
STATUTORY INSTRUMENTS

2018 No. 155

MERCHANT SHIPPING

SAFETY

The Merchant Shipping (International Load Line Convention) (Amendment) Regulations 2018

<i>Made</i>	- - - -	<i>8th February 2018</i>
<i>Laid before Parliament</i>		<i>15th February 2018</i>
<i>Coming into force</i>	- -	<i>9th March 2018</i>

The Secretary of State, after consulting the persons referred to in section 86(4) of the Merchant Shipping Act 1995(1), and in exercise of the powers conferred by section 85(1) to (1B), (3) and (5) to (7), section 86(1), section 302(1) and section 306A of that Act, and with the consent of the Treasury(2), makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Merchant Shipping (International Load Line Convention) (Amendment) Regulations 2018 and come into force on 9th March 2018.

Interpretation

2. In these Regulations—

“1966 Convention” means the International Convention on Load Lines 1966(3) as modified by the 1988 Protocol and as amended by IMO Resolutions A.972(24), A.1082(28) and A.1083(28)(4);

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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), sections 8 and 29(2) and Schedule 7. Section 85 was amended by the British Overseas Territories Act 2002 (c. 8), section 2(3). Section 306(A) was inserted by the Deregulation Act 2015 (c. 20), section 106. There are other amending instruments but none is relevant.
- (2) The consent of the Treasury is required to make these Regulations under section 302(1) of the Merchant Shipping Act 1995.
- (3) Cmnd. 3708. The Convention may be obtained in copy from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or found on the Foreign and Commonwealth Office treaties database (<http://treaties.fco.gov.uk/docs/pdf/1968/TS0058.pdf>).
- (4) The text of IMO Resolutions A.972(24), A.1082(28) and A.1083(28) may be obtained from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or in Marine Information Note 560(M) issued by the Maritime and Coastguard Agency (MCA) and which is available in copy from the MCA of Spring Place, 105 Commercial Road, Southampton SO15 1EG or on <https://www.gov.uk>. The Resolutions will also be made available on the Foreign and Commonwealth Office treaties database (<http://treaties.fco.gov.uk/treaties/treaty.htm>).

“1988 Protocol” means the Protocol of 1988 relating to the 1966 Convention⁽⁵⁾ as amended by IMO Resolutions MSC.143(77), MSC.172(79), MSC.223(82), MSC.270(85), MSC.329(90), MSC.345(91), MSC.356(92) and MSC.375(93)⁽⁶⁾;

“alteration” includes deterioration;

“amidships” in relation to a ship means the middle of the ship’s length;

“Annex” has the meaning given to it in regulation 5;

“anniversary date” in relation to a certificate means the day and the month of each year which corresponds to the date of expiry of the Convention certificate;

“annual survey” means a survey of a ship required under regulation 12(1)(c);

“applicable Convention requirements” means the requirements of the 1966 Convention, except where regulation 4(4) applies;

“appropriate load line” means the line directed to be marked on a ship indicating the maximum depth to which a ship may be loaded in a particular zone or area and seasonal period (as defined in Annex II) and which is calculated in accordance with Annex 1;

“appropriate marks” means the appropriate load lines, the deck-line and the load line mark;

“Assigning Authority” has the meaning given to it in regulation 3;

“Category A, B, C or D waters” means the waters specified as such in Merchant Shipping Notice 1837(M) Amendment 1, as amended or replaced as the Secretary of State considers to be relevant from time to time;

“conditions of assignment” means the conditions relating to construction, arrangement and stability with which a ship must comply in order to be assigned freeboards;

“constructed” means that the keel of the ship has been laid or is at a similar stage of construction;

“Contracting Government” means the Government of a State which is a party to the 1966 Convention or to the 1988 Protocol;

“Convention certificate” means an International Load Line Certificate or an International Load Line Exemption Certificate;

“Convention country” means a country or territory which is either—

- (a) a country the Government of which is party to the 1966 Convention or to the 1988 Protocol, or
- (b) a territory to which the 1966 Convention or the 1988 Protocol extends whether or not it is subject to the amendments or reservations to either instrument;

“deck-line” means the line marked on a ship, the position of which is ascertained in accordance with the provisions of Annex 1;

“existing ship” means a ship which is not a new ship;

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

“freeboard” means the distance measured vertically downwards at amidships from the upper edge of the deck-line to the upper edge of the related load line;

(5) Cmnd. 4829. The Protocol of 1988 may be obtained in copy from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or found on the Foreign and Commonwealth Office treaties database (<http://treaties.fco.gov.uk/docs/pdf/2000/TS0100.pdf>).

(6) The text of the amendments to the Protocol may be obtained from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or in Marine Information Note 560(M) issued by the MCA and available in copy from Spring Place, 105 Commercial Road, Southampton SO15 1EG or on <https://www.gov.uk>. Amendments will also be made available on the Foreign and Commonwealth Office treaties database (<http://treaties.fco.gov.uk/treaties/treaty.htm>).

- “flag State”, in relation to a ship, means the state whose flag the ship is entitled to fly;
- “initial survey” means a survey of a ship required under regulation 12(1)(a);
- “International Load Line Certificate” means an International Load Line Certificate issued under the 1966 Convention;
- “International Load Line Exemption Certificate” means an International Load Line Exemption Certificate issued under the 1966 Convention;
- “international voyage” means a voyage between—
- (a) a port in the United Kingdom and a port outside the United Kingdom; or
 - (b) a port in a Convention country (other than the United Kingdom) and a port in any other country or territory (whether a Convention country or not) which is outside the United Kingdom;
- “length” in relation to a ship means length as defined by the 1966 Convention(7);
- “load line” means the line marked on a ship indicating the maximum depth to which a ship may be loaded;
- “load line mark” means a ring with a width of 25 millimetres and an outer diameter of 300 millimetres and a horizontal line with a width of 25 millimetres and a length of 450 millimetres, the upper edge of which bisects the ring, and both of which are placed on the side of a ship at amidships port and starboard such that the assigned summer freeboard corresponds to the distance between the upper edge of the horizontal line and the upper edge of the deck-line;
- “Merchant Shipping Notice” means a notice described as such, issued by the Maritime and Coastguard Agency (an executive agency of the Department for Transport), and includes a reference to any document amending or replacing that notice which is considered by the Secretary of State to be relevant from time to time and is specified in a Merchant Shipping Notice;
- “new ship” means a ship the keel of which is laid, or which is at a similar stage of construction, on or after the date of coming into force of the 1966 Convention, or the 1988 Protocol for any State not also a party to the 1966 Convention, for each Contracting Government(8);
- “non-United Kingdom ship” means any ship other than a United Kingdom ship within the meaning of section 85(2) of the Merchant Shipping Act 1995;
- “pleasure vessel” means—
- (a) any vessel which at the time it is being used is—
 - (i) in the case of a vessel wholly owned by—
 - (aa) an individual or individuals, used only for the sport or pleasure of the owner or the immediate family or friends of the owner; or
 - (bb) a body corporate, used only for sport or pleasure and on which the persons on board 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

(7) The definition of “length” can be found in regulation 3(1) of Annex I to the 1966 Convention.

(8) The 1966 Convention came into force with respect to the United Kingdom on 21st July 1968. The 1988 Protocol came into force with respect to the United Kingdom on 8th June 2000.

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,

where, in the case of any vessel referred to in paragraphs (a) or (b), no other payments are made by or on behalf of users of the vessel, other than by the owner; and in this definition “immediate family” means, in relation to an individual, the spouse or civil partner of the individual, and a relative of the individual or the individual’s spouse or civil partner; and “relative” means brother, sister, ancestor or lineal descendant;

“renewal survey” means a survey of a ship required under regulation 12(1)(b);

“sea” in the United Kingdom does not include Category A, B, C or D waters;

“valid” in the context of an International Load Line Certificate or an International Exemption Certificate means in force.

Assigning Authorities

3.—(1) In these Regulations, “Assigning Authority” means the Secretary of State or any person authorised by the Secretary of State.

(2) Authorisation under paragraph (1) may be given conditionally or unconditionally.

(3) Unless the Assigning Authority is the Secretary of State, the Assigning Authority must comply with regulation 2-1 of Annex I (authorisation of recognized organizations).

(4) The Assigning Authority must assign freeboards to a United Kingdom ship in accordance with the requirements of these Regulations.

(5) The Assigning Authority must in particular—

- (a) determine the particulars of the freeboards to be assigned;
- (b) determine which of the load lines described in Annex I are to be marked on the sides of the ship in accordance with the requirements of that Annex;
- (c) determine the position where the appropriate marks are to be so marked; and
- (d) complete a record of the conditions of assignment.

(6) Without prejudice to the generality of paragraph (2), conditions may impose limitations on any person’s authorisation relating to—

- (a) individual ships;
- (b) classes of ships; and
- (c) the extent of any survey to be carried out by that person.

(7) The Secretary of State may direct, in relation to an individual case or to a class of cases, that a survey, or part of a survey, is carried out by the Secretary of State and not by another Assigning Authority.

(8) An Assigning Authority other than the Secretary of State is not to be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown and its property is not to be regarded as property of, or held on behalf of, the Crown.

Application

4.—(1) Subject to paragraphs (2) and (4), these Regulations apply to—

- (a) United Kingdom ships engaged on international voyages, and
- (b) non-United Kingdom ships while they are within United Kingdom waters and engaged on international voyages.

(2) These Regulations do not apply to—

- (a) ships of war, naval auxiliaries or other ships owned or operated by the United Kingdom government and engaged only on governmental non-commercial service;
 - (b) new ships of less than 24 metres in length;
 - (c) existing ships of less than 150 gross tons;
 - (d) pleasure vessels;
 - (e) fishing vessels; and
 - (f) ships solely navigating—
 - (i) the Great Lakes of North America and the River St. Lawrence as far east as a rhumb line drawn from Cap des Rosiers to West Point, Anticosti Island, and, on the north side of Anticosti Island, the meridian of longitude 63 degrees W;
 - (ii) the Caspian Sea; or
 - (iii) the Plate, Parana and Uruguay Rivers as far east as a rhumb line drawn between Punta Rasa (Cabo San Antonio), Argentina, and Punta del Este, Uruguay.
- (3) Subject to paragraphs (4) and (6), a ship must comply with Annex I.
- (4) Existing ships which do not fully comply with Annex 1 to the 1966 Convention must meet the requirements applicable to such ships engaged on international voyages under the law in force immediately before 21st July 1968⁽⁹⁾.
- (5) Where an existing ship requires a reduction in freeboard, that ship must comply with all the requirements under these Regulations applicable to new ships.
- (6) New ships constructed on or after 21st July 1968 but before 1st January 2005 must comply with the requirements in Annex I to the 1966 Convention which were applicable to such ships engaged on international voyages and as they applied immediately before 1st January 2005⁽¹⁰⁾.
- (7) Any amendment to the 1966 Convention which relates to the structure of a ship applies only to ships the keels of which are laid, or which are at a similar stage of construction, on or after the date on which the amendment comes into force.

Ambulatory reference

5.—(1) In these Regulations, “Annex I”, “Annex II” and “Annex III” mean Annex I, Annex II and Annex III of the 1966 Convention and any reference to Annex I, Annex II or Annex III is to be construed—

- (a) as a reference to that Annex as modified from time to time;
 - (b) if that Annex is replaced by another instrument, as a reference to that instrument.
- (2) For the purposes of paragraph (1) an Annex is modified if—
- (a) omissions, additions or other alterations to the text take effect in accordance with Article 29 of the 1966 Convention or with Article VI of the 1988 Protocol; or
 - (b) supplementary provision made under Article 29 of the 1966 Convention or under Article VI of the 1988 Protocol takes effect.

(9) The relevant legislation in force immediately before 21st July 1968 was The Load Line Rules 1959 (S.I. 1959/2238). The Regulations lapsed on the repeal of the enabling authority, the Merchant Shipping (Safety and Load Line Conventions) Act 1932 (c. 9). A copy of the Regulations as made is available for inspection or in copy from the Maritime and Coastguard Agency of Spring Place, 105 Commercial Road, Southampton SW1A 0PW.

(10) Annex I to the 1966 Convention as it was in force immediately prior to 1st January 2005, is available in copy from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR. It is also available in the Command Paper for the 1966 Convention (Cmnd. 3708), which is available on the Foreign and Commonwealth Office treaties database (<http://treaties.fco.gov.uk/docs/pdf/1968/TS0058.pdf>).

(3) A modification to or a replacement of an Annex by virtue of paragraph (1) has effect at the time such modification or replacement comes into force in accordance with paragraph (4) of Article 28 of the 1966 Convention or Article VI of the 1988 Protocol.

(4) No modification or replacement of a reference to an Annex by virtue of paragraph (1) affects any right or liability arising before the date on which the modification or replacement has effect.

(5) This regulation does not apply to regulation 4(4) or (6).

General compliance

6.—(1) Subject to paragraph (2), a ship must not proceed, or attempt to proceed, to sea unless—

- (a) it has been surveyed in accordance with the applicable Convention requirements;
- (b) it is marked with the appropriate marks where required;
- (c) it has a valid Convention certificate;
- (d) it complies with the conditions of assignment applicable to it; and
- (e) the information required under regulation 10 of Annex I is provided by the owner of the ship to the master.

(2) Paragraph (1) does not apply to a non-United Kingdom ship in respect of which a valid Convention certificate is produced.

(3) An Assigning Authority may assign a freeboard greater than the minimum freeboard prescribed by Chapter III of Annex 1.

(4) In applying these Regulations, the Secretary of State must give due regard to any deviation or delay caused by any ship owing to stress of weather or any other cause of force majeure.

Exemptions

7.—(1) Subject to paragraph (2), the Secretary of State may exempt from any of the provisions of these Regulations—

- (a) a ship engaged on an international voyage between near neighbouring ports so long as—
 - (i) it remains engaged on such voyage; and
 - (ii) the Secretary of State and the governments of the states in which such ports are situated are satisfied that the sheltered nature or conditions of such voyage between such ports make it unreasonable or impracticable to apply the provisions of these Regulations;
- (b) a ship which embodies features of a novel kind if research into the development of those features and their incorporation in ships engaged on international voyages may be seriously impeded if the ship had to comply with the requirements of these Regulations; and
- (c) any ship which does not normally engage on international voyages but is, in exceptional circumstances, required to undertake a single international voyage.

(2) An exemption under paragraph (1) may be granted subject to such safety requirements as the Secretary of State thinks fit to ensure the overall safety of the ship.

(3) Where an exemption is granted subject to safety requirements, the exemption ceases to have effect if those requirements are not complied with.

Equivalents

8.—(1) Subject to paragraph (2), an Assigning Authority may—

- (a) allow any fitting, material, appliance or apparatus to be fitted in a ship, or allow other provisions to be made in a ship, in the place of any fitting, material, appliance, apparatus or provision which is required under these Regulations, if satisfied by trial or otherwise that it is at least as effective as that so required by the applicable Convention requirements; or
- (b) allow in an exceptional case departure from the applicable Convention requirements on condition that the freeboards to be assigned to the ship are increased to such an extent as to satisfy the Secretary of State that the safety of the ship and protection afforded to the crew will be no less effective than would be the case if the ship fully complied with those requirements and there were no such increase of freeboards.

(2) Where the Assigning Authority is not the Secretary of State, the Assigning Authority may allow an equivalent under paragraph (1) only with the approval of the Secretary of State.

Repairs, alterations and modifications

9.—(1) A ship which undergoes repairs, alterations, modifications and any related outfitting must continue to comply with the requirements previously applicable to the ship.

(2) Repairs, alterations and modifications of a major character and any related outfitting made to an existing ship must meet such requirements for a new ship as the Assigning Authority deems reasonable and practicable.

(3) A ship which has undergone an alteration will continue to comply with its conditions of assignment if—

- (a) amended freeboards appropriate to the condition of the ship have been assigned, the ship has been marked with appropriate load lines and a new International Load Line Certificate has been issued to the owner of the ship; or
- (b) the alteration has been inspected by an Assigning Authority and the Assigning Authority is satisfied that the alteration is not such as to require any change in the freeboards assigned to the ship, and full particulars of the alteration have been endorsed by the Assigning Authority on the record referred to in regulation 25.

Zones and areas

10. A ship must comply with the load line requirements applicable to it under these Regulations in the zones and areas described in Annex II.

Submersion

11.—(1) Except as provided for in paragraphs (3) to (5), a ship must not be so loaded that the appropriate load lines on the sides of the ship—

- (a) are submerged when the ship is in salt water and has no list; or
- (b) would be submerged if the ship were in salt water and had no list.

(2) A ship must not proceed to sea when it is in contravention of paragraph (1).

(3) When a ship is in fresh water of a density of one tonne per cubic metre the appropriate load line may be submerged by the amount of the fresh water allowance shown on the International Load Line Certificate.

(4) When a ship is in water of a density other than one tonne per cubic metre, an allowance is to be made proportional to the difference between salt water density of 1.025 tonnes per cubic metre and the actual density.

(5) When a ship departs from a port situated on a river or in Category A, B, C or D waters, deeper loading is permitted corresponding to the weight of fuel and all other materials required for consumption between the point of departure and the sea.

Initial, renewal and annual surveys

12.—(1) A United Kingdom ship must be subjected to—

- (a) an initial survey before the ship is put into service, which includes a complete inspection of its structure and equipment to ensure the ship complies with the applicable Convention requirements;
- (b) a renewal survey at intervals not exceeding five years (except where regulation 17(3) and regulations 18(4) and (7) apply) to ensure the ship complies with the applicable Convention requirements; and
- (c) an annual survey within three months before or after each anniversary date of the Convention certificate to ensure that—
 - (i) alterations have not been made to the hull or superstructures which would affect the calculations determining the position of the load line;
 - (ii) the fittings and appliances for the protection of openings, guard rails, freeing ports and means of access to crew's quarters are maintained in an effective condition;
 - (iii) the freeboard marks are correctly and permanently indicated; and
 - (iv) the information required by regulation 10 of Annex I is provided to the master of the ship.

(2) After a satisfactory annual survey, the Assigning Authority must endorse the Convention certificate accordingly.

Maintenance of conditions after survey

13. The owner and master must ensure that after completion of any survey required under regulation 12, no material alteration is made to the ship, its structure, equipment, arrangements, material or scantlings covered by the survey without the approval of the Assigning Authority that issued the Convention certificate.

Issue of Convention certificates

14. Upon satisfactory completion of an initial or renewal survey to a United Kingdom ship, and upon payment of any appropriate fee, the Assigning Authority must issue a Convention certificate in respect of the ship.

Issue or endorsement of International Load Line Certificates by another Government and on behalf of other Contracting Governments

15.—(1) The Secretary of State may request a Contracting Government—

- (a) to survey a United Kingdom ship to which these Regulations apply, and
- (b) to issue, or authorise the issue of, or endorse, or authorise the endorsement of, an International Load Line Certificate in accordance with the requirements of the 1966 Convention in respect of that ship if the Contracting Government is satisfied that the ship complies with the applicable Convention requirements.

(2) Where an International Load Line Certificate is issued pursuant to paragraph (1) the Secretary of State is to be treated as the Assigning Authority in relation to it.

- (3) When requested to do so by a Contracting Government, the Secretary of State—
- (a) may cause a survey to be carried out in respect of a ship to which these Regulations apply, and
 - (b) must, subject to payment of any appropriate fee, issue or endorse an International Load Line Certificate in respect of that ship, in accordance with the applicable Convention requirements, if the Secretary of State is satisfied that the ship complies with the applicable Convention requirements.
- (4) An International Load Line Certificate issued pursuant to paragraph (3) must contain a statement that it has been issued at the request of the Contracting Government and that it has the same effect as a certificate issued by the Contracting Government who made the request referred to in paragraph (3).
- (5) The Secretary of State must send as soon as possible to the Contracting Government who made the request referred to in paragraph (3) a copy of—
- (a) the International Load Line Certificate,
 - (b) the survey report used for computing the freeboard, and
 - (c) a copy of the computations.
- (6) The Secretary of State must not issue an International Load Line Certificate in respect of a ship which—
- (a) is registered in a country whose government is not a Contracting Government, or
 - (b) is not registered, but is entitled to fly the flag of a country whose government is not a Contracting Government.

Form of Convention certificates

16. A Convention certificate must be in the form prescribed by Annex III.

Duration and validity of an International Load Line Certificate

17.—(1) Subject to the following paragraphs and to regulation 18, the duration of an International Load Line Certificate is for such period as is specified in the certificate, not exceeding five years beginning with the date of completion of the initial or renewal survey.

(2) Subject to regulation 18(9), where a renewal survey is completed within three months before the expiry of the existing certificate, the new certificate is valid for a period beginning with the date of completion of the renewal survey and ending on a date which does not exceed five years from the expiry of the existing certificate.

(3) Subject to regulation 18(9), where a renewal survey is completed after the expiry of the existing certificate, the new certificate is valid for a period beginning with the date of completion of the renewal survey and ending on a date which does not exceed five years from the expiry of the existing certificate.

(4) Subject to regulation 18(9), where a renewal survey is completed more than three months before the expiry of the existing certificate, the new certificate is valid for a period beginning with the date of completion of the renewal survey and ending on a date which does not exceed five years from the date of completion of that renewal survey.

Extension of periods of validity of an International Load Line Certificate

18.—(1) If an International Load Line Certificate is issued for a period of less than five years, the Assigning Authority may extend the validity of the certificate beyond the expiry date to a period not exceeding five years beginning with the date of completion of the initial or renewal survey, provided

that the annual surveys applicable when a certificate is issued for a period of five years are carried out as appropriate.

(2) If, after the renewal survey, a new certificate cannot be issued to the ship before the expiry of the existing certificate, the Assigning Authority may extend the validity of the existing certificate for a period which must not exceed five months, if the Assigning Authority is satisfied that there have been no alterations in the structure, equipment, arrangements, materials or scantlings which affect the ship's freeboard.

(3) Where an extension is granted pursuant to paragraph (2), the Assigning Authority must endorse the extension on the existing certificate.

(4) If, at the time when a certificate expires, a ship is not in the port in which it is to be surveyed, the Assigning Authority may extend the validity of the certificate for a period no longer than three months beginning with the date of expiry of the certificate if—

- (a) the Assigning Authority is satisfied that it is proper and reasonable to extend the validity of the certificate for the purpose of allowing the ship to complete its voyage to the port in which it is to be surveyed, and
- (b) the Assigning Authority, if not the Secretary of State, has the authority of the Secretary of State to grant such an extension.

(5) Where a ship has been granted an extension pursuant to paragraph (4), on its arrival in the port in which it is to be surveyed, the ship must be subject to a renewal survey.

(6) Subject to paragraph (9), a certificate issued following a renewal survey referred to in paragraph (5) must have an expiry date not exceeding five years from the date of expiry of the previous certificate before the extension was granted pursuant to paragraph (4).

(7) Where a certificate has been issued to a ship engaged on short voyages and the validity of that certificate has not been extended pursuant to paragraph (1), (2) or (4), the Assigning Authority may extend the validity of that certificate for a period of not more than one month beginning with the date of its expiry.

(8) Subject to paragraph (9), where a renewal survey is completed following an extension granted pursuant to paragraph (7), the Assigning Authority must ensure that the new certificate is valid for a period ending on a date which does not exceed five years from the expiry of the previous certificate before the extension was granted.

(9) In special circumstances, as determined by the Assigning Authority, a new certificate need not be dated from the expiry of the existing certificate as required by paragraphs (4) and (6) to (8) and may instead be valid for a period ending on a date which is not more than five years from the date of completion of the renewal survey.

(10) If an annual survey is completed before the period specified in regulation 12(1)(c) then—

- (a) the Assigning Authority must endorse a new anniversary date on the certificate which is not more than three months later than the date on which the annual survey was completed;
- (b) the Assigning Authority must complete the subsequent annual survey at the intervals prescribed by regulation 12(1)(c) using the new anniversary date;
- (c) the Assigning Authority may permit the expiry date to remain unchanged provided one or more annual surveys are carried out so that the maximum intervals between surveys prescribed by regulation 12(1)(c) are not exceeded.

(11) An International Load Line Certificate issued in respect of a United Kingdom ship ceases to be valid where—

- (a) material alterations have taken place in the hull or superstructures such as would necessitate the assignment of an increased freeboard;

- (b) the fittings and appliances mentioned in regulation 12(1)(c)(ii) are not maintained in an effective condition;
- (c) the certificate is not endorsed in accordance with regulation 12(2) to show the ship has been surveyed in accordance with regulation 12(1)(c);
- (d) the structural strength of the ship is lowered to such an extent that the ship is unsafe;
- (e) the ship ceases to be a United Kingdom ship.

(12) In this regulation “short voyages” means voyages where neither the distance from the port in which a voyage begins and the final port of destination nor the return voyage exceeds 1,000 nautical miles⁽¹¹⁾.

Duration and validity of an International Load Line Exemption Certificate

19.—(1) The duration of an International Load Line Exemption Certificate issued in respect of a ship to which regulation 7(1)(a) or 7(1)(b) applies, is for such period as specified in the certificate, not exceeding five years beginning with the date of completion of the initial survey or most recent renewal survey, as appropriate.

(2) The duration of an International Load Line Exemption Certificate issued in respect of a ship to which regulation 7(1)(c) applies, is limited to the single voyage for which it is issued.

(3) Except for regulation 17(1), regulations 17 and 18 apply in relation to an International Load Line Exemption Certificate as they apply in relation to an International Load Line Certificate.

Procedure to be adopted when a ship is deficient

20.—(1) This regulation applies where an Assigning Authority determines that—

- (a) the condition of a United Kingdom ship or its equipment does not correspond substantially with the requirements applicable to it under Annex I and in relation to which a Convention certificate has been issued in respect of that ship, or
- (b) a ship is not fit to proceed to sea without presenting an unreasonable threat of harm to human life or the marine environment.

(2) In the circumstances described in paragraph (1), the Assigning Authority must—

- (a) advise the owner or master of the corrective action which in the opinion of the Assigning Authority is required to be taken, and
- (b) where an International Load Line Certificate has been issued in respect of the ship and is still valid, notify the Assigning Authority that issued the certificate—
 - (i) that the Assigning Authority has so advised the owner or master as the case may be, and
 - (ii) if that corrective action is not taken.

(3) Where a Convention certificate has been issued in respect of the ship and is still valid, the Assigning Authority may suspend the validity of the certificate until the corrective action has been taken.

(4) Where the Assigning Authority suspends the validity of a certificate issued in respect of a ship, it must immediately give notice in writing of such suspension—

- (a) to the owner of the ship, and

⁽¹¹⁾ See International Maritime Organization (IMO) Resolution A.1104(29) (Survey Guidelines under the Harmonized System of Survey and Certification (HSSC), 2015). The Resolution may be obtained in copy from the IMO of 4 Albert Embankment, London SE1 7SR or on [http://www.imo.org/en/OurWork/MSAS/Documents/A%2029-J-60%20-%20RES.1104%20\(E\).pdf](http://www.imo.org/en/OurWork/MSAS/Documents/A%2029-J-60%20-%20RES.1104%20(E).pdf).

- (b) where the ship is in a port outside the United Kingdom, to the appropriate maritime authorities of the country in which the port is situated.
- (5) Where the owner of the ship is given notice of suspension, that owner must notify the master of the ship in question of the suspension.
- (6) The requirement that the notification referred to in paragraph (4) should be in writing is satisfied where the text of a notification is—
 - (a) transmitted by electronic means,
 - (b) received in legible form, and
 - (c) capable of being used for subsequent reference.

Cancellation of International Load Line Certificates and surrender of Convention certificates

- 21.**—(1) The Secretary of State may cancel an International Load Line Certificate issued in respect of a United Kingdom ship where the Secretary of State is satisfied that—
- (a) the certificate was issued on false or erroneous information;
 - (b) information on the basis of which freeboards were assigned to the ship was incorrect in a material particular; or
 - (c) the ship ceases to comply with the conditions of assignment relating to it.
- (2) Where the Secretary of State proposes to cancel a certificate, the Secretary of State must first notify the owner in writing, specifying the ground for the proposed cancellation.
- (3) Subject to paragraph (4), the Secretary of State must not cancel the certificate until the owner has been given a reasonable opportunity to make representations, and the Secretary of State has considered any such representations made.
- (4) Paragraph (3) does not apply where the Secretary of State considers that urgent safety considerations require immediate cancellation of the certificate.
- (5) The Secretary of State may direct any Convention certificate issued under these Regulations which has expired, ceased to be valid, or been cancelled, to be surrendered.
- (6) The requirement that the notification referred to in paragraph (2) should be in writing is satisfied where the text of a notification is—
- (a) transmitted by electronic means,
 - (b) received in legible form, and
 - (c) capable of being used for subsequent reference.

Acceptance of Convention certificates

- 22.**—(1) The Secretary of State must accept a valid Convention certificate issued by a Contracting Government (other than the United Kingdom) in respect of a non-United Kingdom ship.
- (2) The Secretary of State must accept a valid Convention certificate issued in respect of a United Kingdom ship by another Contracting Government under regulation 15(1).

Control of non-United Kingdom ships holding a valid Convention certificate

- 23.**—(1) A non-United Kingdom ship holding a valid Convention certificate is subject to the control of officers authorised by the Secretary of State when it is in a United Kingdom port.
- (2) So far as is reasonable and practicable, the control that authorised officers may exercise over a non-United Kingdom ship purporting to hold a valid Convention certificate when such ship is in

a United Kingdom port is for the purpose of verifying whether or not there is on board that ship a valid Convention certificate relating to it.

(3) If there is a valid International Load Line Convention Certificate on board the ship, such control must be limited to the purpose of determining that—

- (a) the ship is not loaded beyond the limits allowed by the certificate;
- (b) the position of the load line of the ship corresponds with the certificate; and
- (c) the ship has not been so materially altered in respect of the matters set out in article 19(9) (a), (b) and (d) of the 1966 Convention that the ship is manifestly unfit to proceed to sea without danger to human life.

(4) If there is a valid International Load Line Exemption Certificate on board the ship, the control exercised must be for the purpose of determining that any conditions stipulated in that certificate are complied with.

(5) If control is exercised to determine the matters described under paragraph (3)(c), it must only be exercised in so far as it may be necessary to ensure that the ship does not sail until it can proceed to sea without danger to passengers or the crew.

(6) In the event of the control provided for in this regulation giving rise to intervention of any kind, the Secretary of State must immediately inform the ship's flag administration or diplomatic representative of the ship's flag State in writing of the intervention and of all the circumstances in which the intervention was deemed necessary.

(7) The requirement that the notification referred to in paragraph (6) should be in writing is satisfied where the text of a notification is—

- (a) transmitted by electronic means,
- (b) received in legible form, and
- (c) capable of being used for subsequent reference.

Authorisation of removal etc., of appropriate marks

24. After the appropriate marks have been made on a ship—

- (a) it is the duty of the owner and master to keep the ship so marked; and
- (b) the marks must not be concealed, removed, altered, defaced or obliterated except with the authority of the Assigning Authority.

Record of conditions of assignment

25.—(1) A record containing the conditions of assignment required by the Assigning Authority must be provided by the Assigning Authority to the ship and be—

- (a) retained on board at all times, and
- (b) available for inspection by an authorised person on request.

(2) A ship ceases to comply with the conditions of assignment if the record is not on board and available for inspection in accordance with paragraph (1).

Offences

26.—(1) Any contravention of regulation 6(1)(a), (b), (d) or (e) is an offence by each of the master and the owner.

(2) Any contravention of regulation 6(1)(c) is an offence by the master.

(3) An offence under paragraph (1) and (2) is punishable—

- (a) on summary conviction—
 - (i) in England and Wales by a fine; or
 - (ii) in Scotland or Northern Ireland by a fine not exceeding the statutory maximum; or
- (b) on conviction on indictment by a fine.
- (4) Any contravention of regulation 11(1) is an offence by each of the owner and master.
- (5) An offence under paragraph (4) is punishable—
 - (a) on summary conviction—
 - (i) in England and Wales by a fine; or
 - (ii) in Scotland or Northern Ireland by a fine not exceeding the statutory maximum,
 and by such additional fine, not exceeding an amount calculated in accordance with paragraph (6), as the court thinks fit, having regard to the extent to which the earning capacity of the ship was increased by reason of the contravention, and
 - (b) on conviction on indictment by a fine.
- (6) Any additional fine imposed under paragraph (5)(a) must not exceed £1,000 for each complete centimetre by which—
 - (a) in a case falling within regulation 11(1)(a), the appropriate load line on each side of the ship was submerged; or
 - (b) in a case falling within regulation 11(1)(b), the appropriate load line on each side of the ship would have been submerged.
- (7) In any proceedings for a contravention of regulation 11(1), it is a defence for the person charged to prove the contravention was due solely to deviation or delay and that the deviation or delay was caused solely by stress of weather or other circumstances which neither the master nor the owner nor the charterer (if any) could have prevented or forestalled.
- (8) Any contravention of regulation 11(2) is an offence by the master and any other person who, having reason to believe that the ship is so loaded, sends, or is party to sending, the ship to sea.
- (9) An offence under paragraph (8) is punishable (without prejudice to any liability for a fine in respect of an offence under paragraph (4))—
 - (a) on summary conviction—
 - (i) in England and Wales by a fine; or
 - (ii) in Scotland or Northern Ireland by a fine not exceeding the statutory maximum; or
 - (b) on conviction on indictment by a fine.
- (10) Any contravention of regulation 24(a) is an offence by both the owner and the master punishable on summary conviction—
 - (a) in England and Wales by a fine; or
 - (b) in Scotland or Northern Ireland by a fine not exceeding the statutory maximum.
- (11) Any contravention of regulation 24(b) by any person is an offence punishable on summary conviction—
 - (a) in England and Wales by a fine; or
 - (b) in Scotland or Northern Ireland by a fine not exceeding the statutory maximum.
- (12) It is a defence for a person charged with an offence under paragraph (10) or (11) to show that the person had reasonable excuse for the contravention.
- (13) It is an offence to—
 - (a) intentionally alter a certificate referred to in these Regulations;

- (b) falsely make a certificate referred to in these Regulations;
 - (c) in connection with any survey required by these Regulations knowingly or recklessly furnish false information;
 - (d) with intent to deceive, use, lend, or allow to be used by another, a certificate referred to in these Regulations;
 - (e) fail to surrender as directed a certificate required to be surrendered under regulation 21(5); or
 - (f) in Scotland forge any certificate referred to in these Regulations.
- (14) An offence under paragraph (13) is punishable—
- (a) on summary conviction—
 - (i) in England and Wales by a fine; or
 - (ii) in Scotland or Northern Ireland by a fine not exceeding the statutory maximum; or
 - (b) on conviction on indictment by imprisonment for a term not exceeding six months, or a fine, or both.

Detention

27.—(1) Any ship which, in contravention of regulation 6(1), proceeds or attempts to proceed to sea without being surveyed and marked may be detained until it has been so surveyed and marked.

(2) Any ship which does not comply with the conditions of assignment applicable to it and does not retain on board the record issued by the Assigning Authority detailing the conditions of assignment, is liable to be detained until it complies.

(3) Any ship which is loaded so as to submerge the load line may be detained until it ceases to be so loaded.

(4) Section 284 of the Merchant Shipping Act 1995⁽¹²⁾ (enforcing detention of a ship) applies where a ship is liable to be detained under this regulation as if—

- (a) references to detention of a ship under that Act were references to detention of the ship in question under this regulation, and
- (b) subsections (7) and (8) were omitted.

(5) The provisions of sections 96 and 97 of the Merchant Shipping Act 1995 (except section 96(3) and the words “as a dangerously unsafe ship” in section 96(5)) apply in relation to a detention notice issued pursuant to this regulation as they apply in relation to detention notices issued pursuant to section 95, and in such application “the relevant inspector” means a person issuing the detention notice.

Amendments

28. The Schedule has effect.

Certificates issued under the Merchant Shipping (Load Line) Regulations 1998

29. Any International Load Line Certificate or International Load Line Exemption Certificate issued under regulation 9 or 12 of the Merchant Shipping (Load Line) Regulations 1998⁽¹³⁾ which is valid immediately before the day on which these Regulations come into force—

⁽¹²⁾ 1995 c. 21. Section 284 was amended by the Merchant Shipping and Maritime Security Act 1997 (c. 28), section 9 and Schedule 1, and also by the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Fines and Summary Conviction) Regulations 2015 (S.I. 2015/664), regulation 4 and Schedule 4.

⁽¹³⁾ S.I. 1998/2241, amended by S.I. 2000/1335 and S.I. 2005/2114.

- (a) has effect on and after that date as if it were issued under these Regulations, and
- (b) subject to the provisions of these Regulations continues to be valid until the expiry of that certificate.

Review of the Regulations

30.—(1) The Secretary of State must from time to time—

- (a) carry out a review of the regulatory provision contained in these Regulations, and
- (b) publish a report setting out the conclusions of the review.

(2) The first report must be published before 9th March 2023.

(3) Subsequent reports must be published at intervals not exceeding five years.

(4) Section 30(3) of the Small Business, Enterprise and Employment Act 2015⁽¹⁴⁾ requires that a review carried out under this regulation must, so far as is reasonable, have regard to how the obligations under the 1966 Convention are implemented in other countries which are subject to the obligations.

(5) Section 30(4) of the Small Business, Enterprise and Employment Act 2015 requires that a report published under this regulation must, in particular—

- (a) set out the objectives intended to be achieved by the regulatory provision referred to in paragraph (1)(a),
- (b) assess the extent to which those objectives are achieved,
- (c) assess whether those objectives remain appropriate, and
- (d) if those objectives remain appropriate, assess the extent to which they could be achieved in another way which involves less onerous regulatory provision.

(6) In this regulation, “regulatory provision” has the same meaning as in sections 28 to 32 of the Small Business, Enterprise and Employment Act 2015 (see section 32 of that Act).

Signed by authority of the Secretary of State for Transport

8th February 2018

Nusrat Ghani
Parliamentary Under Secretary of State
Department for Transport

We approve the making of these Regulations

6th February 2018

Mark Spencer
David Rutley
Two for the Lords Commissioners of Her
Majesty’s Treasury

⁽¹⁴⁾ 2015 c. 26. Section 30(3) was amended by the Enterprise Act 2016 (c. 12), section 19.

SCHEDULE

Regulation 28

Merchant Shipping (Load Line) Regulations 1998

1. The Merchant Shipping (Load Line) Regulations 1998(15) are amended as follows.
2. In regulation 2—
 - (a) omit the definition of “the 1966 Convention”;
 - (b) omit the definition of “the 1988 Protocol”;
 - (c) for the definition of “appropriate certificate” substitute—

““appropriate certificate” means a United Kingdom Load Line Certificate”;
 - (d) for the definition of “appropriate load line” substitute—

““appropriate load line” means the load line directed to be marked on a ship pursuant to regulation 7(2)(b)”;
 - (e) omit the definition of “Convention country”;
 - (f) omit the definition of “Convention-size”;
 - (g) in the definition of “Exemption Certificate” omit “an International Load Line Exemption Certificate or”;
 - (h) omit the definition of “International Load Line Certificate”;
 - (i) omit the definition of “International Load Line Certificate (1966)”;
 - (j) omit the definition of “International Load Line Exemption Certificate”;
 - (k) omit the definition of “International Load Line Exemption Certificate (1966)”;
 - (l) for the definition of “international voyage” substitute—

““international voyage” means a voyage between a port in the United Kingdom and a port outside the United Kingdom”;
 - (m) in the definition of “Maritime and Coastguard Agency” for “Department of the Environment, Transport and the Regions” substitute “Department for Transport”;
 - (n) omit the definition of “material date”;
 - (o) in the definition of “new ship” for “the material date” substitute “21st July 1968”;
 - (p) omit the definition of “parent country”;
 - (q) for the definition of “pleasure vessel” substitute—
 - “(a) any vessel which at the time it is being used is—
 - (i) in the case of a vessel wholly owned by—
 - (aa) an individual or individuals, used only for the sport or pleasure of the owner or the immediate family or friends of the owner; or
 - (bb) a body corporate, used only for sport or pleasure and on which the persons on board 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

(15) S.I. 1998/2241, amended by S.I. 2000/1335 and S.I. 2005/2114.

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- (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,

where, in the case of any vessel referred to in paragraphs (a) or (b), no other payments are made by or on behalf of users of the vessel, other than by the owner; and in this definition "immediate family" means, in relation to an individual, the spouse or civil partner of the individual, and a relative of the individual or the individual's spouse or civil partner; and "relative" means brother, sister, ancestor or lineal descendant;"

- (r) omit the definition of "relevant entry into force date";
- (s) in the definition of "United Kingdom Load Line Certificate" omit "other than an International Load Line Certificate";
- (t) omit the definition of "valid Convention certificate";
- (u) omit paragraph (3).

3. In regulation 4(1)—

- (a) in sub-paragraph (a) after "ships of war" insert ", naval auxiliaries or other ships owned or operated by the United Kingdom government and engaged only on governmental non-commercial service";
- (b) in sub-paragraph (d) omit "and";
- (c) after sub-paragraph (e) insert—
 - "(f) new ships of 24 metres or more in length engaged on an international voyage;
 - and
 - (g) existing ships of 150 gross tons or more engaged on an international voyage."

4. In regulation 4(2)(c), omit paragraphs (ii), (iii) and (iv).

5. In regulation 5—

- (a) omit paragraph (1) and (3);
- (b) for paragraph (2) substitute—

"(2) Subject to paragraph (4) the Secretary of State may exempt any ship from these Regulations."

6. In regulation 6—

- (a) omit paragraph (2);
- (b) omit paragraph (5)(a);
- (c) in paragraph 5(b) omit "in the case of any other ship";
- (d) omit paragraph (6).

7. In regulation 8(3) after "endorse" omit "the International Load Line Certificate, the International Load Line Certificate (1966) or, as the case may be,".

8. In regulation 9—

- (a) for paragraph (1) substitute—

"(1) Subject to the provisions of regulation 10, the Assigning Authority shall issue a United Kingdom Load Line Certificate in respect of a United Kingdom ship which has been surveyed and marked in accordance with these Regulations."
- (b) omit paragraph (2);

- (c) omit paragraph (5);
 - (d) omit paragraph (6).
- 9.** In regulation 12—
- (a) omit paragraph (1);
 - (b) in paragraph 3(c) for “an appropriate certificate” substitute “a United Kingdom Load Line Certificate”.
- 10.** In regulation 14—
- (a) omit paragraph (1);
 - (b) in paragraph (4) after “paragraph (2)” omit “in respect of a ship registered in a Convention country”.
- 11.** After regulation 37 insert—
- “**38.**—(1) The Secretary of State must from time to time—
- (a) carry out a review of the regulatory provision contained in these Regulations, and
 - (b) publish a report setting out the conclusions of the review.
- (2) The first report must be published before 9th March 2023.
- (3) Subsequent reports must be published at intervals not exceeding five years.
- (4) Section 30(3) of the Small Business, Enterprise and Employment Act 2015⁽¹⁶⁾ requires that a review carried out under this regulation must, so far as is reasonable, have regard to how the obligations under the 1966 Convention are implemented in other countries which are subject to the obligations.
- (5) Section 30(4) of the Small Business, Enterprise and Employment Act 2015 requires that a report published under this regulation must, in particular—
- (a) set out the objectives intended to be achieved by the regulatory provision referred to in paragraph (1)(a),
 - (b) assess the extent to which those objectives are achieved,
 - (c) assess whether those objectives remain appropriate, and
 - (d) if those objectives remain appropriate, assess the extent to which they could be achieved in another way which involves less onerous regulatory provision.
- (6) In this regulation, “regulatory provision” has the same meaning as in sections 28 to 32 of the Small Business, Enterprise and Employment Act 2015 (see section 32 of that Act).”

Merchant Shipping (Fees) Regulations 2006

- 12.** In Part 1 of Schedule 1 to the Merchant Shipping (Fees) Regulations 2006⁽¹⁷⁾, Section G Load Lines, the Table in paragraph 1 is amended as follows—
- (a) in relation to the entry for the Merchant Shipping (Load Line) Regulations 1998, in column (3) under “2000/1335”, insert “2018/155”; and
 - (b) after the entry relating to the Merchant Shipping (Carriage of Cargoes) Regulations 1999 insert an entry comprising—
 - (i) in column (1), “Merchant Shipping (International Load Line Convention) (Amendment) Regulations 2018”;

⁽¹⁶⁾ 2015 c.26. Section 30(3) was amended by the Enterprise Act 2016 (c. 12), section 19.

⁽¹⁷⁾ S.I. 2006/2055, amended by S.I. 2006/3225.

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- (ii) in column (2), “2018/155”; and
- (iii) in column (3), “None”.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement the International Convention on Load Lines, 1966, as modified by the Protocol of 1988 relating to the Convention. The Regulations also implement all amendments to the Convention and Protocol as at the date of this statutory instrument. All future amendments to Annexes I, II and III to the Convention will be automatically incorporated into the Regulations by way of ambulatory reference (regulation 5). The Regulations apply the provisions of the Convention, with certain limited exceptions, to United Kingdom ships and to non-United Kingdom ships in United Kingdom waters meeting the size or weight criteria in the Convention, including ships from countries which are not parties to the Convention, and which are engaged on international voyages.

The Convention regulates technical detail in relation to the loading, stability and watertight integrity of ships, and includes provision for the survey, certification and inspection of ships for the purpose of ascertaining compliance with the Convention. Load lines marked on a ship indicate the maximum safe loading of a ship in specific conditions.

The Regulations amend the Merchant Shipping (Load Line) Regulations 1998 (S.I. 1998/2241), which continue to apply (with certain limited exceptions) to United Kingdom ships and non-United Kingdom ships in United Kingdom waters engaged on international voyages but to which the Convention does not apply, as well as to United Kingdom ships and non-United Kingdom ships in United Kingdom waters on domestic voyages.

Under regulation 3, the Secretary of State may authorise persons to act as Assigning Authorities for the purposes of the Regulations.

Regulation 23 sets out the scope of the control exercisable by the Secretary of State in relation to non-United Kingdom ships in United Kingdom ports. Such control is exercised in practice by way of the port State control regime.

Regulation 30 requires the Secretary of State to review the operation and effect of these Regulations and publish a report before 9th March 2023 and at intervals not exceeding five years after that. Following a review it will fall to the Secretary of State to consider whether the Regulations should remain as they are, or be amended or revoked. A further instrument would be needed to amend or to revoke the Regulations.

Marine Guidance Note (MGN 579(M)) provides detailed explanation as to how the Regulations work in practice. MGN 579(M) is available from the Maritime and Coastguard Agency (MCA) of Spring Place, 105 Commercial Road, Southampton SO15 1EG and on <https://www.gov.uk>.

The International Convention on Load Lines, 1966 and the Protocol of 1988 may be obtained in copy from the International Maritime Organization (IMO), 4 Albert Embankment, London SE1 7SR and are available on the Foreign and Commonwealth Office (FCO) treaties database (<http://treaties.fco.gov.uk/treaties/treaty.htm>). The text of the Resolutions amending the Convention and Protocol may be obtained from the IMO or found in Marine Information Note 560(M), or on the FCO treaties database (<http://treaties.fco.gov.uk/treaties/treaty.htm>).

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Future amendments to the Convention and to the Protocol may be obtained in copy from the IMO and, after coming into force in the United Kingdom, found on <http://treaties.fco.gov.uk/treaties/treaty.htm>. Until such publication is made on <http://treaties.fco.gov.uk/treaties/treaty.htm>, an amendment will be available from the MCA and on <https://www.gov.uk>. An amendment will be publicised in advance of its in force date by means of a Parliamentary Statement to both Houses of Parliament and by way of a Marine Guidance Note, which will be available in copy from the MCA and on <https://www.gov.uk>.

An impact assessment of the effect of this instrument has been produced and is published with the Explanatory Memorandum alongside the instrument at www.legislation.gov.uk.