



## MERCHANT SHIPPING (SOLAS CHAPTER V)(SAFETY OF NAVIGATION) REGULATIONS 2018

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Statutory Document No. 2018/0187



*Merchant Shipping Act 1985*

## **MERCHANT SHIPPING (SOLAS CHAPTER V)(SAFETY OF NAVIGATION) REGULATIONS 2018**

*Laid before Tynwald: 17 July 2018*  
*Coming into Operation: 1 August 2018*

The Department for Enterprise, having carried out the consultation required by section 1(1) and section 2(2) of the Merchant Shipping Act 1985, makes the following Regulations under sections 1, 2 and 6 of that Act.

### **PART 1 – INTRODUCTORY**

#### **1 Title**

These Regulations are the Merchant Shipping (SOLAS Chapter V)(Safety of Navigation) Regulations 2018.

#### **2 Commencement**

These Regulations come into operation on 1 August 2018.

#### **3 Application**

- (1) Unless expressly provided otherwise, Parts 1 and 2 of these Regulations apply to all Manx ships on all voyages. This is subject to paragraph (3).
- (2) Unless expressly provided otherwise, Parts 1 and 3 of these Regulations apply to a foreign ship whilst it is within the territorial waters of the Island. This is subject to paragraph (3).
- (3) These Regulations do not apply to a Manx ship or a foreign ship which is —
  - (a) a warship, naval auxiliary or other ship owned or operated by a Contracting Government and used only on Government non-commercial service; or
  - (b) a ship solely navigating the Great Lakes of North America and their connecting and tributary waters as far east as the lower exit

of the St. Lambert Lock at Montreal in the Province of Quebec, Canada.

#### 4 Interpretation

In these Regulations —

“**Act**” means the Merchant Shipping Act 1985;

“**1988 Protocol**” means the Protocol adopted on 11 November 1988 by the IMO International Conference on the Harmonized System of Survey and Certification (1988 SOLAS Protocol), which came into force on 3 February 2000;

“**commercial vessel**” means any vessel that is not a pleasure vessel;

“**company**” means the owner of a ship or any other organisation or person such as the manager, or the bareboat charterer, who has assumed responsibility for operation of the ship from the owner and who, on assuming such responsibility, has agreed to take over all the duties and responsibilities imposed by the SOLAS Convention;

“**Contracting Government**” means the government of a country which has consented to be bound by the SOLAS Convention;

“**Department**” means the Department for Enterprise;

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

“**foreign ship**” means any ship that is not a Manx ship;

“**high-speed craft**” has the meaning given by regulation 1.3 of SOLAS Chapter X;

“**IMO**” means the International Maritime Organization;

“**inspector**” means a person appointed as an inspector under section 3 of the Merchant Shipping Act 1985;

“**international voyage**” means a voyage from a country to which the SOLAS Convention applies to a port outside such country, or conversely;

“**Manx ship**” has the meaning given by section 1 of the Merchant Shipping Registration Act 1991 and includes a ship registered under Part IV of that Act (the Demise Charter Register) or under Part 3 of the Harbours Act 2010;

“**MSN**” means a Manx Shipping Notice issued by the Department and includes any document which amends that notice;

“**pleasure vessel**” has the meaning given by regulation 6 of the Merchant Shipping (Pleasure Vessel) Regulations 2003<sup>1</sup>;

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<sup>1</sup> SD 396/03

“**RO**” means any recognised organisation specified in MSN 020 which is authorised by the Department to undertake the specified function;

“**SOLAS Convention**” means the International Convention for the Safety of Life at Sea 1974, as amended by the 1988 Protocol;

“**SOLAS Chapter 1**” means Chapter 1 of the SOLAS Convention including all amendments made to that Chapter up to and including those adopted by IMO Resolution MSC.204(81) on 18 May 2006;

“**SOLAS Chapter V**” means Chapter V of the SOLAS Convention including all amendments made to that Chapter up to and including those adopted by IMO Resolution MSC.350(92) on 21 June 2013 which came into force on 1 January 2015;

“**SOLAS Chapter X**” means Chapter X of the SOLAS Convention including all amendments made to that Chapter up to and including those adopted by IMO Resolution MSC.352(92) on 21 June 2013 which came in to force on 1 January 2015; and

“**territorial waters of the Island**” means —

- (a) the territorial sea adjacent to the Island; and
- (b) any waters within the area that extend landward from the baselines from which the breadth of the territorial sea is measured as far as the mean high water mark of ordinary spring tides.

## 5 Company’s responsibility

- (1) A company must ensure a ship complies with such of the requirements of these Regulations as apply in relation to a ship of its description.
- (2) Paragraph (1) applies whether or not these Regulations impose an obligation on another person.
- (3) A company which fails to comply with paragraph (1) commits an offence and is liable —
  - (a) on conviction on information, to custody for a term not exceeding 2 years, a fine, or both; or
  - (b) on summary conviction, to a fine not exceeding £10,000.

## 6 Provisions relating to offences

- (1) It is a defence for a person charged under these Regulations to show that he or she took all reasonable steps to avoid the commission of the offence.
- (2) If the commission by any person of an offence under these Regulations is due to the act or default of some other person, that other person commits the offence and a person may be charged with and convicted of the

offence by virtue of this regulation whether or not proceedings are taken against the first-mentioned person.

- (3) If a body corporate commits an offence under these Regulations and that offence is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he or she, as well as the body corporate, commits that offence and is liable to be proceeded against and punished accordingly.
- (4) If the affairs of a body corporate are managed by its members, paragraph (3) applies in relation to the acts and defaults of a member in connection with his or her functions of management as if the member were a director of the body corporate.
- (5) For the purposes of this regulation, “**body corporate**” includes a limited liability company constituted under the Limited Liability Companies Act 1996 and, in relation to that company, any reference to a director or other officer of a body corporate is a reference to a member and to the company’s manager and registered agent.

## PART 2 – MANX SHIPS

### 7 Requirement to comply with SOLAS Chapter V

- (1) Subject to paragraph 2, ship must comply with such of the requirements of SOLAS Chapter V, as apply in relation to a ship of its description.
- (2) In accordance with SOLAS Chapter V regulation 1.4, which permits the Department to determine the extent SOLAS Chapter V, regulations 15 to 28 apply to certain categories of ships –
  - (a) a fishing vessel of any size and a pleasure vessel under 150gt does not have to comply with SOLAS Chapter V, regulations 15 to 28;
  - (b) a commercial vessel under 150gt must comply with SOLAS Chapter V regulations 15 to 28 in accordance with Schedule 1; and
  - (c) a commercial vessel or a pleasure vessel of 151gt up to and including 499gt not engaged on international voyages must comply with such of the requirements of SOLAS Chapter V, regulations 15 to 28 as apply to a ship of its description.
- (3) In accordance with SOLAS Chapter X, regulation 3, a high-speed craft which complies with the requirements of the –
  - (a) High-Speed Craft Code 1994; or
  - (b) High-Speed Craft Code 2000

is deemed to have complied with the requirements of SOLAS Chapter V, regulations 18, 19 and 20.

- (4) To avoid doubt, a high-speed craft must comply with SOLAS Chapter V regulation 19-1.
- (5) If there is a footnote in SOLAS Chapter V, and it is clear from the wording and the context that the content of the footnote or of a document referred to in the footnote is intended to form part of the requirement, then such content must be treated as part of the requirement.
- (6) Unless the context clearly indicates otherwise, references to 'Administration' in SOLAS Chapter V are to be read as references to the Department or RO, subject to any more specific provision in these Regulations or MSN 020, 026, 032, 061 or 063.

## **8 Responsible officer**

For the purposes of SOLAS Chapter V regulation 24(3), the 'responsible officer' who makes or supervises the change over from automatic to manual steering and vice versa must be the officer in charge of the navigational watch or, if there is no such officer, the master.

## **9 Operational limitations**

For the purposes of SOLAS Chapter V regulation 30, the list of all limitations on the operation of a passenger ship must be documented in a form acceptable to the Department.

## **10 Type approval**

If SOLAS Chapter V, or any part of a code applied by SOLAS Chapter V requires anything to be type approved, it must be type approved in accordance with MSN 063.

## **11 Exemptions and equivalentents**

- (1) In accordance with SOLAS Chapter V, regulation 1.4, the Department may exempt —
  - (a) a ship below 150gt engaged on any voyage;
  - (b) a ship below 500gt not engaged on international voyages, and
  - (c) fishing vessels,from the application of SOLAS Chapter V regulations 15 to 28, to the extent that those regulations are applied to a ship by regulation 7(2) of these Regulations.

- (2) In accordance with SOLAS Chapter V, regulation 3.1, the Department may grant general exemptions from the requirements of SOLAS Chapter V, regulations 15, 17, 18, 19 (except 19.2.1.7), 20, 22, 24, 25, 26, 27 and 28 to ships without mechanical means of propulsion.
- (3) In accordance with SOLAS Chapter V, regulation 3.2, the Department may grant individual ships exemptions or equivalents of a partial or conditional nature, when any such ship is engaged on a voyage where —
  - (a) the maximum distance of the ship from the shore;
  - (b) the length and nature of the voyage;
  - (c) the absence of general navigational hazards; and
  - (d) other conditions affecting safety,are such as to render the full application of SOLAS Chapter V unreasonable or unnecessary.
- (4) An exemption or equivalent under paragraph (3) may only be issued by the Department if it has taken into account the effect an exemption or equivalent may have upon the safety of all other ships.
- (5) In accordance with SOLAS Chapter V, regulation 18.4, the Department may exempt systems and equipment including associated back up arrangements installed prior to the adoption of IMO performance standards to perform the functional requirements of SOLAS Chapter V regulations 19 and 20 from full compliance with those standards.
- (6) An exemption under paragraph (5) may only be issued by the Department having due regard to the recommended criteria adopted by the IMO.
- (7) In accordance with SOLAS Chapter V, regulation 19.1.3, the Department may exempt a ship from the application of the requirement of SOLAS Chapter V regulation 19.1.2.4 when the ship will be taken permanently out of service within two years after the implementation date specified in SOLAS Chapter V regulations 19.1.2.4.1 to 19.1.2.4.4.
- (8) In accordance with SOLAS Chapter V, regulation 19.2.11, the Department may exempt a ship from the application of the requirements of SOLAS Chapter V regulation 19.2.10 when the ship will be taken permanently out of service within two years after the implementation date specified in SOLAS Chapter V regulations 19.2.10.5 to 19.2.10.9.
- (9) In accordance with SOLAS Chapter V, regulation 19.2.2.4, the Department may exempt a bridge navigational watch alarm system (BNWAS) installed prior to 1 July 2011 from full compliance with the standards adopted by the IMO.
- (10) In accordance with SOLAS Chapter V, regulation 20.3, the Department may exempt a ship, other than a ro-ro passenger ship, constructed before 1 July 2002 from being fitted with a VDR, where it can be demonstrated



that interfacing a VDR with the existing equipment on the ship is unreasonable and impracticable.

## **12 Waiver**

- (1) In accordance with SOLAS Chapter V, regulation 26.5, the Department may waive requirements to carry out the checks and tests prescribed by SOLAS Chapter V regulations 26.1 and 26.2 for a ship which regularly engages on voyages of short duration.
- (2) A ship which is granted a waiver in accordance with paragraph (1), must carry out the checks and tests prescribed by SOLAS Chapter V regulations 26.1 and 26.2 at least once every week.

## **13 Validity of approvals, type approvals, exemptions, equivalent arrangements and waivers**

An approval or type approval required by SOLAS Chapter V, or an exemption, equivalent arrangement or waiver permitted by SOLAS Chapter V is only valid if —

- (a) it is in writing;
- (b) it specifies the date on which it takes effect; and
- (c) any conditions stated in it are complied with.

## **PART 3 — FOREIGN SHIPS**

### **14 Requirement to comply with SOLAS Chapter V**

A foreign ship in the territorial waters of the Island must comply with such of the requirements of SOLAS Chapter V as apply in relation to a ship of its description.

### **15 Inspection of a foreign ship**

- (1) A foreign ship in a port of the Island may be subject to inspection by an inspector to verify that certificates issued under SOLAS Chapter 1, regulations 12 or 13, are valid.
- (2) For the purposes of paragraph (1), an inspector may accept any certificate that he or she considers to be equivalent to the certificates issued under SOLAS Chapter 1, regulations 12 or 13 if the flag State of the foreign ship is not a Party to the SOLAS Convention.

### **16 Provisions relating to detention**

- (1) Subject to paragraph (3), if an inspector carries out an inspection in accordance with regulation 15 and finds that —

- (a) the certificates are not produced, have expired or ceased to be valid; or
- (b) there are clear grounds for believing —
  - (i) the condition of the foreign ship or its equipment does not correspond substantially with the particulars of the certificate; or
  - (ii) the foreign ship or its equipment is not in compliance with the requirements of SOLAS Chapter 1 regulation 11(a) or (b),

the foreign ship may be detained.

- (2) A foreign ship detained in accordance with paragraph (1) is not permitted to sail until it can proceed to sea or leave the port for the purpose of proceeding to the nearest appropriate repair yard available without danger to the foreign ship or persons on board.
- (3) In accordance with SOLAS Chapter V, regulation 16.2, while all reasonable steps must be taken to maintain the equipment required by SOLAS Chapter V in efficient working order, malfunctions of that equipment must not be considered as making the ship unseaworthy or as a reason for delaying a ship in ports where repair facilities are not readily available, provided suitable arrangements are made by the master to take the inoperative equipment or unavailable information into account in planning and executing a safe voyage to a port where repairs can take place.
- (4) If an inspection is conducted or when measures are taken in accordance with paragraph (1), all reasonable efforts must be made to avoid a foreign ship being unreasonably delayed or detained.
- (5) If a ship is detained in accordance with this regulation, section 74 of the *Merchant Shipping Registration Act 1991* (which relates to the detention of a ship) has effect, subject to the modifications —
  - (a) In sub-sections (1) and (2), after “officer of the Department,” insert **or any inspector**;
  - (b) in sub-section (3), for “this Act” (wherever occurring) substitute **the SOLAS Chapter V Regulations**; and
  - (c) after sub-section (3) add —
    - (4) In this section —**
    - “inspector”** has the meaning given by regulation 4 of the SOLAS Chapter V Regulations; and
    - “SOLAS Chapter V Regulations”** means the Merchant Shipping (SOLAS Chapter V)(Safety of Navigation) Regulations 2018.

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## **PART 4 – REVOCATIONS AND CONSEQUENTIAL AMENDMENTS**

### **17 Revocation**

The Merchant Shipping (Safety of Navigation - SOLAS Chapter V) Regulations 2004<sup>2</sup> are revoked.

### **18 Consequential amendments**

Schedule 2 (consequential amendments) has effect.

**MADE 20 June 2018**

**LAURENCE SKELLY**  
*Minister for Enterprise*

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<sup>2</sup> SD269/04



**SCHEDULE 1**

Regulation 7(2)

Compliance for Commercial Vessels under 150gt

<p><b>KEY:</b> <i>X = Does not apply</i> <i>√ = Applies</i></p>	<p><b>Vessel</b></p>	<p>Commercial Vessel under 150gt - engaged only on voyages in the territorial waters of the Island</p>	<p>Commercial Vessel under 150gt - which engages on voyages outside the territorial waters of the Island</p>
<b>SOLAS V Regulation</b>			
15	Bridge Design, Design and Arrangement of Navigational Systems and Equipment and Bridge Procedures	X	X
16	Maintenance of Equipment	√	√
17.1	Electromagnetic Compatibility Testing	X	X
17.2	Electromagnetic Compatibility Installation	√	√
17.3	Portable Electrical and Electronic Equipment	√	√
18	Approval, Surveys and Performance Standards of Navigational Systems and Equipment and Voyage Data Recorder	X	X

SCHEDULE 1

		Commercial Vessel under 150gt - engaged only on voyages in the territorial waters of the Island	Commercial Vessel under 150gt - which engages on voyages outside the territorial waters of the Island
<b>KEY:</b>  <i>X = Does not apply</i>  <i>√ = Applies</i>	<b>Vessel</b>		
<b>SOLAS V Regulation</b>			
19.2.1.1	Magnetic Compass	√	√
19.2.1.2	Pelorus or Compass Bearing Device	√	√
19.2.1.3	Means of Correcting Headings and Bearings	X	X
19.2.1.4	Nautical Charts & Publications	√	√
19.2.1.5	Back-up Arrangements	√	√
19.2.1.6	Receiver for Global Navigation System	X	√
19.2.1.7	Radar Reflector	√	√
19.2.1.8	Sound Reception System	X	X
19.2.1.9	Telephone to emergency steering	X	X
19.2.2.2 to 19.2.2.11	Shipborne Navigational Systems and Equipment	X	X



<p><b>KEY:</b></p> <p><i>X = Does not apply</i></p> <p><i>√ = Applies</i></p>	<p><b>Vessel</b></p>	<p>Commercial Vessel under 150gt - engaged only on voyages in the territorial waters of the Island</p>	<p>Commercial Vessel under 150gt - which engages on voyages outside the territorial waters of the Island</p>
<p><b>SOLAS V Regulation</b></p>			
20	Voyage Data Recorders	X	X
21.1	International Code of Signals	X	X
21.2	IAMSAR Manual Vol III	X	√
22	Navigation Bridge Visibility	X	X
23	Pilot Transfer Arrangements	X	X
24	Use of Heading and/or Track Control Systems	X	X
25	Operation of Steering Gear	X	X
26	Steering Gear: Testing and Drills	√	√
27	Nautical Charts and Publications	√	√
28	Records of Navigational Activities	X	X

**SCHEDULE 2**

Consequential amendments

(1) **The Merchant Shipping (Manning and STCW) Regulations 2014<sup>3</sup> are amended –**

- (a) in regulation 7, by omitting the paragraph beginning “SOLAS Chapter V”, and substituting the following –

“SOLAS Chapter V” means Chapter V of the International Convention for the Safety of Life at Sea 1974, as amended by the 1988 Protocol, including all amendments made to that Chapter up to and including those adopted by IMO Resolution MSC.350(92) on 21 June 2013 which came into force on 1 January 2015;

(2) **The Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) Regulations 2014<sup>4</sup> are amended by –**

- (a) omitting from Schedule 1, in the table entitled ‘Regulations Disapplied’, the following –

Merchant Shipping (Safety of Navigation - SOLAS Chapter V) Regulations 2004	SD 269/04	
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and

- (b) inserting after the final entry the following –

Merchant Shipping (SOLAS Chapter V)(Safety of Navigation) Regulations 2018	SD 2018/0187	
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(3) **The Merchant Shipping (Cargo Ship Construction) Regulations 1998<sup>5</sup>, are amended –**

- (a) in regulation 2(1) ‘interpretation’, after “steering gear power unit” by inserting the following –

“SOLAS Chapter V” means Chapter V of the International Convention for the Safety of Life at Sea 1974, as amended

<sup>3</sup> SD2014/0238

<sup>4</sup> SD2014/0415

<sup>5</sup> SD603/98





- by the 1988 Protocol, including all amendments made to that Chapter up to and including those adopted by IMO Resolution MSC.350(92) on 21 June 2013 which came into force on 1 January 2015;<sup>6</sup>
  - (b) by omitting regulation 3(b)(iii)(dd) from Part 3 of Schedule 10 ‘Emergency and transitional source of electrical power’, and substituting the following –
    - <sup>6</sup>on ships of 5,000 tons or more, the navigational equipment required by SOLAS Chapter V, regulation 19;<sup>6</sup>
- (4) The Merchant Shipping (Official Log Books)(Fishing Vessels) Regulations 1981<sup>6</sup> as they have effect in the Island, are amended by –
- (a) omitting from regulation 1(1) the definition for “the Safety of Navigation Regulations”; and
  - (b) In the Schedule, in ‘Column 1 Particulars of entry’ –
    - (i) in entry number 20 and 21, omit the words “under regulation 5(1) of the Safety of Navigation Regulations”.

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<sup>6</sup> SI 1981/570 applied to the Island by GC163/81

*EXPLANATORY NOTE*

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

These Regulations give effect to Chapter V of the SOLAS Convention (SOLAS Chapter V) 'Safety of Navigation', including all amendments made to that Chapter up to and including those adopted by IMO Resolution MSC.350(92) on 21 June 2013 which came into force on 1 January 2015.

Note that regulations 14(1) and 14(2) of SOLAS Chapter V 'Ships' Manning' is given effect by the Merchant Shipping (Manning and STCW) Regulations 2014<sup>7</sup> and the Merchant Shipping (Manning and Training) Regulations 1996<sup>8</sup>.

Unless provided otherwise, these Regulations apply to Manx ships wherever they may be and to foreign ships whilst they are within the territorial waters of the Island.

The Department has discretion over the extent to which SOLAS Chapter V regulations 15 to 28 apply to vessels such as fishing vessels, commercial and pleasure vessels below 150gt, as well as vessels between 151gt and 500gt. The application of SOLAS Chapter V regulations 15 to 28 for these vessels is set out in regulation 7(2) and Schedule 1 of these Regulations.

These Regulations come into operation on 1 August 2018.

Further information on compliance with these Regulations can be found in MSN 020, 026, 032, 061 and 063.

The Merchant Shipping (Safety of Navigation - SOLAS Chapter V) Regulations 2004<sup>9</sup> are revoked.

Copies of this document and Manx Shipping Notices are obtainable from the Isle of Man Ship Registry, Department for Enterprise, St Georges Court, Upper Church Street, Douglas, Isle of Man, IM1 1EX and can be accessed via the website: <http://www.iomshipregistry.com>

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<sup>7</sup> SD 2014/0238

<sup>8</sup> SD 723/96

<sup>9</sup> SD269/04