” means a certificate issued under regulation 11(a) of the 1995 Regulations;
 - (h) “passenger ship” means a ship carrying more than 12 passengers, however propelled; and
 - (i) “similar stage of construction”, in relation to a ship, means that construction identifiable with a specific ship has begun and assembly of that ship has incorporated 50 tonnes of structural material or 1% of the estimated mass of all structural material, whichever is less.

(2) S.I. 1995/1210 amended by S.I. 1996/2418 and 2000/1234 and by other instruments not relevant to these Regulations.