Draft Regulations laid before Parliament under paragraph 13(1) of Schedule 8 to the European Union (Withdrawal) Act 2018, for approval by resolution of each House of Parliament.

D R A F T S T A T U T O R Y I N S T R U M E N T S

2022 No. 0000

MERCHANT SHIPPING

SAFETY

The Merchant Shipping (High Speed Craft) Regulations 2022

Made - - - - ***

Coming into force - - ***

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The Secretary of State, after consulting the persons referred to in section 86(4) of the Merchant Shipping Act 1995(**a**), and in exercise of the powers conferred by sections 85(1), (3), (5), (6) and (7), 86(1)(a), (b), (c) and (d), 302(1) and 306A of that Act, and with the consent of the Treasury, makes the following Regulations.

In accordance with paragraph 13(1) of Schedule 8 to the European Union (Withdrawal) Act 2018(**b**), a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

PART 1

Preliminary

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Merchant Shipping (High Speed Craft) Regulations 2022 and come into force 21 days after the day on which they are made.

(2) These Regulations extend to England and Wales, Scotland and Northern Ireland.

Amendments and revocations

2.—(1) The amendments listed in Part 1 of the Schedule have effect.

(2) The Regulations listed in the first column of the Table in Part 2 of the Schedule are revoked to the extent specified in the third column of that Table.

Interpretation

3.—(1) In these Regulations—

"cargo craft" means a high speed craft, other than a passenger craft, which is capable of maintaining the main functions and safety systems of unaffected spaces after damage in any one compartment on board;

"Chapter X" means Chapter X (safety measures for high speed craft) in the Annex to the Convention(**c**);

(**a**) 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 306A was inserted by the Deregulation Act 2015 (c. 20), section 106. There are other amendments but none is relevant. Sections 85 and 86 are to applied to hovercraft by the Hovercraft (Application of Enactments) Order 1989 (S.I. 1989/1350).

(**b**) 2018 c. 16. Paragraph 13(1) was amended by the European Union (Withdrawal Agreement) Act 2020 (c. 1), Schedule 5, paragraph 54.

(**c**) Chapter X in the Annex to the Convention (see the footnote to the definition of Convention in this regulation) was adopted by International Maritime Organization (IMO) Resolution MSC.36(63) on 24th May 1994 and came into force on 1st January 1996. Chapter X has been amended by IMO Resolution MSC.99(73) (Cm 6001). The amendment to Chapter X is

"constructed" means, in relation to a craft, that the keel of the craft is laid or that the craft is at a similar stage of construction;

"Convention" means the International Convention for the Safety of Life at Sea, 1974(**a**);

"craft" means ships and hovercraft;

"domestic voyage" means a voyage that is not an international voyage;

"fishing craft" means a craft used for catching fish, whales, seals, walrus or other living resources of the sea;

"gross tonnage" means gross tonnage determined in accordance with regulation 6 or 12(1) of the Merchant Shipping (Tonnage) Regulations 1997(**b**);

"high speed craft" has the same meaning as in regulation 1.3 of Chapter X;

"High-Speed Craft Code, 1994" has the same meaning as in regulation 1.1 of Chapter X(**c**);

"High-Speed Craft Code, 2000" has the same meaning as in regulation 1.2 of Chapter X(**d**);

"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,

and, for the purposes of paragraph (b), "Convention country" means a country or territory which is either a country the Government of which is party to the Convention or a territory to which the Convention extends whether or not it is subject to the amendments to, or reservations in respect of, the Convention;

"maximum speed" means the speed achieved at the maximum continuous propulsion power for which the craft is certified at maximum operational weight and in smooth water;

"Merchant Shipping Notice" means a notice described as such and 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;

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available from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or found on the Foreign, Commonwealth and Development Office treaties database (https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch/).

(**a**) Cmnd. 7874. The Convention may be obtained in copy from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or found on the Foreign, Commonwealth and Development Office treaties database (https://treaties.fcdo.gov.uk/awweb/pdfopener?md=1&did=79786). The Convention was modified by its Protocol of 1978 (Cmnd.. 8277) (https://treaties.fcdo.gov.uk/awweb/pdfopener?md=1&did=68013), which was replaced and abrogated by the Protocol of 1988 (Cm 5044) (https://treaties.fcdo.gov.uk/awweb/pdfopener?md=1&did=69573) with respect to the parties to the 1988 Protocol. The amendments to the Convention are available from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or found on the Foreign, Commonwealth and Development Office treaties database (https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch/). Hard copies of the Command Papers are available for inspection free of charge but by appointment at the Parliamentary Archives, Houses of Parliament, London SW1A 0PW. The Parliamentary Archives catalogue numbers for the Command Papers are HL/PO/JO/10/11/2031/2878 (Cmnd. 7874), HL/PO/JO/10/11/1959/2032 (Cmnd. 8277) and HL/PO/JO/10/11/3156/2280 (Cm 5044).

(**b**) S.I. 1997/1510, amended by S.I. 1998/1916, 1999/3206 and 2020/362; there are other amending instruments but none is relevant.

(**c**) The High-Speed Craft Code, 1994 was adopted by International Maritime Organization (IMO) Resolution MSC.36(63) at the conference on 24th May 1994 which came into force on 1st January 1996. The Code has been amended by IMO Resolutions MSC.119(74) (Cm 6652), MSC.174(79), MSC.221(82), MSC.259(84), MSC.351(92), MSC.423(98) and MSC.438(99). The amendments to the Code are available from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or found on the Foreign, Commonwealth and Development Office treaties database (https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch/). See footnote (a) for further information on the Convention.

(**d**) The High-Speed Craft Code, 2000 was adopted by International Maritime Organization (IMO) Resolution MSC.97(73) on 5th December 2000 and came into force on 1st July 2002. The Code has been amended by IMO Resolutions MSC.175(79), MSC.222(82), MSC.260(84), MSC.271(85), MSC.326(90), MSC.352(92), MSC.424(98) and MSC.439(99). The amendments to the Code are available from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or found on the Foreign, Commonwealth and Development Office treaties database (https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch/). See footnote (a) for further information on the Convention.

"non-United Kingdom high speed craft" means a high speed craft other than a United Kingdom high speed craft;

"operational speed" means 90 per cent of the maximum speed of which the craft is capable;

"passenger" means a person other than—

(a) the master and the members of the crew or other persons employed or engaged in any capacity on board a ship on the business of that ship; or

(b) a child under one year of age;

"passenger craft" means a high speed craft carrying more than 12 passengers;

"place of refuge" means any naturally or artificially sheltered area which may be used as a shelter by craft under conditions likely to endanger its safety;

"pleasure craft" means—

(a) any craft which at the time it is being used is—

(i) in the case of a craft 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 craft or carrying any person, other than as a contribution to the direct expenses of the operation of the craft incurred during the voyage or excursion; or

(b) any craft 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 craft referred to in paragraph (a) or (b), no other payments are made by or on behalf of users of the craft, 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;

"sea area" has the same meaning as in regulation 2 of the Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000(**a**);

"seagoing" means going to sea beyond the limits of category A, B, C or D waters, as categorised in Merchant Shipping Notice 1837 (M)(**b**);

"similar stage of construction" means a stage at which—

(a) construction identifiable with a specific craft begins, and

(b) assembly of that craft has commenced comprising at least 50 tonnes or 3 per cent of the estimated mass of all structural material, whichever is less;

"United Kingdom high speed craft" means a high speed craft which is a United Kingdom ship or a hovercraft registered in the United Kingdom;

"valid" means in force.

(**a**) S.I. 2000/2687, amended by S.I. 2004/302, 2010/680, 2010/1075, 2012/2636, 2018/1221 and 2020/1222; there are other amending instruments but none is relevant.

(**b**) Merchant Shipping Notice 1837 (M) was published in April 2013 and is available on https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/563028/MSN1837.pdf and in hard copy from the Maritime and Coastguard Agency (MCA) of Spring Place, 105 Commercial Road, Southampton SO15 1EG (telephone 020 3817 2000 and email infoline@mcga.gov.uk).

(2) Where a high speed craft is operated by a person other than its owner, whether on behalf of the owner or some other person, or on that person's own behalf, a reference in these Regulations to the owner must be construed as including a reference to that person.

(3) References to proceeding to sea or on a voyage over water include proceeding on or over land, so far as such proceeding is part of that voyage.

Application

4.—(1) Subject to paragraphs (2) and (3), these Regulations apply to every high speed craft which—

(a) is a United Kingdom high speed craft, wherever it may be, or a non-United Kingdom high speed craft while it is within United Kingdom waters;

(b) was constructed—

(i) on or after 1st January 1996, or

(ii) before 1st January 1996 and to which repairs, alterations or modifications, or outfitting of a major character are made on or after 1st January 1996; and

(c) is—

(i) a passenger craft which does not proceed in the course of its voyage more than 4 hours at operational speed from a place of refuge when fully laden,

(ii) a craft which is carrying passengers for hire or reward which is not a passenger craft and which does not proceed in the course of its voyage more than 4 hours at operational speed from a place of refuge when fully laden,

(iii) a cargo craft of 500 gross tonnage or more which does not proceed in the course of its voyage more than 8 hours at operational speed from a place of refuge when fully laden, or

(iv) a cargo craft of less than 500 gross tonnage which is carrying cargo for hire or reward and which does not proceed in the course of its voyage more than 8 hours at operational speed from a place of refuge when fully laden.

(2) These Regulations do not apply to—

(a) a warship or a naval auxiliary;

(b) a craft owned or operated by a State and engaged only on governmental non-commercial service;

(c) a craft not propelled by mechanical means;

(d) a wooden craft of primitive build;

(e) a pleasure craft;

(f) a fishing craft;

(g) a craft solely navigating the Great Lakes of North America and the River St Lawrence as far east as a straight line drawn from Cap des Rosiers to West Point, Anticosti Island and, on the north side of Anticosti Island, the 63rd meridian;

(h) a craft which has been examined, and in respect of which a certificate has been issued, in accordance with a Code of Practice referred to in regulations 4 or 5 of the Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) Regulations 1998(**a**);

(i) a craft which has been examined, and in respect of which a certificate has been issued, in accordance with a Code of Practice referred to in regulation 5 of the Merchant Shipping (Small Workboats and Pilot Boats) Regulations 1998(**b**);

(**a**) S.I. 1998/2771, amended by S.I. 2000/482, 2005/2114, 2014/1614, 2016/353, 2018/242, 2018/1221 and 2020/673. The expression "Code of Practice" is defined in regulations 4(1A) and 5(2) respectively.

(**b**) S.I. 1998/1609, amended by S.I. 2016/354, 2018/1221 and 2020/673. There is another amendment which is not relevant. The expression "Code of Practice" is defined in regulation 3(1).

(j) a craft to which the Merchant Shipping (High Speed Offshore Service Craft) Regulations 2022 apply(**a**);

(k) a passenger craft engaged on domestic voyages in sea areas B, C or D when—

(i) the displacement of that craft corresponding to the design waterline is less than $500m^3$, and

(ii) the maximum speed of that craft, as defined in paragraph 1.4.30 of the High-Speed Craft Code, 1994 or where applicable, paragraph 1.4.38 of the High-Speed Craft Code, 2000, is less than 20 knots.

(3) A non-United Kingdom high speed craft flying the flag of a State which is not a party to the Convention is not subject to these Regulations if it would not have been in United Kingdom waters but for stress of weather or any other circumstances which neither the master nor the owner or the charterer could have prevented.

(4) Where persons are on board a craft as a consequence of—

(a) the circumstances described in paragraph (3); or

(b) an obligation laid upon the master to carry shipwrecked or other persons(**b**),

those persons are not to be taken into account for the purpose of determining the application to that craft of any provision of these Regulations.

Ambulatory reference

5.—(1) In these Regulations, any reference to Chapter X, the High-Speed Craft Code, 1994 or the High-Speed Craft Code, 2000 is to be construed—

(a) as a reference to Chapter X, the High-Speed Craft Code, 1994 or the High-Speed Craft Code, 2000 as modified from time to time; and

(b) as, if Chapter X, the High-Speed Craft Code, 1994 or the High-Speed Craft Code, 2000 is replaced, a reference to the replacement.

(2) For the purposes of paragraph (1), Chapter X, the High-Speed Craft Code, 1994 or the High-Speed Craft Code, 2000 is modified or replaced if the modification or replacement takes effect in accordance with Article VIII of the Convention.

(3) A modification or replacement of Chapter X, the High-Speed Craft Code, 1994 or the High-Speed Craft Code, 2000 has effect at the time such modification or replacement comes into force in accordance with Article VIII of the Convention.

Exemptions

6.—(1) The Secretary of State may grant an exemption from any provision of these Regulations in respect of a craft which does not normally engage on international voyages but is, in exceptional circumstances, required to undertake a single international voyage.

(2) The Secretary of State may grant an exemption from a requirement of regulation 9 in respect of a craft where the High-Speed Craft Code, 1994 or the High-Speed Craft Code, 2000 permits an exemption to be granted by the Administration of the State whose flag the craft is entitled to fly, provided the Secretary of State is satisfied that any conditions applicable to such exemption are met.

(3) The Secretary of State may, in exceptional circumstances not provided for in paragraph (1) or (2), grant an exemption from any provision of these Regulations in respect of a craft or class of craft if satisfied that compliance with such provision is either impracticable or unreasonable in the case of that craft or class of craft.

(**a**) S.I. 2022/41.

(**b**) Regulation 33 of Chapter V in the Annex to the Convention places an obligation on the master to provide assistance to persons in distress at sea and this obligation is implemented in the Merchant Shipping (Safety of Navigation) Regulations 2020 (S.I. 2020/673).

(4) An exemption under paragraph (1), (2) or (3) may be granted subject to such safety requirements as the Secretary of State thinks fit to ensure the overall safety of the craft.

(5) An exemption granted under paragraph (1), (2) or (3) may, on the giving of reasonable notice, be altered or cancelled.

(6) An exemption granted under paragraph (1), (2) or (3), or an alteration or cancellation under paragraph (5), must—

(a) be in writing;

(b) specify the date on which it takes effect; and

(c) specify the terms, if any, on which it is given.

(7) The requirement that an exemption granted under paragraph (1), (2) or (3), or an alteration or cancellation under paragraph (5), be in writing is satisfied where the text of the exemption, alteration or cancellation is—

(a) transmitted by electronic means;

(b) received in legible form; and

(c) capable of being used for subsequent reference.

(8) Where an exemption is granted subject to safety requirements under paragraph (4), the exemption ceases to have effect if those requirements are not complied with.

Equivalents

7.—(1) Where the provisions of Chapter X, the High-Speed Craft Code, 1994 or the High-Speed Craft Code, 2000 require that—

(a) a particular fitting, material, appliance or apparatus be fitted on, or carried in, a craft;

(b) any particular arrangement be made on, or in relation to, a craft; or

(c) any particular provision be made in relation to a craft,

the Secretary of State may approve any other fitting, material, appliance, apparatus, arrangement or other provision if satisfied that it is at least as effective as that required by Chapter X, the High-Speed Craft Code, 1994 or the High-Speed Craft Code, 2000.

(2) The Secretary of State may, in circumstances not provided for in paragraph (1), in relation to any requirement of a provision of Chapter X, the High-Speed Craft Code, 1994 or the High-Speed Craft Code, 2000 for a craft or class of craft, approve an alternative arrangement if satisfied that compliance with such requirement is impracticable in the case of that craft or class of craft, subject to such safety requirements as the Secretary of State thinks fit to ensure the overall safety of the craft.

(3) An approval given under paragraph (1) or (2) may, on the giving of reasonable notice, be continued, altered or cancelled.

(4) Any approval given under paragraph (1) or (2), or a continuation, alteration or cancellation under paragraph (3), must—

(a) be in writing;

(b) specify the date on which it takes effect; and

(c) specify the terms, if any, on which it is given.

(5) The requirement that the approval referred to in paragraph (1) or (2), or a continuation, alteration or cancellation in paragraph (3), be in writing is satisfied where the text of the approval, continuation, alteration or cancellation is—

(a) transmitted by electronic means;

(b) received in legible form; and

(c) capable of being used for subsequent reference.

(6) Where an approval is granted subject to safety requirements under paragraph (2), the approval ceases to have effect if those requirements are not complied with.

Approvals

8.—(1) The Secretary of State, or any person authorised by the Secretary of State, may grant an approval in relation to a United Kingdom high speed craft for anything in Chapter X, the High-Speed Craft Code, 1994 or the High-Speed Craft Code, 2000 requiring to be—

(a) approved by the Administration of the State whose flag the craft is entitled to fly;

(b) done to the satisfaction of such Administration; or

(c) acceptable to that Administration.

(2) An approval given under paragraph (1) may, on the giving of reasonable notice, be continued, altered or cancelled.

(3) Any approval given under paragraph (1), or a continuation, alteration or cancellation under paragraph (2), must—

(a) be in writing;

(b) specify the date on which it takes effect; and

(c) specify the terms, if any, on which it is given.

(4) The requirement that the approval referred to in paragraph (1), or a continuation, alteration or cancellation under paragraph (2), be in writing is satisfied where the text of the approval, continuation, alteration or cancellation is—

(a) transmitted by electronic means;

(b) received in legible form; and

(c) capable of being used for subsequent reference.

PART 2

Requirements for high speed craft

Requirements in relation to high speed craft

9.—(1) Subject to paragraph (5), a high speed craft which was constructed on or after 1st January 1996 but before 1st July 2002 must comply with each requirement applicable to that craft in—

(a) the High-Speed Craft Code, 1994, and

(b) the approved standards specified in Merchant Shipping Notice 1672 (M+F) Amendment 4(**a**).

(2) Subject to paragraph (5), a high speed craft constructed before 1st January 1996 and to which repairs, alterations or modifications, or outfitting related to such repairs, alterations or modifications, of a major character were carried out on or after 1st January 1996, but before 1st July 2002, must comply with each requirement applicable to that craft in—

(a) the High-Speed Craft Code, 1994, but only to the extent that such repairs, alterations or modifications, or outfitting related to those repairs, alterations or modifications were carried out, and

(b) the approved standards specified in Merchant Shipping Notice 1672 (M+F) Amendment 4.

(3) Subject to paragraph (5), a high speed craft which was constructed on or after 1st July 2002 must comply with each requirement applicable to that craft in—

(**a**) Merchant Shipping Notice 1672 (M+F) Amendment 4 was published on 18th December 2020 and is available on https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/946254/MSN_1672_Amendment_4_-_FINAL.pdf and in hard copy from the Maritime and Coastguard Agency (MCA) of Spring Place, 105 Commercial Road, Southampton SO15 1EG (telephone 020 3817 2000 and email infoline@mcga.gov.uk).

(a) the High-Speed Craft Code, 2000, and

(b) the approved standards specified in Merchant Shipping Notice 1672 (M+F) Amendment 4.

(4) Subject to paragraph (5), a high speed craft constructed before 1st July 2002 and to which repairs, alterations or modifications, or outfitting related to such repairs, alterations or modifications, of a major character were carried out on or after 1st July 2002, must comply with each requirement applicable to that craft in—

(a) the High-Speed Craft Code, 2000, but only to the extent that such repairs, alterations or modifications, or outfitting related to those repairs, alterations or modifications were carried out, and

(b) the approved standards specified in Merchant Shipping Notice 1672 (M+F) Amendment 4.

(5) A high speed craft is not required to comply with the applicable requirements in paragraphs (1), (2), (3) and (4) to the extent that such requirements—

(a) apply to seagoing United Kingdom high speed craft; and

(b) relate to paragraph 18.3.3 of the High-Speed Craft Code, 1994 or paragraph 18.3.3 of the High-Speed Craft Code, 2000.

(6) All equipment fitted on or carried in a high speed craft must—

(a) in relation to a United Kingdom high speed craft, unless approved in accordance with the Merchant Shipping (Marine Equipment) Regulations 2016(**a**), be of a type approved by the Secretary of State or any person authorised by the Secretary of State; or

(b) in relation to a non-United Kingdom high speed craft, conform to standards not inferior to those set out in Sections 1 and 3 to 5 of Annex 1 to Merchant Shipping Notice 1874 (M+F) Amendment 5(**b**).

Requirements in relation to persons on board a passenger craft

10.—(1) A person on board a passenger craft who—

(a) is drunk and disorderly, and

(b) has received a full refund, or an offer of a full refund, in respect of any fare paid by, or on behalf of, that person,

must, if so requested by the master or crew, leave the craft at any place in the United Kingdom at which that person can conveniently do so.

(2) A person who is on board a passenger craft must not, after being warned by the master or crew, molest or continue to molest any passenger.

(3) A person who is on board a passenger craft must not intentionally do or cause to be done anything in such a manner as to—

(a) obstruct or damage any part of the machinery or equipment of that craft; or

(b) obstruct, impede or molest the master or crew, or any of them, in the navigation or management of the craft, or otherwise in the execution of their duty on or about the craft.

Risk assessment with reference to wash

11.—(1) A risk assessment with respect to wash must be prepared in relation to a high speed craft before it proceeds or attempts to proceed to sea or on any voyage.

(**a**) S.I. 2016/1025, amended by S.I. 2019/470 and 2019/1304; there is another amendment which is not relevant.

(**b**) Merchant Shipping Notice 1874 (M+F) Amendment 5 is available on https://www.gov.uk/government/publications/msn-1874mf-amendment-5-marine-directive-other-approval-and-standards and in hard copy from the Maritime and Coastguard Agency (MCA) of Spring Place, 105 Commercial Road, Southampton SO15 1EG (telephone 020 3817 2000 and email infoline@mcga.gov.uk).

(2) The risk assessment required by paragraph (1) must—

(a) be carried out in accordance with generally recognised procedures for risk assessment;

(b) identify—

(i) any likely areas of potentially hazardous wash, taking into account possible operating conditions and the classification of wash as sub-critical, critical or super-critical, and

(ii) the operating restrictions necessary to reduce that potentially hazardous wash, and

(c) be documented in the route operational manual required by paragraph 18.2.2 of the High-Speed Craft Code, 1994 or paragraph 18.2.2 of the High-Speed Craft Code, 2000.

(3) In this regulation—

"wash" means the sweep of waves left behind by a moving craft, classified as sub-critical, critical or supercritical in terms of the depth Froude number F*nh* = Vs/√(gh) where F*nh* describes the ratio of the vessel's speed to the wave propagation velocity in shallow water, Vs is the ship speed in metres per second, g is the acceleration due to gravity and h is the water depth in metres: for the purposes of classification "sub-critical" means F*nh* <0.85, "critical" means F*nh* = 0.85 to 1.15 and "supercritical" means F*nh* >1.15.

Safety requirements for persons with reduced mobility

12.—(1) This regulation applies to—

(a) a high speed craft used for public transport and engaged on a voyage, in whole or in part in a sea area which begins and ends in a port in the United Kingdom; and

(b) a United Kingdom high speed craft used for public transport and engaged on a voyage, in whole or in part in a sea area which begins and ends in ports within a Member State or begins and ends within an EEA State.

(2) In complying with regulation 9, a high speed craft—

(a) constructed on or after 1st October 2004 must, where practicable, be constructed and equipped, and display signs, based on the guidelines in Annex III to the Directive;

(b) constructed before 1st October 2004 must, if undergoing modification, be constructed and equipped as respects that modification, and display signs as respects that modification, based on the guidelines in Annex III to the Directive so far as is practicable in economic terms.

(3) In applying the guidelines in Annex III to the Directive, the Secretary of State must follow the International Maritime Organization MSC/Circ 735(**a**), entitled "Recommendation on the design and operation of passenger ships to respond to elderly and disabled persons' needs".

(4) In this regulation—

"the Directive" means Directive 2009/45/EC of the European Parliament and of the Council of 6th May 2009 on safety rules and standards for passenger ships(**b**) as amended by Commission Directive 2010/36/EU of 1 June 2010 amending Directive 2009/45/EC of the European Parliament and of the Council on safety rules and standards for passenger ships(**c**), Commission Directive (EU) 2016/844 of 27 May 2016 amending Directive 2009/45/EC of the European Parliament and of the Council on safety rules and standards for passenger ships(**d**)

(**a**) The "Recommendation on the design and operation of passenger ships to respond to elderly and disabled persons' needs" dated 24th June 1996 was approved by the Maritime Safety Committee of the International Maritime Organization. The Recommendation is available from the International Maritime Organization (IMO) of 4 Albert Embankment, London SE1 7SR or may be obtained in copy from the IMO or the Maritime and Coastguard Agency of Spring Place, 105 Commercial Road, Southampton SO15 1EG (telephone 020 3817 2000 and email infoline@mcga.gov.uk).

(**b**) OJ L 163, 25.6.2009, p. 1.

(**c**) OJ L 162, 29.6.2010, p. 1.

(**d**) OJ L 141, 28.5.2016, p. 51.

and Directive (EU) 2017/2108 of the European Parliament and of the Council of 15 November 2017 amending Directive 2009/45/EC on safety rules and standards for passenger ships(**a**);

"EEA State" means a State, other than the United Kingdom, which was an EEA State immediately before IP completion day.

High Speed Craft Safety Certificate

13.—(1) A high speed craft must not proceed or attempt to proceed to sea or on any voyage unless there is a valid High Speed Craft Safety Certificate.

(2) The Secretary of State or any person authorised by the Secretary of State may issue or endorse a High Speed Craft Safety Certificate in accordance with section 1.8 of the High-Speed Craft Code, 1994 or section 1.8 of the High-Speed Craft Code, 2000.

Permit to operate

14.—(1) A high speed craft must not proceed or attempt to proceed to sea or on any voyage unless there is a valid Permit to Operate.

(2) The Secretary of State or any person authorised by the Secretary of State may issue a Permit to Operate in accordance with section 1.9 of the High-Speed Craft Code, 1994 or section 1.9 of the High-Speed Craft Code, 2000.

(3) A Permit to Operate which is issued in respect of a passenger craft must specify the maximum number of passengers which that craft is allowed to carry on board.

(4) A Permit to Operate must set out, and be subject to, the operating restrictions identified in accordance with regulation 11.

(5) The owner and master of a passenger craft must ensure that the craft does not carry more than the maximum number of passengers specified in the Permit to Operate.

PART 3

Control and Enforcement

Offences in respect of which a sentence of imprisonment and/or a fine may be imposed

15.—(1) If a high speed craft proceeds or attempts to proceed to sea or on any voyage, or arrives within United Kingdom waters, in breach of any of the requirements of these Regulations applicable to that craft, the owner and the master are each guilty of an offence in respect of each case of non-compliance.

(2) An offence under paragraph (1) 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 two years, or a fine, or both.

(3) It is a defence for a person charged with an offence under this regulation to prove that the person charged took all reasonable steps to avoid the commission of the offence.

(**a**) OJ L 315, 30.11.2017, p. 40.

Offences in respect of which a fine may be imposed on summary conviction only

16. A person who contravenes regulation 10 is guilty of 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.

Detention

17.—(1) For the purposes of this regulation, any reference to "the Act" is a reference to the Merchant Shipping Act 1995.

(2) Any high speed craft which does not comply with the requirements of these Regulations, Chapter X, the High-Speed Craft Code, 1994 or the High-Speed Craft Code, 2000 applicable to that craft may be detained.

(3) Section 284 of the Act(**a**) applies where a high speed craft is liable to be detained under this regulation as if—

(a) references to detention of a ship under the Act were references to detention of the high speed craft in question under this regulation; and

(b) subsection (7) were omitted.

(4) Where a high speed craft is liable to be detained under this regulation, the person detaining the high speed craft must serve on the master a detention notice which—

(a) states the grounds of the detention; and

(b) requires the terms of the notice to be complied with until the high speed craft is released by any person mentioned in section 284(1) of the Act.

(5) Subject to paragraph (6), section 96 (references of detention notices to arbitration)(**b**) and section 97 (compensation in connection with invalid detention of a ship) of the Act 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 (power to detain dangerously unsafe ship(**c**)).

(6) For the purposes of paragraph (5)—

(a) section 96 of the Act applies as if—

(i) subsection (3) were omitted;

(ii) the words "as a dangerously unsafe ship" in subsection (5) were omitted;

(iii) subsection (11) were omitted; and

(b) sections 96 and 97 of the Act apply as if "the relevant inspector" means a person issuing the detention notice pursuant to this regulation.

(7) Subject to paragraph (8), where a non-United Kingdom high speed craft is detained, the Secretary of State must immediately inform the craft's flag administration in writing.

(8) If it is not possible to inform the craft's flag administration in accordance with paragraph (7), the Secretary of State must inform the Consul of the State of the flag administration, or in the absence of a Consul, the nearest diplomatic representative of the State of the flag administration.

(9) For the purposes of paragraphs (7) and (8), "flag administration" in relation to a high speed craft means the administration of the State whose flag the craft is entitled to fly.

(**a**) Section 284 was amended by Schedule 1 to the Merchant Shipping and Maritime Security Act 1997 (c. 28) and S.I. 2015/664.

(**b**) Section 96(7) was amended by Part 1 of Schedule 10 to the Tribunals, Courts and Enforcement Act 2007 (c. 15) and by Schedule 11 to the Constitutional Reform Act 2005 (c. 4). Section 96(10) was repealed by Schedule 4 to the Arbitration Act 1996 (c. 23).

(**c**) Section 95 was amended by the Merchant Shipping and Maritime Security Act 1997 (c. 28), Schedule 1, paragraph 2.

Review

18.—(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 the end of the period of five years beginning with the date on which these Regulations come into force.

(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(**a**) requires that a review carried out under this regulation must, so far as is reasonable, have regard to how the obligations under Chapter X 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

Name
Parliamentary Under Secretary of State
Date Department for Transport

We consent to the making of these Regulations

Name
Name
Date Two of the Lords Commissioners of Her Majesty's Treasury

(**a**) 2015 c. 26. Section 30(3) was amended by the Enterprise Act 2016 (c. 12), section 19 and the European Union (Withdrawal) Act 2018 (c. 16), Schedule 8.

SCHEDULE

Regulation 2

PART 1

Amendments

Hovercraft (General) Order 1972

1. In the Hovercraft (General) Order 1972(**a**)—

(a) in article 7A, for "the Merchant Shipping (High Speed Craft) Regulations 2004(**b**)" substitute "the Merchant Shipping (High Speed Craft) Regulations 2022(**c**)";

(b) in article 17A, for "the Merchant Shipping (High Speed Craft) Regulations 1996(**d**)" substitute "the Merchant Shipping (High Speed Craft) Regulations 2022".

The Merchant Shipping (Cargo Ship Construction) Regulations 1997

2. In regulation 4(c)(ii) of the Merchant Shipping (Cargo Ship Construction) Regulations 1997(**e**), for "the Merchant Shipping (High Speed Craft) Regulations 2004" substitute "the Merchant Shipping (High Speed Craft) Regulations 2022".

The Merchant Shipping and Fishing Vessels (Health and Safety at Work) Regulations 1997

3. In regulation 2(2) of the Merchant Shipping and Fishing Vessels (Health and Safety at Work) Regulations 1997(**f**), in the definition of "sea-going", in sub-paragraph (a)(iv), for "regulation 8 of the Merchant Shipping (High Speed Craft) Regulations 2004" substitute "regulation 14 of the Merchant Shipping (High Speed Craft) Regulations 2022".

The Merchant Shipping (Fire Protection: Small Ships) Regulations 1998

4. In regulation 1(7)(b)(iii) of the Merchant Shipping (Fire Protection: Small Ships) Regulations 1998(**g**), for "the Merchant Shipping (High Speed Craft) Regulations 2004" substitute "the Merchant Shipping (High Speed Craft) Regulations 2022".

The Merchant Shipping (Fire Protection: Large Ships) Regulations 1998

5. In regulation 1(7)(c)(ii) of the Merchant Shipping (Fire Protection: Large Ships) Regulations 1998(**h**), for "the Merchant Shipping (High Speed Craft) Regulations 2004" substitute "the Merchant Shipping (High Speed Craft) Regulations 2022".

The Merchant Shipping (Radio Installations) Regulations 1998

6. In regulation 3(2)(k) of the Merchant Shipping (Radio Installations) Regulations 1998(**i**), for "the Merchant Shipping (High Speed Craft) Regulations 2004" substitute "the Merchant Shipping (High Speed Craft) Regulations 2022".

(**a**) S.I. 1972/674. Article 7A was inserted by S.I. 1996/3173 and amended by S.I. 2004/302. Article 17A was inserted by S.I. 1996/3173. There are other amending instruments but none is relevant.
(**b**) S.I. 2004/302, amended by S.I. 2012/2636 and 2020/1222; there is another amending instrument but it is not relevant.
(**c**) S.I. 2022/xxx.
(**d**) S.I. 1996/3188, revoked by S.I. 2004/302.
(**e**) S.I. 1997/1509, amended by S.I. 2004/302; there are other amending instruments but none is relevant.
(**f**) S.I. 1997/2962. The definition of "sea-going" was inserted by S.I. 2014/1616; there are other amending instruments but none is relevant.
(**g**) S.I. 1998/1011, amended by S.I. 2004/302; there are other amending instruments but none is relevant.
(**h**) S.I. 1998/1012, amended by S.I. 2004/302; there are other amending instruments but none is relevant.
(**i**) S.I. 1998/2070, amended by S.I. 2021/1316; there are other amending instruments but none is relevant.

The Merchant Shipping (Passenger Ship Construction: Ships of Classes I, II and II(A)) Regulations 1998

7. In regulation 3(4) of the Merchant Shipping (Passenger Ship Construction: Ships of Classes I, II and II(A)) Regulations 1998(**a**), for "the Merchant Shipping (High Speed Craft) Regulations 2004" substitute "the Merchant Shipping (High Speed Craft) Regulations 2022".

The Merchant Shipping (Passenger Ship Construction: Ships of Classes III to VI(A)) Regulations 1998

8. In regulation 3 of the Merchant Shipping (Passenger Ship Construction: Ships of Classes III to VI(A)) Regulations 1998(**b**), for "the Merchant Shipping (High Speed Craft) Regulations 2004" substitute "the Merchant Shipping (High Speed Craft) Regulations 2022".

The Merchant Shipping (Counting and Registration of Persons on Board Passenger Ships) Regulations 1999

9. In regulation 3(1) of the Merchant Shipping (Counting and Registration of Persons on Board Passenger Ships) Regulations 1999(**c**), in the definition of "high speed craft", for "regulation 2 of the Merchant Shipping (High Speed Craft) Regulations 2004" substitute "regulation 3 of the Merchant Shipping (High Speed Craft) Regulations 2022".

The Merchant Shipping (Musters, Training and Decision Support Systems) Regulations 1999

10. In regulation 3(2)(e) of the Merchant Shipping (Musters, Training and Decision Support Systems) Regulations 1999(**d**), for "the Merchant Shipping (High Speed Craft) Regulations 2004" substitute "the Merchant Shipping (High Speed Craft) Regulations 2022".

The Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000

11. In regulation 4(2)(c)(i) and (2)(g) of the Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000(**e**), for "the Merchant Shipping (High Speed Craft) Regulations 2004" substitute "the Merchant Shipping (High Speed Craft) Regulations 2022".

The Merchant Shipping (Domestic Passenger Ships) (Safety Management Code) Regulations 2001

12. In regulation 3(3) of the Merchant Shipping (Domestic Passenger Ships) (Safety Management Code) Regulations 2001(**f**), for "the Merchant Shipping (High Speed Craft) Regulations 2004" substitute "the Merchant Shipping (High Speed Craft) Regulations 2022".

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

13. In regulation 3(2)(a) of the Merchant Shipping (Passenger Ships) (Safety Code for UK Categorised Waters) Regulations 2010(**g**), for "regulation 2(1) of the Merchant Shipping (High Speed Craft) Regulations 2004" substitute "regulation 3(1) of the Merchant Shipping (High Speed Craft) Regulations 2022".

(**a**) S.I. 1998/2514, amended by S.I. 2004/302; there are other amending instruments but none is relevant.
(**b**) S.I. 1998/2515, amended by S.I. 2004/302; there are other amending instruments but none is relevant.
(**c**) S.I. 1999/1869, amended by S.I. 2021/81; there are other amending instruments but none is relevant.
(**d**) S.I. 1999/2722, amended by S.I. 2004/302; there are other amending instruments but none is relevant.
(**e**) S.I. 2000/2687, amended by S.I. 2004/302, 2010/680 and 2012/2636; there are other amending instruments but none is relevant.
(**f**) S.I. 2001/3209, amended by S.I. 2004/302; there are other amending instruments but none is relevant.
(**g**) S.I. 2010/680, to which there are amendments not relevant to these Regulations.

The Merchant Shipping (Maritime Labour Convention) (Medical Certification) Regulations 2010

14. In regulation 2 of the Merchant Shipping (Maritime Labour Convention) (Medical Certification) Regulations 2010(**a**), in the definition of "sea-going", in sub-paragraph (d), for "regulation 8 of the Merchant Shipping (High Speed Craft) Regulations 2004" substitute "regulation 14 of the Merchant Shipping (High Speed Craft) Regulations 2022".

The Merchant Shipping (Maritime Labour Convention) (Survey and Certification) Regulations 2013

15. In regulation 2(1) of the Merchant Shipping (Maritime Labour Convention) (Survey and Certification) Regulations 2013(**b**), in the definition of "sea-going", in sub-paragraph (d), for "regulation 8 of the Merchant Shipping (High Speed Craft) Regulations 2004" substitute "regulation 14 of the Merchant Shipping (High Speed Craft) Regulations 2022".

The Merchant Shipping (International Safety Management (ISM) Code) Regulations 2014

16. In regulation 2(1) of the Merchant Shipping (International Safety Management (ISM) Code) Regulations 2014(**c**), in the definition of "high speed craft", for "the Merchant Shipping (High Speed Craft) Regulations 2004" substitute "the Merchant Shipping (High Speed Craft) Regulations 2022".

The Merchant Shipping (Maritime Labour Convention) (Minimum Requirements for Seafarers etc.) Regulations 2014

17. In regulation 2(1) of the Merchant Shipping (Maritime Labour Convention) (Minimum Requirements for Seafarers etc.) Regulations 2014(**d**), in the definition of "sea-going", in sub-paragraph (d), for "regulation 8 of the Merchant Shipping (High Speed Craft) Regulations 2004" substitute "regulation 14 of the Merchant Shipping (High Speed Craft) Regulations 2022".

The Merchant Shipping (Maritime Labour Convention) (Recruitment and Placement) Regulations 2014

18. In regulation 2(1) of the Merchant Shipping (Maritime Labour Convention) (Recruitment and Placement) Regulations 2014(**e**), in the definition of "sea-going", in sub-paragraph (d), for "regulation 8 of the Merchant Shipping (High Speed Craft) Regulations 2004" substitute "regulation 14 of the Merchant Shipping (High Speed Craft) Regulations 2022".

The Merchant Shipping (Survey and Certification) Regulations 2015

19. In regulation 5(2)(c) of the Merchant Shipping (Survey and Certification) Regulations 2015(**f**), for "the Merchant Shipping (High Speed Craft) Regulations 2004" substitute "the Merchant Shipping (High Speed Craft) Regulations 2022".

The Merchant Shipping (Standards of Training, Certification and Watchkeeping) Regulations 2015

20. In regulation 3(1) of the Merchant Shipping (Standards of Training, Certification and Watchkeeping) Regulations 2015(**g**), in the definition of "high speed craft", for "the Merchant

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(**a**) S.I. 2010/737, amended by S.I. 2014/1614; there are other amending instruments but none is relevant.
(**b**) S.I. 2013/1785, to which there are amendments not relevant to these Regulations.
(**c**) S.I. 2014/1512, to which there are amendments not relevant to these Regulations.
(**d**) S.I. 2014/1613, to which there are amendments not relevant to these Regulations.
(**e**) S.I. 2014/1615, to which there are amendments not relevant to these Regulations.
(**f**) S.I. 2015/508, to which there are amendments not relevant to these Regulations.
(**g**) S.I. 2015/782, to which there are amendments not relevant to these Regulations.

Shipping (High Speed Craft) Regulations 2004" substitute "the Merchant Shipping (High Speed Craft) Regulations 2022".

The Merchant Shipping (Maritime Labour Convention) (Hours of Work) Regulations 2018

21. In regulation 2(1) of the Merchant Shipping (Maritime Labour Convention) (Hours of Work) Regulations 2018(**a**), in the definition of "sea-going", in sub-paragraph (d), for "regulation 8 of the Merchant Shipping (High Speed Craft) Regulations 2004" substitute "regulation 14 of the Merchant Shipping (High Speed Craft) Regulations 2022".

The Merchant Shipping (Fees) Regulations 2018

22. The Merchant Shipping (Fees) Regulations 2018(**b**) are amended as follows.

23. In Schedule 1 (fees under the Merchant Shipping Act 1995), in the table in paragraph 5 (fees for inspections, etc) of Part 1 (surveys, inspections and applications for exemption)—

(a) in Section I (construction and equipment)—

(i) omit the entry for the Merchant Shipping (High Speed Craft) Regulations 2004;

(ii) at the end, insert—

"The Merchant Shipping (High Speed Offshore Support Craft) Regulations 2022	2022/41	2022/xxx
The Merchant Shipping (High Speed Craft) Regulations 2022	S.I. 2022/xxx	None"

(b) in Section L (survey and certification), in the entry for the Merchant Shipping (Survey and Certification) Regulations 2015, in the third column, after "2018/53" insert—

"2022/42

2022/xxx".

The Merchant Shipping (Prevention of Oil Pollution) Regulations 2019

24. In regulation 29(4)(b) of the Merchant Shipping (Prevention of Oil Pollution) Regulations 2019(**c**), for "regulation 6 of the Merchant Shipping (High Speed Craft) Regulations 2004" substitute "regulation 9 of the Merchant Shipping (High Speed Craft) Regulations 2022".

The Merchant Shipping (Life-Saving Appliances and Arrangements) Regulations 2020

25. In regulation 4(2)(i) of the Merchant Shipping (Life-Saving Appliances and Arrangements) Regulations 2020(**d**), for "the Merchant Shipping (High Speed Craft) Regulations 2004" substitute "the Merchant Shipping (High Speed Craft) Regulations 2022".

The Merchant Shipping (Safety of Navigation) Regulations 2020

26. The Merchant Shipping (Safety of Navigation) Regulations 2020(**e**) are amended as follows.

27. In—

(a) regulation 5(3)(a), for "the Merchant Shipping (High Speed Craft) Regulations 2004" substitute "the Merchant Shipping (High Speed Craft) Regulations 2022";

(**a**) S.I. 2018/58, to which there are amendments not relevant to these Regulations.
(**b**) S.I. 2018/1104, to which there are amendments not relevant to these Regulations.
(**c**) S.I. 2019/42, to which there are amendments not relevant to these Regulations.
(**d**) S.I. 2020/501.
(**e**) S.I. 2020/673.

(b) the Schedule, in Part 2 (revocations), omit the entry relating to "The Merchant Shipping (High Speed Craft) Regulations 2004".

The Merchant Shipping (Radiocommunications) (Amendment) Regulations 2021

28. In regulation 4(2)(j) of the Merchant Shipping (Radiocommunications) (Amendment) Regulations 2021(**a**), for "the Merchant Shipping (High Speed Craft) Regulations 2004" substitute "the Merchant Shipping (High Speed Craft) Regulations 2022".

The Merchant Shipping and Fishing Vessels (Entry into Enclosed Spaces) Regulations 2022

29. In regulation 5(2) of the Merchant Shipping and Fishing Vessels (Entry into Enclosed Spaces) Regulations 2022(**b**), for sub-paragraph (d), substitute—

"(d) ships owned or operated by a State and engaged only on government non-commercial service;

(e) ships to which the Merchant Shipping (High Speed Craft) Regulations 2022 apply.
".

PART 2

Revocations

Regulations revoked	*References*	*Extent of revocation*
The Merchant Shipping (High Speed Craft) Regulations 2004	S.I. 2004/302	The whole Regulations
The Merchant Shipping (Passenger Ships on Domestic Voyages) (Amendment) (No 2) Regulations 2004	S.I. 2004/2883	Regulation 4
The Merchant Shipping (Passenger Ships on Domestic Voyages) (Amendment) Regulations 2012	S.I. 2012/2636	Regulation 4
The Merchant Shipping (Marine Equipment) Regulations 2016	S.I. 2016/1025	Paragraph 11 of Schedule 1
The Merchant Shipping (Miscellaneous Provisions) (Amendments etc) (EU Exit) Regulations 2018	S.I. 2018/1221	Regulation 3(5) and paragraph 19 of the Schedule
The Merchant Shipping (Safety Standards for Passenger Ships on Domestic Voyages) (Miscellaneous Amendments) Regulations 2020	S.I. 2020/1222	Regulation 3
The Merchant Shipping (High Speed Offshore Support Craft) Regulations 2022	S.I. 2022/41	Regulation 8

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement outstanding amendments to Chapter X of the Annex to the International Convention for the Safety of Life at Sea, 1974 ("the Convention"), which relates to the safety of high speed craft. Chapter X gives effect to the High-Speed Craft Codes, 1994 and

(**a**) S.I. 2021/1316.
(**b**) S.I. 2022/96.

2000 (“the Codes”), which contain the detailed requirements governing high speed craft safety, equipment and operations.

These Regulations also amend the Merchant Shipping (Fees) Regulations 2018 (S.I. 2018/1104) to enable the Secretary of State to charge fees for certain actions (e.g. surveys and inspections) carried out under the Merchant Shipping (High Speed Offshore Support Craft) Regulations 2022 (S.I. 2022/41) and these Regulations.

These Regulations revoke and replace the Merchant Shipping (High Speed Craft) Regulations 2004 (S.I. 2004/302) and apply, with certain limited exceptions, to United Kingdom high speed craft and to non-United Kingdom high speed craft when in United Kingdom waters (regulation 4).

These Regulations implement all amendments to Chapter X as at the date on which this instrument comes into force. All future amendments to the provisions of Chapter X, and the Codes referred to in them, will be automatically incorporated into these Regulations by way of the ambulatory reference provision (regulation 5) using the power in section 306A of the Merchant Shipping Act 1995 (c. 21).

These Regulations provide for the granting of exemptions (regulation 6), the approval of equivalents (regulation 7) and the approval of other matters (regulation 8).

Regulation 9 applies the technical requirements in Chapter X to high speed craft. Regulation 10 prescribes various requirements on persons on board high speed craft. Regulations 11 to 14 make provisions for specific requirements relating to risk assessments in respect of wash, safety of persons with reduced mobility, permits to operate and high speed craft safety certificates.

Regulations 15 and 16 make provision for offences. Regulation 15 makes it an offence by the owner and master of a high speed craft for it to be used in contravention of any of the requirements of these Regulations. Regulation 16 makes it an offence by persons to contravene the requirements specified in regulation 10. Regulation 17 contains power to detain a ship in cases of non-compliance with these Regulations.

Regulation 18 requires the Secretary of State to review the operation and effect of these Regulations and publish a report at the end of the period of five years beginning with the date on which these Regulations come into force 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 revoke the Regulations.

The Schedule to these Regulations makes consequential amendments to other instruments.

Merchant Shipping Notice 1672 (M+F) Amendment 4 and Merchant Shipping Notice 1874 (M+F) Amendment 4, which are referred to in these Regulations, are available on https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/946254/MSN_1672_Amendment_4_-_FINAL.pdf and https://www.gov.uk/government/publications/msn-1874mf-amendment-4-marine-directive-other-approval-and-standards , or in hard copy from the Maritime and Coastguard Agency (MCA) of Spring Place, 105 Commercial Road, Southampton SO15 1EG (telephone 020 3817 2000 and email infoline@mcga.gov.uk) or on https://www.gov.uk/government/organisations/maritime-and-coastguard-agency.

The Convention and its Protocol of 1988 may be obtained in copy from the International Maritime Organization (IMO), 4 Albert Embankment, London SE1 7SR and both are available on the Foreign, Commonwealth and Development Office (FCDO) treaties database (https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch/). The text of the IMO Resolutions amending the Convention and Protocol may be obtained from the IMO or on the FCDO treaties database (https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch/).

Future amendments to the Convention and to the Protocol, and to the Codes, may be obtained in copy from the IMO and, after coming into force in the United Kingdom, found on the Foreign, Commonwealth and Development Office (FCDO) treaties database

(https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch/). Until such publication is made on the FCDO treaties database, 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/government/organisations/maritime-and-coastguard-agency.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.

An Explanatory Memorandum is published alongside the instrument on www.legislation.gov.uk.

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