

MERCHANT SHIPPING ORDINANCE, 2021**MERCHANT SHIPPING (SAFETY OF LIFE AT SEA) REGULATIONS, 2021**

(Sections 55 and 124(o))

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ST HELENA



MERCHANT SHIPPING ORDINANCE, 2021

MERCHANT SHIPPING (SAFETY OF LIFE AT SEA) REGULATIONS, 2021

In exercise of the powers conferred by sections 55 and 124(o) of the Merchant Shipping Ordinance, 2021, the Governor in Council makes the following Regulations:

**PART I
PRELIMINARY**

Citation

1. These Regulations may be cited as the Merchant Shipping (Safety of Life at Sea) Regulations 2021.

Purpose and application

2. (1) The purpose of these Regulation are—
- (a) to secure the safety of St Helena ships;
 - (b) to secure the health and safety of persons on St Helena Ships;
 - (c) to secure the safety of other ships while those ships are within St Helena waters; and
 - (d) to secure the health and safety of persons on ships under paragraph (c).

(2) For purposes of giving effect to the purpose in sub-regulation (1), the provisions as contained in the International Convention for the Safety of Life at Sea 1974, (except for Chapters V, X and XI-2), and the Protocols of 1978 and 1988 of SOLAS and any Code or other instrument made under SOLAS, apply in accordance with these Regulations.

Interpretation

3. (1) In these Regulations—
- “**BCH Code**” means the Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk as adopted by the Maritime Safety Committee of the IMO by resolution MSC.4(48) on 17 June 1983;
 - “**Cargo Ship Safety Certificate**” means a Convention Certificate specified to be a Cargo Ship Safety Certificate issued under regulation 80(2)(c);
 - “**Cargo Ship Safety Construction Certificate**” means a Convention Certificate specified to be a Cargo Ship Safety Construction Certificate issued under regulation 80(2)(c);
 - “**Cargo Ship Safety Radio Certificate**” means a Convention Certificate specified to be a Cargo Ship Safety Radio Certificate issued under regulation 80(2)(b);
 - “**Convention Certificate**” means a certificate listed in regulation 80 issued in accordance with SOLAS;

“Convention ship” means—

- (a) a St Helena ship engaged on international voyages wherever the St Helena ship may be; and
- (b) a foreign ship engaged on an international voyage while the ship is within St Helena waters;

“CSS Code” means the Code of Safe Practice for Cargo Stowage and Securing as adopted by the IMO by resolution A.714(17) on 6 November 1991;

“Document of Compliance” means a document specified to be a Document of Compliance issued under regulation 86;

“equipment” includes equipment, appliances, arrangements, fittings, apparatus, or material;

“Exemption Certificate” means a certificate specified to be an Exemption Certificate issued pursuant to regulation 83;

“flag State”, in relation to a ship means the State in which the ship is registered or, if unregistered, whose flag the ship is entitled to fly;

“foreign ship” means a ship which is not a St Helena ship;

“GT” means gross tonnage ascertained under in the manner prescribed in Regulations in accordance with the International Convention on Tonnage Measurement of Ships, 1969 done at London on 23 June 1969;

“IGC Code” means the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk as adopted by the Maritime Safety Committee of the IMO by resolution MSC.370(93) on 22 May 2014;

“IMO” means the International Maritime Organization;

“IMO guidelines” means guidelines adopted by resolution of the Maritime Safety Committee or Marine Environment Protection Committee of the IMO under SOLAS that provide guidance on SOLAS and the Codes;

“IMSBC Code” means the International Maritime Solid Bulk Cargoes Code as adopted by the Maritime Safety Committee of the IMO by resolution MSC.268(85) on 4 December 2008;

“in bulk” means loaded directly into the cargo spaces of a ship without any intermediate form of containment;

“INF Code” means the International Code for the Safe Carriage of Packaged Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes on Board Ships as adopted by the Maritime Safety Committee of the IMO by resolution MSC.88(71) on 27 May 1999;

“Interim Document of Compliance” means a document specified to be an Interim Document of Compliance issued under regulation 86;

“Interim Safety Management Certificate” means a document specified to be an Interim Safety Management Certificate issued under regulation 86;

“International Certificate of Fitness for the Carriage of Dangerous Chemicals” means a Convention Certificate specified to be an International Certificate of Fitness for the Carriage of Dangerous Chemicals issued under regulation 80(2)(g);

“International Certificate of Fitness for the Carriage of INF Cargo” means a Convention Certificate specified to be an International Certificate of Fitness for the Carriage of INF Cargo issued under regulation 80(2)(i);

“International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk” means a Convention Certificate specified to be an International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk issued under regulation 80(2)(h);

“International Grain Code” means the International Code for the Safe Carriage of Grain in Bulk as adopted by the Maritime Safety Committee of the IMO by resolution MSC.23(59) on 23 May 1991;

“international voyage” means a voyage between a port in a Party (other than St Helena) and a port in any other State or territory (whether a Party or not) which is outside St Helena;

“ISM Code” means the International Safety Management Code as adopted by the IMO by resolution A.741(18) on 4 November 1993;

“ISM document” means a Document of Compliance, an Interim Document of Compliance, a Safety Management Certificate, or an Interim Safety Management Certificate;

“logbook” means the logbook required to be maintained in accordance with the Merchant

Shipping Ordinance, 2021;

“**Maritime Authority**” means the person appointed in accordance with section 2A;

“**MCA**” means the Maritime and Coastguard Agency, an Executive Agency of the United Kingdom’s Department of Transport;

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

“**mile**” means an international nautical mile of 1852 metres;

“**Nuclear Cargo Ship Safety Certificate**” means a Convention Certificate specified to be a Nuclear Cargo Ship Safety Certificate issued under regulation 80(2)(f);

“**Nuclear Passenger Ship Safety Certificate**” means a Convention Certificate specified to be a Nuclear Passenger Ship Safety Certificate issued under regulation 80(2)(e);

“**owner**” in relation to a ship, includes—

- (a) the registered owner or, in the absence of registration, the person owning the ship; and
- (b) any other person (such as the ship manager, agent, or bareboat charterer) who has agreed in writing to assume responsibility for the operation of the ship, including (where applicable) all the duties imposed by the ISM Code;

“**Party**” means a State which is a Party to SOLAS or a territory to which SOLAS is extended;

“**passenger**” means any person carried on a ship except—

- (a) a person employed or engaged in any capacity on the business of the ship;
- (b) a person on board the ship either in pursuance of the obligation laid upon the master to carry shipwrecked, distressed, or other persons, or by reason of any circumstance that neither the master nor the owner nor the charterer (if any) could have prevented or forestalled,
- (c) a child of under one year of age;

“**Passenger Ship Safety Certificate**” means a Convention Certificate specified to be a Passenger Ship Safety Certificate issued under regulation 80(2)(a);

“**passenger ship**” means a ship carrying more than 12 passengers;

“**pleasure vessel**” means—

- (a) any vessel which at the time the vessel 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 the vessel 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 (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 relative’s spouse or civil partner, and “relative” means brother, sister, ancestor or lineal descendant;

“**Polar Code**” means the International Code for Ships Operating in Polar Waters as adopted by the Marine Environment Committee of the IMO by resolution MEPC.264(68) on 15 May 2015;

“**Polar Ship Certificate**” means a Convention Certificate specified to be a Polar Ship Certificate issued under regulation 80(2)(d);

“**prescribed fee**” means the relevant fee prescribed for surveyors and certificates;

“**radio installations**” means any radio equipment other than radio navigational equipment on board a ship or provided in relation to the ship’s life-saving appliances;

“**RO Code**” means the Code for Recognized Organizations (RO Code) as adopted by the Marine Environment Protection Committee of the IMO by resolution MEPC.237(65) on 17 May 2013;

“**safety assessment**” means a safety assessment of a nuclear ship prepared in accordance with regulation 57;

“**Safety Management Certificate**” means a document specified to be a Safety Management Certificate issued under regulation 86(5);

“**sea-going**” means going beyond the limits of “St Helena’s baseline for establishing St Helena’s territorial waters but does not apply to ships solely operating in internal waters;

“**shipper**” means a person who, whether as principal or agent for another, consigns for carriage by sea dangerous goods or marine pollutants;

“**State**” includes a territory; and

“**TDC Code**” means the Code of Safe Practice for Ships Carrying Timber Deck Cargoes, 2011 as adopted by the IMO by resolution A.1048(27) on 30 November 2011.

(2) A word or expression used in these Regulations relating to SOLAS or a Code has the same meaning as the word or expression has in SOLAS or the Code, unless expressly otherwise provided.

(3) Any provision in these Regulations or in SOLAS that requires that an approval, exemption, equivalent, direction, notice or similar matter must be in writing, or a certificate be issued, is satisfied where the text of the approval, exemption, equivalent, direction, notice or certificate is—

- (a) transmitted by electronic means;
- (b) received in legible form;
- (c) capable of being used for subsequent reference; and
- (d) in the case of certificates, complies with all requirements for electronic certificates established by the IMO.

(4) In these Regulations—

- (a) a reference to a Chapter is a reference to a Chapter of SOLAS;
- (b) a reference to a numbered regulation in the format “Chapter number (in roman numerals) or regulation number (in Arabic numerals)” is, unless otherwise stated, a reference to the regulation of that number in the Chapter of SOLAS; and
- (c) a reference to a regulation is a reference to a regulation in these Regulations.

(5) Any reference in these Regulations to the following includes a reference to any document amending a publication which is considered by the Maritime Authority to be relevant from time to time—

- (a) a Merchant Shipping Notice;
- (b) guidance; or
- (c) IMO guidelines.

Reference to date of construction etc

4. Any reference in these Regulations to the date of construction of a ship is to be construed in accordance with the meaning given in the relevant Chapter of SOLAS.

PART II

IMPLEMENTATION OF THE SAFETY OF LIFE AT SEA CONVENTION AND CODES

Construction of references in SOLAS to Administrations etc, flag States and Contracting Governments

5. In applying any provision of SOLAS or of any Code or other instrument made under SOLAS in accordance with these Regulations, unless the context indicates otherwise the following applies as specified and references to a duty or requirements imposed on, or undertakings given by, an Administration, flag State, Contracting Government or Party are to be read accordingly—

- (a) a reference to the “Administration of a State”, the “Administration” or to the “flag State” is to be construed—
 - (i) in relation to a St Helena ship, as a reference to the Maritime Authority; and
 - (ii) in relation to a foreign ship, as a reference to the maritime authority of the ship’s flag State or, if none, the government of the flag State; and
- (b) a reference to a “Contracting Government” or a “Party” is to be construed as a reference to—
 - (i) in relation to St Helena or St Helena’s waters, the Minister charged with responsibility for maritime matters on behalf of the Government of St Helena; and
 - (ii) in relation to any other State or the waters of any other State, the Government of that State if the State is a Party.

Discretionary functions of the Maritime Authority

6. Where a function is conferred on the Maritime Authority as the Administration by SOLAS, in exercising that function, regard to any provision of the following which is relevant to the function must be had by the Maritime Authority—

- (a) guidance issued or adopted in accordance with regulation 10;
- (b) a Code; and
- (c) IMO guidelines.

Conflicts between these Regulations and SOLAS

7. Where any conflict arises between these Regulations and SOLAS or the Codes, SOLAS or the Codes take precedence.

Verification of compliance

8. The conduct of an audit by the IMO in accordance with Chapter XIII to verify the Government’s compliance with and implementation of SOLAS must be facilitated by the Minister charged with responsibility for maritime matters on behalf of the Government of St Helena.

PART III GENERAL APPLICATION AND GENERAL PROVISION

General application

9. (1) Subject to sub-regulations (2) to (6) and the specific application provisions in each Part, these Regulations apply to Convention ships.

- (2) These Regulations do not apply to—
- (a) a warship;
 - (b) high speed craft;
 - (c) a ship not propelled by mechanical means;
 - (d) a ship of primitive build;
 - (e) a pleasure vessel; or
 - (f) a fishing vessel.

(3) These Regulations do not apply to ships 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.

(4) Where these Regulations do not apply to a ship at the time of the ship's departure, the Regulations must not subsequently apply to the ship on account of any deviation from the ship's intended voyage due to stress of weather or any other force majeure.

(6) A person who is on board a ship by reason of force majeure or in consequence of the obligation on the master to carry shipwrecked persons must not be considered for the purpose of ascertaining the application to a ship of any provision of SOLAS.

Guidance

10. (1) The Maritime Authority may from time to time—
- (a) issue guidance in relation to these Regulations, SOLAS or a Code, whether described as a Merchant Shipping Notice, a Marine Guidance Note, or by any other description; and
 - (b) adopt guidance in relation to these Regulations, SOLAS or a Code, whether described as a Merchant Shipping Notice, a Marine Guidance Note or by any other description, which is issued by the MCA, subject to such modifications as are necessary to enable the guidance's application to St Helena.

(2) Any person who exercises or performs a power or duty under these Regulations must have regard to any guidance issued or adopted under sub-regulation (1) which relates to the power or duty.

(3) Any guidance issued or adopted under this regulation, or any modification to, or replacement of, that guidance, must be published by the Maritime Authority and in the manner considered appropriate by the Maritime Authority.

Approval of equipment by an Administration

11. (1) This regulation applies where SOLAS refers to any equipment requiring the approval of the Administration.

- (2) Where this regulation applies, any equipment placed on board—
- (a) a St Helena ship must be of a type that is approved by the Maritime Authority; and
 - (b) a foreign ship must be of a type approved by the Administration of the ship's flag State.

(3) For the purpose of sub-regulation (2)(a), equipment will be approved if—

- (a) subject to sub-regulation (4), the equipment is of a type which is approved by the Maritime Authority and is included in a list of type approved equipment maintained by the Maritime Authority and published in the manner the Maritime Authority considers appropriate; or
- (b) the equipment does not fall within a type approved under sub-regulation (a) but is, subject to sub-regulation (4), approved specifically by the Maritime Authority.

(4) The Maritime Authority must be satisfied that equipment complies with SOLAS and any Code which is applicable to the equipment and the type, size and date of construction of the ship on which the equipment is to be placed before approving—

- (a) a type of equipment under sub-regulation (3)(a); or
- (b) an individual piece of equipment under sub-regulation (3)(c).

(5) When considering whether to grant approval, regard must be had by the Maritime Authority to any relevant—

- (a) IMO guidelines; and
- (b) guidance issued or adopted by the Maritime Authority.

(6) Any approval given under this regulation must—

- (a) be in writing;
- (b) specify the date on which the approval takes effect;
- (c) specify the date (if any) on which the approval expires; and
- (d) specify the terms (if any) on which the approval is granted.

(7) The Maritime Authority may on giving reasonable notice cancel or alter the terms of any approval.

(8) Equipment marked with an expiry date ceases to be approved for the purpose of these Regulations on the expiry date.

Exemptions - general

12. (1) Subject to sub-regulation (2), the Maritime Authority may exempt from—

- (a) any of these Regulations, a ship which is not normally engaged on international voyages but is, in exceptional circumstances, required to undertake a single international voyage ship; and
- (b) any of the provisions of Chapters II-1, II-2, III and IV as applied by these Regulations, a ship which embodies features of a novel kind if the application of the Regulations might seriously impede research into the development of the features and the incorporation of the features in a ship engaged on an international voyage.

(2) The Maritime Authority may only grant an exemption—

- (a) under sub-regulation (1)(a) if satisfied that the ship complies with safety requirements that are in the opinion of the Maritime Authority adequate for the voyage which is to be undertaken by the ship; and
- (b) under sub-regulation (1)(b), if satisfied that the ship complies with safety requirements that are in the opinion of the Maritime Authority adequate for the service for which the ship is intended and are such as to—
 - (i) ensure the overall safety of the ship; and
 - (ii) are acceptable to the Parties to be visited by the ship.

- (3) Any exemption granted under these Regulations—
 - (a) must be recorded in writing; and
 - (b) may on, reasonable notice being given by the Maritime Authority, as the case may be, be altered or cancelled.

(4) No exemption may be granted under these Regulations in respect of a nuclear ship.

(5) Where the Maritime Authority grants an exemption under sub-regulation (1)(b), the details of the exemption must be communicated to the IMO by the Maritime Authority.

Equivalents - general

13. (1) Subject to sub-regulation (2), any equipment may be fitted in a St Helena ship as an alternative to equipment that complies with these Regulations if—

- (a) the owner or master of the ship has made an application to the Maritime Authority for permission to fit the equipment to the ship;
- (b) a surveyor—
 - (i) is satisfied that the equipment is at least as effective as that required by these Regulations; and
 - (ii) has endorsed the application to the Maritime Authority to that effect;
- (c) the equipment is fitted to the ship in accordance with any conditions or limitations set out in the approval and is used and operated in accordance with any such conditions or limitations; and
- (d) the Maritime Authority has approved the alternative equipment.

(2) Where the Maritime Authority permits an equivalency, the details of the equivalency must be communicated to the IMO by the Maritime Authority.

PART IV

CONSTRUCTION OF SHIPS: STRUCTURE, SUBDIVISION AND STABILITY, MACHINERY AND ELECTRICAL INSTALLATIONS (SOLAS: CHAPTER II-1)

Application of Part IV

14. (1) This Part applies to Convention ships, subject to the provisions of Regulations II-1/1 (Application) and II-1/56 (Application: ships using low-flashpoint fuels).

(2) This Part does not apply to cargo ships of less than 500 GT.

Requirements of Chapter II-1

15. A ship to which this Part applies must comply with the provisions of Chapter II-1 that are applicable to the ship's type, size and date of construction.

Requirements of Chapter II-1: ships that undergo repairs

16. Where a ship undergoes repair, alteration, modification or outfitting the provisions of Regulation II-1/1.3 apply.

Structural, mechanical and electrical requirements for ships

17. (1) For the purpose of Regulations II-1/3-1 and II-1/3-10.3 (Structural, mechanical and electrical requirements for ships and goal-based ship construction standards for bulk carriers and oil tankers), the structural, mechanical and electrical requirements are the requirements specified in sub-regulation (2).

(2) The requirements must be the classification society rules of one of the recognized organisations listed below that are applicable to the ship's type, size and date of construction—

- (a)* Lloyd's Register;
- (b)* Bureau Veritas Marine and Offshore SAS
- (c)* Det Norske Veritas GL AS;
- (d)* American Bureau of Shipping;
- (e)* RINA Services S.p.A; or
- (f)* Nippon Kaiji Kyokai (ClassNK).

Logbooks

18. For the purpose of Regulation II-1/22.13, II-1/22.14.1 and II-1/22.16 (Prevention and control of water ingress etc), the required information must be recorded in the ship's logbook.

Exemptions from Chapter II-1

19. Where the sheltered nature and conditions of the voyage are such as to render the application of any specific requirements of Chapter II-1 unreasonable or unnecessary, the Maritime Authority may exempt from those requirements individual St Helena ships or classes of St Helena ships which in the course of their voyage do not proceed more than 20 miles from the nearest land.

Alternative design and arrangements: Chapter II-1

20. (1) Where the conditions in Regulation II-1/55 (Alternative design and arrangements) are met, the Maritime Authority may, in accordance with that Regulation, approve alternative designs and arrangements for machinery, electrical installations and low-flashpoint fuel storage and distribution systems to those required by this Part.

(2) A copy of the documentation, as approved by the Maritime Authority, indicating that the alternative design and arrangements comply with Regulation II-1/55 must be carried on board the ship.

(3) Where any assumption or operational restriction that was stipulated in the alternative design and arrangements is changed, an engineering analysis must be carried out under the changed condition and must be approved by the Maritime Authority.

(4) Where the Maritime Authority accepts alternative methodologies, particulars of the methodologies must be communicated to the IMO by the Maritime Authority in accordance with—

- (a)* sub-regulation (1); or
- (b)* Regulation II-1/4.2 (Subdivision and stability: general).

PART V

CONSTRUCTION OF SHIPS: FIRE PROTECTION, FIRE DETECTION AND FIRE EXTINGUISHMENT (SOLAS CHAPTER II-2)

Application of Part V

21. (1) This Part applies to Convention ships, subject to the provisions of Regulation II-2/1 (Application).

(2) This Part does not apply to cargo ships of less than 500 GT.

Requirements of Chapter II-2

22. A ship to which this Part applies must comply with provisions of Chapter II-2 that are applicable to the ship's type, size and date of construction.

Requirements of Chapter II-2: ships that undergo repairs

23. Where a ship undergoes repair, alteration, modification or outfitting the provisions of Regulation II-2/1.3 apply.

Fire control plans

24. (1) A fire control plan required by Regulation II-2/15.2.4.1 (Fire control plans) in respect of a St Helena ship must be in English.

- (2)** A fire control plan carried on a foreign ship while in St Helena waters must be—
- (a)** in the working language of the ship's personnel; and
 - (b)** if that language is not English or French, a translation of the plan into English or French must be available.

Exemptions from Chapter II-2

25. Where the sheltered nature and conditions of the voyage are such as to render the application of any specific requirements of Chapter II-2 unreasonable or unnecessary, the Maritime Authority may exempt from those requirements individual St Helena ships or classes of St Helena ships which in the course of their voyage do not proceed more than 20 miles from the nearest land.

Alternative design and arrangements: Chapter II-2

26. (1) Where the conditions in Regulation II-2/17 (Alternative design and arrangements) are met, the Maritime Authority may, in accordance with that Regulation, approve alternative designs and arrangements for fire safety to those required by this Part in accordance with that Regulation.

(2) A copy of the documentation, as approved by the Maritime Authority, indicating that the alternative design and arrangements comply with Regulation II-2/17 must be carried on board the ship.

(3) Where the Maritime Authority approves alternative designs and arrangements for fire safety under sub-regulation (1), information concerning the approved alternative design and arrangements must be communicated to the IMO by the Maritime Authority.

(4) Where any assumption or operational restriction that was stipulated in the alternative design and arrangements is changed, an engineering analysis must be carried out under the changed condition and must be approved by the Maritime Authority.

PART VI

LIFE-SAVING APPLIANCES AND ARRANGEMENTS (SOLAS: CHAPTER III)

Application of Part VI

27. (1) This Part applies to Convention ships, subject to the provisions of Regulation III/1 (Application).

(2) This Part, except for regulation 32, does not apply to cargo ships of less than 500 GT.

Requirements of Chapter III

28. A ship to which this Part applies must comply with the provisions of Chapter III that are applicable to the ship's type, size and date of construction.

Approval of life-saving appliances and arrangements.

29. (1) Where Chapter III provides that lifesaving appliance and arrangements must be approved by the Maritime Authority, life-saving appliances and arrangements for a ship must not be approved by the Maritime Authority unless the Maritime Authority ensures that the life-saving appliances and arrangements—

- (a) are tested in accordance with the relevant recommendations of the IMO to confirm that the life-saving appliances and arrangements comply with the requirements of Chapter III and the LSA Code; or
- (b) have successfully undergone, to the satisfaction of the Maritime Authority, tests which are substantially equivalent to those specified in such recommendations.

(2) In giving approval to life-saving appliances and arrangements under sub-regulation (1), the Maritime Authority may include any condition on the basis of which the approval will continue or will be withdrawn.

(3) Life-saving appliances are required to be subjected by the Maritime Authority to such production tests as are necessary to ensure that the life-saving appliances are manufactured to the same standards as the approved prototype.

(4) Where the Maritime Authority approves new and novel inflatable life raft arrangements under this regulation, the Maritime Authority may allow for extended service intervals different from those required by Regulation III/20.8.1 provided the conditions prescribed in Regulation III/20.8.3 and III/20.8.4 are met.

(5) The IMO must be notified by the Maritime Authority of any permitted extension of life raft service intervals.

Language of emergency instructions on passenger ships

30. For the purpose of Regulation III/8.2, emergency instructions required to be provided in St Helena passenger ships must be in English.

Recording of musters and drills

31. (1) For the purpose of Regulation III/19.5, the following must be recorded in the ship's logbook—

- (a) the date when musters are held;
- (b) details of abandon ship drills and fire drills, enclosed space entry and rescue drills, drills of other life-saving appliances; and
- (c) on board training.

(2) If a full muster, drill, or training session is not held at the appointed time, an entry must be made in the logbook stating the circumstances and the extent of the muster, drill or training session held.

Lifesaving requirements on cargo ships of 300GT but less than 500GT

32. A cargo ship of between 300 GT and 499 GT must comply with the requirements of the following provisions of Chapter III that are applicable to the ship's type and size—

- (a) Regulation III/6.2.1 (two-way VHF radiotelephone apparatus); and
- (b) Regulation III/6.2.2 (search and rescue locating devices).

Exemption from information collection requirements for passenger ships

33. In respect of St Helena ships that are passenger ships the Maritime Authority may exempt such ship or ships from the requirements of Regulation III/27.3, if the scheduled voyages of such ships render it impracticable for them to prepare such records.

Exemptions from Chapter III

34. Where the sheltered nature and conditions of the voyage are such as to render the application of any specific requirements of Chapter III unreasonable or unnecessary, the Maritime Authority may exempt from those requirements individual St Helena ships or classes of St Helena ships which in the course of their voyage do not proceed more than 20 miles from the nearest land.

Alternative design and arrangements: Chapter III

35. (1) Life-saving appliances and arrangements may deviate from the requirements of Chapter III, if the Maritime Authority is satisfied that—

- (a) the alternative design and arrangements meet the intent of the requirements concerned;
- (b) provide an equivalent level of safety; and
- (c) an engineering analysis, evaluation and approval of the design and arrangements has been carried out in accordance with Regulation III/38.

(2) A copy of the documentation, as approved by the Maritime Authority, indicating that the alternative design and arrangements comply with Regulation III/38 must be carried on board the ship.

(3) Where an alternative design and arrangements are approved in accordance with this regulation, information must be communicated to the IMO by the Maritime Authority concerning the approved alternative design and arrangements.

(4) Where any assumption or operational restriction that was stipulated in the alternative design and arrangements is changed, an engineering analysis must be carried out under the changed condition and must be approved by the Maritime Authority.

PART VII RADIOCOMMUNICATIONS (SOLAS: CHAPTER IV)

Application of Part VII

36. (1) This Part applies to Convention ships, subject to the provisions of Regulation IV/1.

(2) This Part does not apply to cargo ships of less than 300 GT.

(3) Nothing in this Part must prevent the use by any ship, survival craft or person in distress, of any means at their disposal to attract attention, make known their position and obtain help.

Radiocommunications: functional requirements

37. A ship to which this Part applies, while at sea, must be capable of complying with the functional requirements specified in Regulation IV/4.

Requirements of Chapter IV

38. (1) A ship to which this Part applies must comply with the provisions of Chapter IV that are applicable to—

- (a) the ship's type, size and date of construction; and
- (b) the sea area in which the ship operates.

Duty to maintain radiocommunication equipment

39. All reasonable steps must be taken to maintain the radiocommunication equipment required by this Part in order—

- (a) to provide the availability of the functional requirements specified in regulation 37; and
- (b) to meet the recommended performance standards of such equipment.

Effect of malfunction of radiocommunication equipment on seaworthiness

40. If a ship is capable of performing all distress and safety functions, malfunction of the equipment for providing the general radiocommunications required by this Part must not be

considered as making a ship unseaworthy or as a reason for delaying the ship in ports where repair facilities are not readily available.

Conferral of functions on the St Helena Government

41. (1) The duties imposed on the St Helena Government by Chapter IV must be discharged in accordance with this regulation.

(2) The Maritime must perform the functions conferred on the St Helena Government under—

- (a)* Regulation IV/5 (Provision of radiocommunication services); and
- (b)* Regulation IV/5-1 (Global maritime distress and safety system identities).

Exemptions from Chapter IV

42. (1) The Maritime Authority may grant partial or conditional exemptions to individual ships from the requirements of Regulations IV/7 to IV/11 where—

- (a)* such ships comply with the functional requirements specified in Regulation IV/4; and
- (b)* the Maritime Authority is satisfied that the exemption will not have an effect on the general efficiency of the service for the safety of all ships.

(2) An exemption may only be granted under sub-regulation (1)—

- (a)* if the conditions affecting safety in the waters in which the ship will operate are such as to render the full application of Regulations IV/7 to IV/11 unreasonable or unnecessary; or
- (b)* in exceptional circumstances, for a single voyage outside the sea area or sea areas for which the ship is equipped.

(3) The Maritime Authority may exempt from the requirements of Regulations IV/7.1.1 and IV/7.1.2 ships constructed before 1 February 1997 engaged exclusively on voyages within—

- (a)* sea area A2;
- (b)* sea areas A2 and A3; or
- (c)* sea areas A2, A3 and A4,

provided such ships maintain, when practicable, a continuous listening watch on VHF channel 16 kept at the position from which the ship is normally navigated.

(4) As soon as possible after the first of January in each year, a report must be submitted to the IMO by the Maritime Authority showing all exemptions granted under this regulation during the previous calendar year and giving the reasons for granting such exemptions.

PART VIII CARRIAGE OF CARGOES AND DANGEROUS GOODS (SOLAS: CHAPTER VI)

Application of Part VIII

43. (1) This Part applies to the carriage of cargoes, except the cargoes specified in sub-regulation (2), which, owing to their particular hazards to ships or persons on board, may require special precautions in Convention Ships.

- (2) The cargoes are—
 - (a) liquids in bulk;
 - (b) gases in bulk; and
 - (c) any of the cargoes to which Part IX applies.

Exemption for cargo ships of less than 500 GT

44. The Maritime Authority may exempt a cargo ship of less than 500 GT from any provision of this Part if satisfied that—

- (a) the sheltered nature and conditions of voyage are such as to render the application of any specific requirements of this Part unreasonable or unnecessary; and
- (b) effective measures are in place to ensure the required safety on the ship.

Cargo information

45. (1) A shipper must—

- (a) comply with the requirements imposed on a shipper by Regulation VI/2; and
- (b) provide the master or the master's representative with the information on the cargo required under Regulation VI/2 sufficiently in advance of loading to enable the precautions which may be necessary for proper stowage and safe carriage of the cargo to be put into effect.

(2) The information required under sub-regulation (1)(b) must be confirmed in writing and by appropriate shipping documents prior to loading the cargo on the ship.

(3) A container is prohibited from being loaded on to a ship if—

- (a) a shipping document submitted under sub-regulation (2) with regard to a packed container does not provide the verified gross mass; and
- (b) the master, the master's representative or the terminal representative have not obtained the verified gross mass of the packed container.

(4) In this regulation—

“container” means an article of transport equipment—

- (a) of a permanent character and accordingly strong enough to be suitable for repeated use;
- (b) specially designed to facilitate the transport of goods, by one or more modes of transport, without intermediate reloading;
- (c) designed to be secured or readily handled, having corner fittings for these purposes; and
- (d) of a size such that the area enclosed by the four outer bottom corners is either—
 - (i) at least 14 sq. m. (150 sq. ft.); or
 - (ii) at least 7 sq. m. (75 sq. ft.) if the container is fitted with top corner fittings;and

“terminal representative” means a person appointed by the terminal or other facility, where the ship is loading or unloading, who has responsibility for operations conducted by that terminal or other facility with regard to the particular ship.

Carriage of documentation

46. (1) Appropriate documentation, relevant to the cargo and the cargo's stowage and securing, which should specify in particular the precautions necessary for the safe carriage of

that cargo by sea, must be carried on board a ship to which this Part applies, other than a ship engaged in the carriage of grain.

(2) Such documentation may consist of one or more of the following Codes of Safe Practice—

- (a) the CSS Code;
- (b) the TDC Code; and
- (c) the IMSBC Code.

General requirements for the carriage of cargoes

47. A ship is required, in addition to all other applicable requirements under these Regulations, to comply with the provisions of Chapter VI that are applicable to the ship's type and the nature of the cargo the ship carries.

Additional requirements for solid bulk cargoes

48. (1) A ship which loads, unloads, or carries a solid bulk cargo, other than grain, must, in addition to all other applicable requirements under these Regulations, comply with the requirements of the provisions of—

- (a) Regulation VI/6 (Acceptability for shipment); and
- (b) Regulation VI/7 (Loading, unloading and stowage of solid bulk cargoes).

(2) For the purpose of Regulation VI/6 (Acceptability for shipment), prior to loading a solid bulk cargo, the master must be in possession of stability information provided under Regulation 10 of Annex I to the International Convention on Load Lines (Information to be supplied to the master) containing comprehensive information on the ship's stability and on the distribution of cargo and ballast for the standard loading conditions.

(3) In this regulation, "the International Convention on Load Lines" means the International Convention on Load Lines 1966, as modified by the 1988 Protocol and as amended by IMO resolutions A.972(24), A.1082(28) and A.1083(28).

Additional requirements for the carriage of grain.

49. (1) A ship is prohibited from carrying grain unless the ship complies with—

- (a) all applicable requirements under these Regulations;
- (b) the requirements of the International Grain Code; and
- (c) is issued with a document of authorization as required by that Code.

(2) A ship which is not issued with a document of authorization in accordance with sub-regulation (1) is prohibited from loading grain until the Maritime Authority is satisfied that the ship will comply with the requirements of the International Grain Code in the ship's proposed loaded condition.

PART IX CARRIAGE OF DANGEROUS GOODS (SOLAS: CHAPTER VII)

Carriage of dangerous goods in packaged form

50. (1) This regulation applies to the carriage of dangerous goods in packaged form in Convention ships.

(2) This regulation does not apply to ships' stores and equipment.

(3) The carriage of dangerous goods in packaged form in a ship must comply with the provisions of Part A of Chapter VII.

(4) Detailed instructions on emergency response and medical first aid relevant to incidents involving dangerous goods in packaged form must be issued by the Maritime Authority in accordance with Regulation VII/2.4.

(5) The instructions issued under sub-regulation (4) must be published on the Maritime Authority's website.

Carriage of dangerous goods in solid form in bulk

51. (1) This regulation applies to the carriage of dangerous goods in solid form in bulk in Convention ships.

(2) The carriage of dangerous goods in solid form in bulk in a ship to which this regulation applies must comply with the provisions of Part A-1 of Chapter VII.

(3) Detailed instructions on emergency response and medical first aid relevant to incidents involving dangerous goods in packaged form must be issued by the Maritime Authority in accordance with Regulation VII/7-1.3.

(4) The instructions issued under sub-regulation (3) must be published in the manner that the Maritime Authority considers appropriate.

Construction and equipment of ships carrying dangerous liquid chemicals in bulk

52. (1) This regulation applies to Convention ships which are chemical tankers.

(2) A chemical tanker constructed on or after 1 July 1986 must, in addition to all other applicable requirements under these Regulations, comply with the provisions of Part B of Chapter VII.

(3) A chemical tanker constructed before 1 July 1986 which undergoes repairs, alterations, modifications or outfitting of a major character must, irrespective of the chemical tanker's date of construction, in addition to all other applicable requirements under these Regulations, comply with the provisions of Part B of Chapter VII.

(4) A ship, irrespective of the date of construction, which is converted to a chemical tanker must be treated as a chemical tanker constructed on the date on which such conversion commenced.

Construction and equipment of ships carrying liquefied gases in bulk

53. (1) This regulation applies to Convention ships which are gas carriers.

(2) A gas carrier constructed on or after 1 July 1986 must, in addition to all other applicable requirements under these Regulations, comply with the provisions of Part C of Chapter VII.

(3) A gas carrier constructed before 1 July 1986 which undergoes repairs, alterations, modifications or outfitting of a major character, must, irrespective of the gas carrier's date of construction, in addition to all other applicable requirements under these Regulations, comply with the provisions of Part C of Chapter VII.

(4) A ship, irrespective of the date of construction, which is converted to a gas carrier must be treated as a gas carrier constructed on the date on which such conversion commenced.

Special requirements for the carriage of INF cargo on board ships

54. (1) This regulation applies to Convention ships engaged in the carriage of INF cargo.

(2) This regulation does not apply to naval auxiliaries or other ships owned or operated by a Party and used, for the time being, only on government non-commercial service.

(3) A ship engaged in the carriage of INF cargo must, in addition to all other applicable requirements under these Regulations, comply with the provisions of Part D of Chapter VII.

PART X NUCLEAR SHIPS (SOLAS: CHAPTER VIII)

Application of Part X

55. This Part applies to Convention ships which are nuclear ships.

Reactor installations

56. The installation of a reactor on board a nuclear ship must comply with the provisions of—

- (a) Regulation VIII/4 (Approval of reactor installation); and
- (b) Regulation VIII/5 (Suitability of reactor installation for service on board ship).

Safety assessment of nuclear ships

57. (1) A safety assessment must be—

- (a) prepared to permit evaluation of the nuclear power plant and safety of the ship in accordance with Regulation VIII/7 (Safety assessment); and
- (b) submitted to the Maritime Authority for approval.

(2) A safety assessment approved in accordance with sub-regulation (1) –

- (a) must be regularly reviewed and kept up date; and
- (b) if amended, the amended assessment must be notified to the Maritime Authority for approval.

(3) A safety assessment prepared under sub-regulation (1) must be made available sufficiently in advance to a State which the ship intends to visit to enable the State to evaluate the safety of the ship.

Operating manual for nuclear ships

58. (1) An operating manual which complies with the requirements of Regulation VIII/8 (Operating manual) must be prepared and submitted to the Maritime Authority for approval

- (2) An operating manual approved in accordance with sub-regulation (1)—
 - (a) must be regularly reviewed and kept up date; and
 - (b) a copy of the manual must be kept on board the ship.

Casualties involving nuclear ships

59. (1) In the event of an accident involving a nuclear St Helena ship which in the reasonable opinion of the master is likely to lead to an environmental hazard, the master must immediately inform—

- (a) the Maritime Authority; and
- (b) if outside St Helena waters, the competent governmental authority of the State in whose waters the ship may be, or whose waters the ship will approach or enter.

(2) In the event of an accident involving a nuclear foreign ship which in the reasonable opinion of the master is likely to lead to an environmental hazard, the master must immediately inform the Maritime Authority.

PART XI MANAGEMENT FOR THE SAFE OPERATION OF SHIPS (SOLAS: CHAPTER IX)

Application of Part XI

60. (1) This Part applies to Convention ships.

(2) For the purpose of this Part, mobile offshore drilling units of 500GT or more are treated as Convention ships.

(3) This Part does not apply to ships owned or operated by a Party and used, for the time being, only in government non-commercial service.

Safety management requirements

61. (1) An owner and a ship must comply with the requirements of Chapter IX.

(2) A ship must not be operated unless the owner holds a Document of Compliance issued in accordance with regulation 85.

PART XII SPECIAL MEASURES TO ENHANCE MARITIME SAFETY (SOLAS: CHAPTER XI-1)

Ship identification number

- 62.** (1) This regulation applies to a Convention ship which is—
- (a) a passenger ship of 100 GT or more; and
 - (b) a cargo ship of 300 GT or more.

(2) A ship must be provided by the Maritime Authority with an identity number in accordance with Regulation XI-1/3.2.

(3) An identity number provided under sub-regulation (2) must be permanently marked in accordance with Regulation XI-1/3.4.

Registered owner identification number

63. Every owner of a St Helena Convention ship must be provided with an identification number in accordance with Regulation XI-1/3-1 by the Maritime Authority.

Continuous synopsis record

- 64.** (1) This regulation applies to a St Helena Convention ship.

(2) A Continuous Synopsis Record which contains the information required by Regulation XI-1/5 must be issued to every ship in accordance with Regulation XI-1/5 by the Maritime Authority.

- (3) The Continuous Synopsis Record issued to a ship must be—
- (a) in English;
 - (b) in the format developed by the IMO; and
 - (c) maintained in accordance with the relevant IMO guidelines.

(4) Any changes relating to entries referred to in Regulation XI-1/5.3.4 to XI-1/5.3.15 must be recorded by the master in the Continuous Synopsis Record so as to provide updated and current information together with the history of the changes.

(5) In the event of any changes relating to the entries in the Continuous Synopsis Record listed in Regulation XI-1/5.3.4 to XI-1/5.3.15, as soon as is practically possible but not later than three months from the date of the change to St Helena ships either a revised and updated version of the Continuous Synopsis Record or appropriate amendments to the Continuous Synopsis Record must be issued by the Maritime Authority.

(6) In the event of any changes relating to the entries in the Continuous Synopsis Record listed in Regulation XI-1/5.3.4 to XI-1/5.3.15, the Maritime Authority is required to, pending the issue of a revised and updated version of the Continuous Synopsis Record, authorize and require either the owner or the master of the ship to—

- (a) amend the Continuous Synopsis Record to reflect the changes; and
- (b) in such cases, after the Continuous Synopsis Record has been amended, without delay, inform the Maritime Authority accordingly.

(7) No previous entries in the Continuous Synopsis Record must be modified, deleted or, in any way, erased or defaced.

- (8) The Continuous Synopsis Record must be left on board when a ship is—

- (a) transferred to another flag State;
- (b) sold to another owner (or is taken over by another bareboat charterer); or
- (c) another owner assumes the responsibility for the operation of the ship.

(9) When a ship is to be transferred to the flag of another State, the owner must notify the Maritime Authority of the name of the flag State to which the ship is to be transferred so as to enable the Maritime Authority to forward to that State a copy of the Continuous Synopsis Record covering the period during which the ship was under the Maritime Authority's jurisdiction.

(10) When a ship is transferred to a Party, as soon as possible after the transfer takes place, a copy of the relevant Continuous Synopsis Record covering the period during which the ship was under Maritime Authority's jurisdiction together with any Continuous Synopsis Records previously issued to the ship by other States must be transmitted, by the Maritime Authority, to the Administration of the new flag State.

(11) When a ship is transferred to St Helena, the Continuous Synopsis Record must be appended, by the Maritime Authority, to the Continuous Synopsis Record that the Administrations of the ship's previous flag States issued to the ship, so as to provide the continuous history record of the ship.

(12) The Continuous Synopsis Record must be kept on board the ship and must be available for inspection at all times.

Atmosphere testing instrument for enclosed spaces

65. A Convention ship must carry an appropriate portable atmosphere testing instrument or instruments which complies with the provisions of Regulation XI-1/7 (atmosphere testing instrument for enclosed spaces).

PART XIII ADDITIONAL SAFETY MEASURES FOR BULK CARRIERS (SOLAS: CHAPTER XII)

Application of Part XIII

65. This Part applies to a Convention ship which is a bulk carrier.

Additional requirements for bulk carriers

66. A bulk carrier must comply, in addition to all other relevant requirements of these Regulations, with the provisions of Chapter XII that are applicable to the bulk carrier's type, size and date of construction.

PART XIV SAFETY MEASURES FOR SHIPS OPERATING IN POLAR WATERS (SOLAS: CHAPTER XIV)

Application of Part XIV

67. (1) Subject to sub-regulation (2), this Part applies to a St Helena Convention ship operating in Polar waters.

(2) This Part does not apply to ships owned or operated by a Party and used, for the time being, only in government non-commercial service.

Requirements for ships operating in Polar waters

68. A ship to which this Part applies must comply with the requirements of Chapter XIV.

Alternative design and arrangements: ships in Polar waters

69. (1) Structural arrangements, machinery and electrical installations, fire safety design and arrangement measures and life-saving appliances and arrangements may deviate from the prescriptive requirements set out in chapters 3, 6, 7 and 8 of the Polar Code, provided that the Maritime Authority is satisfied that alternative design and arrangements meet the intent of the goal and functional requirements concerned and provide an equivalent level of safety to the requirements in those chapters.

(2) When alternative designs or arrangements deviate from the prescriptive requirements of chapters 3, 6, 7 and 8 of the Polar Code, an engineering analysis, evaluation and approval of the design and arrangements must be carried out based on the relevant IMO guidelines.

(3) The technical and operational measures and conditions for the allowed deviation must be recorded and any alternative designs or arrangement deviating from the prescriptive requirements must be recorded in—

- (a) the Polar Ship Certificate; and
- (b) the ship's Polar Water Operational Manual, as required by the Polar Code.

PART XV SURVEY AND CERTIFICATION

General

Application of Part XV

70. (1) Subject to the provisions of this Part, this Part applies to Convention ships.

(2) This Part does not apply to cargo ships of less than 300 GT.

Surveys

Surveys of passenger ships

71. A St Helena passenger ship must be subject to the surveys specified in Regulation I/7.

Surveys of life saving appliances and other equipment of cargo ships

72. A St Helena cargo ship of 500 GT or more engaged on international voyages must be subject to the surveys of the St Helena cargo ship's life-saving appliances and other equipment specified in Regulation I/8.

Surveys of radio installations of cargo ships

73. A St Helena cargo ship of 300 GT or more engaged on international voyages must be subject to the surveys of the St Helena cargo ship's radio installations specified in Regulation I/9.

Surveys of structure, machinery and equipment of cargo ships

74. In addition to the surveys required by Regulations 72 and 73, a St Helena cargo ship of 500 GT or more must be subject to the surveys and inspections of the St Helena cargo ship's structure, machinery and equipment specified in Regulation I/10.

Surveys of chemical tankers, gas carriers and ships engaged in the carriage of INF cargo

- 75.** In addition to the surveys required by Regulations 72 to 74—
- (a) a St Helena chemical tanker must be surveyed in accordance with Regulation VII/10;
 - (b) a St Helena gas carrier must be surveyed in accordance with Regulation VII/13; and
 - (c) a St Helena ship engaged in the carriage of INF cargo must be surveyed in accordance with Regulation VII/16.

Surveys of nuclear ships

- 76. (1)** A survey of a St Helena nuclear ship must include—
- (a) the applicable requirements of Regulations 71, 72, 73, 74 and 75 except in so far as such surveys are limited by the presence of radiation; and
 - (b) any special requirements of a safety assessment prepared in accordance with Regulation VIII/7.

(2) Notwithstanding the provisions of Regulations 72 and 74, a survey of a nuclear ship must, in all cases, be carried out at least once in every 12 month period.

Enhanced surveys of bulk carriers and oil tankers

77. In addition to the surveys required by Regulations 72 to 74, St Helena bulk carriers and oil tankers must be subject to an enhanced programme of inspections and surveys in accordance with Regulations XI-1/2 and XI-1/2-1.

Responsibilities after a survey

- 78. (1)** This regulation applies to—
- (a) St Helena ships; and
 - (b) a foreign ship which is surveyed pursuant to this Part.

(2) A ship and the ship's equipment must be maintained so as to ensure that the ship in all respects remains fit to proceed to sea without danger to the ship or persons on board.

(3) After a survey of a ship required by this Part is completed, no change must be made to the ship's structural arrangements, machinery, equipment and other items covered by the survey without the approval of the Maritime Authority, except by direct replacement.

(4) Whenever an accident occurs to a ship or a defect is discovered, either of which affects the safety of the ship or the efficiency or completeness of the ship's life-saving appliances or other equipment—

- (a) the accident must be reported at the earliest opportunity to the Maritime Authority, or a proper officer; and
- (b) if a St Helena ship is in such a case in a port outside St Helena, the accident must also be reported to the appropriate authorities of the State in which the port is situated.

(5) If a report is made under sub-regulation (4)(a), the Maritime Authority or proper officer must determine whether a survey is necessary, and if so, require one to be carried out.

(6) If the survey referred to in sub-regulation (5) shows that repairs are required, or if any important repairs or renewals are otherwise made to the ship or the ship's equipment, a further survey must be carried out on the completion of those repairs or renewals.

Procedure to be adopted when a ship is deficient

79. (1) This regulation applies to—

- (a) St Helena ships; and
- (b) a foreign ship which is surveyed pursuant to this Part.

(2) Where a surveyor or recognized organization determines that the condition of a ship—

- (a) does not correspond substantially with the particulars on one or more of the certificates referred to in this Part;
- (b) or is such that the ship is not fit to proceed to sea without danger to the ship or persons on board,

the surveyor or recognized organization must advise the owner or master of the corrective action which in the surveyor's or recognized organization's opinion is required and must notify the Maritime Authority of the advice.

(3) If such corrective action is not taken within such reasonable period as the surveyor or recognized organization may specify, the surveyor must notify the Maritime Authority which may suspend the validity of the particular certificate or certificates issued to the ship.

(4) Notice of suspension under sub-regulation (3) must be given by the Maritime Authority to the owner, to the surveyor and to the master.

Certification

Issue of certificates etc to St Helena ships engaged on international voyages

80. (1) Where a survey to meet the requirements set out in this Part is completed in respect of a ship engaged in international voyages, the appropriate certificates listed in sub-regulation (2) must be issued by the Maritime Authority if the Maritime Authority is satisfied that—

- (a) the ship complies with these Regulations, SOLAS and the relevant Code that are applicable to the ship's type, size and date of construction, and
 - (b) the prescribed fee has been paid by the owner of the ship to the Maritime Authority.
- (2) The certificates, "Convention Certificates", to which sub-regulation (1) refers are—
- (a) in the case of a passenger ship, a Passenger Ship Safety Certificate;
 - (b) in the case of a cargo ship of between 300 GT and 499 GT, a Cargo Ship Safety Radio Certificate;
 - (c) in the case of a cargo ship of 500 GT or more—
 - (i) a Cargo Ship Safety Certificate or, as the case may be, a Cargo Ship Safety Construction Certificate; or
 - (ii) after an initial or renewal survey in accordance with Regulations 72 to 75, a Cargo Ship Safety Certificate;
 - (d) in the case of a ship which will operate in Polar waters, a Polar Ship Certificate;
 - (e) in the case of a nuclear passenger ship, a Nuclear Passenger Ship Safety Certificate;
 - (f) in the case of a nuclear cargo ship, a Nuclear Cargo Ship Safety Certificate;
 - (g) in the case of a chemical tanker, an International Certificate of Fitness for the Carriage of Dangerous Chemicals;
 - (h) in the case of a gas carrier, an International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk; and
 - (i) in the case of a ship engaged in the carriage of INF cargo, an International Certificate of Fitness for the Carriage of INF Cargo.

(3) Whenever a reference is made to a Cargo Ship Safety Construction Certificate, Cargo Ship Safety Equipment Certificate or Cargo Ship Safety Radio Certificate, the reference applies to a Cargo Ship Safety Certificate if the reference is used as an alternative to the abovementioned certificates.

(4) A Passenger Ship Safety Certificate, the Cargo Ship Safety Equipment Certificate, the Cargo Ship Safety Radio Certificate and the Cargo Ship Safety Certificate referred to in sub-regulations (1), (3), (4) and (5) must be supplemented by a Record of Equipment.

(5) For the purpose of port State control established under Regulation 1/19, a certificate issued under this regulation must be treated as a certificate issued under Regulation I/12 or I/13.

(6) In this regulation, "Record of Equipment" means a Record of Equipment drawn up in a form corresponding substantially to the model for a Record of Equipment applicable to the ship's type contained in the Appendix to SOLAS.

Form and content of Convention Certificates

81. (1) A Convention Certificate must be in English.

(2) A Passenger Ship Safety Certificate, a Cargo Ship Safety Equipment Certificate, a Cargo Ship Safety Radio Certificate, a Cargo Ship Safety Certificate, a Nuclear Passenger Ship Safety Certificate and a Nuclear Cargo Ship Safety Certificate must be drawn up in a form corresponding substantially to the model for the certificate contained in the Appendix to SOLAS.

(3) A Polar Ship Certificate must be drawn up in a form corresponding substantially to the model for the certificate contained in the Polar Code.

(4) A Nuclear Passenger Ship Safety Certificate and a Nuclear Cargo Ship Safety Certificate must—

- (a) be drawn up in a form corresponding substantially to the model for the certificate contained in the Appendix to SOLAS; and
- (b) state that the ship, being a nuclear ship, complies with all the provisions of Chapter VIII and conforms to the safety assessment approved for the ship.

(5) An International Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk must be drawn up in a form corresponding substantially to the model for the certificate contained in the Appendix to the BCH Code.

(6) An International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk must be drawn up in a form corresponding substantially to the model for the certificate contained in Appendix 2 to the IGC Code.

(7) An International Certificate of Fitness for the Carriage of INF Cargo must be drawn up in a form corresponding substantially to the model for the certificate contained in the Appendix to the INF Code.

Duration and validity of Convention Certificates

82. (1) Subject to sub-regulation (2), a Convention Certificate must be issued from the date of the completion of the relevant survey and must be issued for a period of validity as follows—

- (a) a Passenger Ship Safety Certificate must be issued for a period of validity not exceeding 12 months;
- (b) a Cargo Ship Safety Construction Certificate, Cargo Ship Safety Equipment Certificate, Cargo Ship Safety Radio Certificate or Cargo Ship Safety Certificate and Polar Ship Certificate must be issued for a period of validity not exceeding five years; and
- (c) a Nuclear Passenger Ship Safety Certificate and Nuclear Cargo Ship Safety Certificate must be issued for a period of validity not exceeding 12 months.

(2) Notwithstanding the requirements of sub-regulation (1), where the circumstances described in Regulation I/14(b) to (h) apply, the period of validity of the relevant Convention certificate must be determined in accordance with the provision of Regulation I/14(b) to (h) that applies.

(3) A Convention Certificate ceases to be valid—

- (a) if the Convention Certificate's period of validity is exceeded and the certificate is not extended by the Maritime Authority in accordance with regulation 84 or otherwise in accordance with Chapter I;
- (b) if the relevant surveys and inspections have not been completed within the periods specified in this Part or otherwise in accordance with Chapter I by a Party, and the certificate has either not been extended in accordance with regulation 84 or otherwise in accordance with Chapter I, or the period of any such extension has expired;
- (c) upon transfer of the ship to another flag State; or
- (d) if the ship no longer substantially complies with the requirements of the certificate.

Issue and duration of Exemption Certificates

83. (1) When an exemption is granted to a ship in accordance with these Regulations, an Exemption Certificate must be issued in addition to any certificate issued under regulation 80.

(2) The period of validity of an Exemption Certificate must not be longer than the period of validity of the certificate to which the exemption refers.

(3) An Exemption Certificate must be subject to the same extension and other provisions as the certificate to which the exemption refers.

Extension of certificates and other provisions

84. (1) Where a Convention Certificate other than a Passenger Ship Safety Certificate is issued for a period of validity of less than five years and the surveys required under Regulations 72(1) and 73 to 77 are satisfactorily completed, the Maritime Authority may extend the validity of that Certificate so that the certificate is valid for a maximum period of five years.

(2) Where a survey required under Regulations 72(1) and 73 to 77 is satisfactorily completed before the expiry of the relevant Convention Certificate but the new certificate cannot be issued or placed on board the ship before the expiry of the existing certificate, the Maritime Authority may endorse the existing certificate as valid for a period not exceeding 5 months from the expiry date.

(3) Where a survey required under Regulations 72(1) and 73 to 77 has not been satisfactorily completed before the expiry of the relevant Convention Certificate and at the time of expiry the ship is not in a port in which the ship is to be surveyed, the Maritime Authority may, where it appears to the Maritime Authority proper and reasonable to do so, extend the validity of the certificate solely for the purpose of allowing the ship to complete the ship's voyage to the ship's port of survey.

(4) An extension of a period of validity under sub-regulation (1) or (2), and, except in special circumstances as determined by the Maritime Authority, an extension of a period of validity under sub-regulation (3), must be disregarded for the purpose of determining the date of expiry of an existing Convention Certificate under regulation 82(2) or (3).

Documents of compliance – carriage of dangerous goods

85. Where the Maritime Authority is satisfied that a ship, which carries dangerous goods and to which Part IX applies, complies with the requirements of Part IX, a document of compliance with the special requirements for ships carrying dangerous goods must be issued by the Maritime Authority.

Certification and verification for safety management system

86. (1) Where the Maritime Authority is satisfied that a ship complies with the provisions of Part XI, a Document of Compliance for such period as the Maritime Authority considers fit, not exceeding five years must be issued by the Maritime Authority.

(2) The Document of Compliance must be—

(a) accepted as evidence that the owner is capable of complying with the requirements of the ISM Code;

(b) valid only for the ship types explicitly indicated in the document; and

(c) withdrawn if the annual verification required by paragraph 13.4 of the ISM Code is not requested or if there is evidence of major non-conformities with the ISM Code.

(3) The Maritime Authority may issue an Interim Document of Compliance, for a period not exceeding 12 months, to facilitate initial implementation of the ISM Code when—

(a) an owner is newly established; or

(b) new ship types are to be added to an existing Document of Compliance,

following verification that the owner has a safety management system and demonstrates plans to implement a safety management system meeting the full requirements of the ISM Code within the period of validity of the Interim Document of Compliance.

(4) A copy of the Interim Document of Compliance must be placed on board in order that the master of the ship, if so requested, may produce the copy of the Interim Document of Compliance for verification by the Maritime Authority.

(5) Where the Maritime Authority is satisfied that an owner and the owner's shipboard management operates in accordance with the approved safety management system, a Safety Management Certificate to a ship, for a period not exceeding five years must be issued by the Maritime Authority.

(6) The Maritime Authority may issue an Interim Safety Management Certificate, following the verifications set out in paragraph 14.4 of the ISM Code, for a period not exceeding 6 months—

(a) to new ships on delivery;

(b) when an owner takes on responsibility for the operation of a ship which is new to the owner; or

(c) when a ship changes the ship's flag.

(7) Notwithstanding sub-regulation (6), the Maritime Authority may, in special cases, extend the validity of an Interim Safety Management Certificate for a further period not exceeding 6 months from the date of expiry.

(8) The Document of Compliance, the Interim Document of Compliance, the Safety Management Certificate and the Interim Safety Management Certificate must be—

(a) in English; and

(b) drawn up in the forms corresponding, as closely as possible, to the models given in the appendix to the ISM Code.

Issue and endorsement of Convention Certificates or ISM documents by another Party

87. (1) The Maritime Authority may request a Party to survey a St Helena ship and, if satisfied that SOLAS are complied with, to issue or authorise the issue in respect of the ship of—

(a) a Convention Certificate; or

(b) an ISM document.

(2) A Convention Certificate or ISM document issued in accordance with a request in pursuant to sub-regulation (1) must contain a statement that the Convention Certificate or ISM document is issued in accordance with a request pursuant to sub-regulation (1) and has the same effect as if the Convention Certificate or ISM document was issued by the Maritime Authority.

Requests made by other Parties

- 88.** (1) The Maritime Authority may, at the request of another Party—
- (a) survey a ship registered by that Party; or
 - (b) verify whether such a ship complies with the provisions of Chapter IX and the ISM Code.

(2) If the Maritime Authority is satisfied that SOLAS and any relevant Codes are complied with and that a survey, or a verification is satisfactorily completed in accordance with these Regulations, the Maritime Authority may issue to the ship one or more Convention Certificates or ISM documents, and where appropriate, endorse such certificates and documents in accordance with SOLAS.

(3) A Convention Certificate or ISM document issued in accordance with a request pursuant to sub-regulation (1) must contain a statement that the Convention Certificate or ISM document is issued in accordance with a request pursuant to sub-regulation (1) and has the same effect as if the Convention Certificate or ISM document was issued by the Party rather than by the Maritime Authority.

(4) Where a memorandum, issued by or under the authority of the Party concerned, is attached to a valid Passenger Ship Safety Certificate in respect of a ship to which SOLAS applies, which modifies the Passenger Ship Safety Certificate in respect of the persons that may be carried for a particular voyage, the Passenger Ship Safety Certificate has effect for the purpose of the voyage as if the Passenger Ship Safety Certificate was modified in accordance with the memorandum.

Cancellation of Convention Certificates or ISM documents

- 89.** (1) The Maritime Authority may cancel a Convention Certificate or ISM document issued to a St Helena ship where there is reason to believe that—
- (a) the Convention Certificate or ISM document was issued on false or erroneous information; or
 - (b) since any survey required by these Regulations, the structure, equipment, or machinery has sustained damage or is otherwise deficient.

(2) The Maritime Authority may require that a Convention Certificate or ISM document issued to a St Helena ship which has expired or has been cancelled be surrendered.

- (3) A person must not—
- (a) intentionally alter a Convention Certificate or ISM document;
 - (b) intentionally make a false Convention Certificate or ISM document;
 - (c) in connection with any survey or verification required by this Part, knowingly or recklessly furnish false information;
 - (d) with intent to deceive, use, lend, or allow to be used by another, a Convention Certificate or ISM document; or
 - (e) fail to surrender a Convention Certificate or ISM document required to be surrendered under sub-regulation (2).

Availability of Convention Certificates or ISM documents

- 90.** A Convention Certificate or ISM document must be—
- (a) carried on board a ship in respect of which the Convention Certificate or ISM document is issued; and

- (b) available on board for examination at all times.

Acceptance of Convention Certificates or ISM documents

91. A Convention Certificate or ISM document issued by a Party other than St Helena must be—

- (a) accepted by the Maritime Authority for the purpose of these regulation; and
(b) must be regarded by the Maritime Authority as having the same force as a Convention Certificate or ISM document issued under these Regulations.

Prohibition on proceeding to sea without the appropriate documentation

92. (1) A St Helena ship engaged on international voyages must not proceed to sea unless the St Helena ship is surveyed and there is in force the following Convention certificates or ISM documents—

- (a) in the case of a passenger ship—
(i) a Passenger Ship Safety Certificate;
(ii) a Safety Management Certificate;
(iii) if the ship is operating in or is on a voyage part of which will take the ship into Polar waters, a Polar Safety Certificate; and
(iv) if the ship is a nuclear ship, a Nuclear Passenger Ship Safety Certificate;
(b) in the case of a cargo ship of 300 GT or more, a Cargo Ship Safety Radio Certificate; and
(c) in the case of a cargo ship of 500 GT or more—
(i) either—
(aa) a Cargo Ship Safety Radio Certificate, a Cargo Ship Safety Equipment Certificate and a Cargo Ship Safety Construction Certificate; or
(bb) a Cargo Ship Safety Certificate;
(ii) a Safety Management Certificate;
(iii) if the ship is operating in or is on a voyage part of which will take the ship into Polar waters, a Polar Safety Certificate; and
(iv) if the ship is a nuclear ship, a Nuclear Cargo Ship Safety Certificate.

(2) A St Helena ship engaged on international voyages is prohibited from proceeding to sea unless the St Helena ship is operated by a company which is issued with a Document of Compliance or an Interim Document of Compliance.

(3) A foreign ship is prohibited from proceeding to sea from a port in St Helena unless—

- (a) in the case of a foreign ship registered in a Party, there is in force such Convention Certificates or ISM document that would be required under sub-regulations (1) and (2) if the ship were a St Helena ship; or
(b) in the case of a foreign ship registered in a State which is not a Party, the ship is in possession of documentation which shows that the ship has been surveyed for compliance with this Part as if the ship were a St Helena ship.

(4) Regulation 84 applies to the Convention Certificates mentioned in sub-regulation (3) as if the ship were a St Helena ship.

(5) If a Convention Certificate or ISM document is issued subject to conditions, or specifies sea areas in which the ship is certified or verified to operate—

- (a) all such conditions must be complied with; and

- (b) the ship must only operate in the specified sea areas.

Limit on the number of passengers on passenger ships

93. (1) A passenger ship must not carry on board a greater number of passengers than that stated on the ship's Passenger Ship Safety Certificate.

(2) Sub-regulation (1) must not apply if the Maritime Authority is satisfied that the number of passengers stated on the ship's Passenger Ship Safety Certificate is exceeded for the purpose of evacuating persons in order to avoid a threat to the security of their lives.

Qualification of Passenger Ship Safety Certificates

94. (1) If in the course of a particular voyage a passenger ship has on board a number of persons less than the total number stated in the Passenger Ship Safety Certificate and is in consequence, in accordance with these Regulations, free to carry a smaller number of lifeboats and other life-saving appliances than that stated in the certificate, an annex may be issued by the Maritime Authority.

- (2)** The annex referred to in sub-regulation (1) is required to—
- (a) state that in the circumstances there is no infringement of these Regulations;
 - (b) be annexed to the Passenger Ship Safety Certificate together with the statement referred to in sub-regulation (2)(a) above;
 - (c) be substituted for the Passenger Ship Safety Certificate in so far as the life-saving appliances are concerned; and
 - (d) be valid only for the particular voyage for which the annex is issued.

PART XVI ENFORCEMENT

Inspection and control of ships

95. (1) To ensure compliance with these Regulations, SOLAS and any Code, an inspector may go on board and inspect—

- (a) any ship to which these Regulations apply; and
- (b) the ship's equipment, any part of the ship, any equipment on board and any documentation carried in the ship.

(2) In the case of a foreign ship, the power referred to in sub-regulation (1) is, unless the conditions in sub-regulation (3) apply, limited to verifying that there are on board valid Convention Certificates and ISM documents which are applicable to the ship's type, size and date of construction required by these Regulations, SOLAS or a Code.

(3) The conditions are that the inspector has reasonable grounds for believing that—

- (a) the condition of the ship or the ship's equipment does not correspond substantially with the particulars of a Convention certificate or an ISM document;
- (b) the condition of the ship and the ship's equipment is not maintained to conform to SOLAS to ensure that the ship in all respects is fit to proceed to sea without danger to the ship or persons on board;

- (c) following a survey required by SOLAS, changes were made to the ship without the approval of the Administration of the ship's flag State; or
- (d) the master or crew are not familiar with essential shipboard procedures relating to the safety of ships.

(4) The powers referred to in sub-regulation (1) to go on board a ship may only be exercised if the ship in question is—

- (a) in a port in St Helena; or
- (b) at an offshore installation in St Helena waters or controlled waters.

(5) For the purpose of this regulation, an inspector has the powers of an inspector conferred by the Merchant Shipping Ordinance, 2021.

(6) An inspection under this regulation must be carried out in accordance with IMO resolution A.1119(30) on the Procedures for Port State Control.

(7) Where a ship which is not a St Helena ship is inspected for the purpose of this regulation, the inspector must ensure that the report of that inspection is sent to—

- (a) the consul or diplomatic representative of the ship's flag State or the appropriate maritime authorities of that State; and
- (b) the surveyor or recognized organizations responsible for the issue of a Convention Certificate or ISM document in respect of the ship; and
- (c) any other Party if that Party requested the inspection.

(8) When carrying out an inspection under this regulation, an inspector must take all reasonable steps to avoid a ship being unduly detained or delayed.

(9) In addition to any inspection required by sub-regulation (1), a nuclear ship must be subjected to special control by the Maritime Authority before the nuclear ship enters a port in St Helena.

(10) The special control required by sub-regulation (9) must be directed towards verifying that—

- (a) there is on board a valid Nuclear Passenger Ship Safety Certificate or Nuclear Cargo Ship Safety Certificate, as the case may be; and
- (b) there are no unreasonable radiation or other hazards at sea or in port, to the crew, passengers or public or to the waterways or food or water resources.

Detention

96. (1) A St Helena ship which does not comply with these Regulations is liable to be detained.

(2) A foreign ship in St Helena waters is liable to be detained if—

- (a) the condition of the ship or the ship's equipment does not correspond substantially with the particulars of a Convention Certificate or ISM document;
- (b) the condition of the ship or the ship's equipment is not maintained to conform to SOLAS to ensure that the ship in all respects is fit to proceed to sea without danger to the ship or persons on board; or
- (c) following a survey required by SOLAS, changes were made to the ship without the approval of the Administration of the ship's flag State.

(3) Where a ship is liable to be detained under these Regulations, the person detaining the ship must serve on the master a detention notice which is required to—

- (a) state the grounds of the detention; and
- (b) require the terms of the notice to be complied with before the ship is released by any person as prescribed in the Merchant Shipping Ordinance, 2021.

(4) Where a foreign ship is detained, the consul or diplomatic representative of the ship's flag State or the appropriate maritime authorities of that State must immediately be informed by the Maritime Authority.

(5) Notwithstanding sub-regulation (1), an inspector may permit a ship which is liable to be detained to proceed to sea for the purpose of proceeding to the nearest appropriate repair yard if to do so does not pose a risk to the ship or persons on board.

Offences and penalties

97. (1) An owner or master who contravenes any of these Regulations, commits an offence.

Penalty: On conviction a fine of £ 50,000 and, or imprisonment for 6 months, or both.

Defence

98. (1) It is a defence for a person charged with an offence under these Regulations to prove that that person took all reasonable steps to ensure that the Regulations were complied with.

(2) In any proceedings for an offence under these Regulations consisting of a failure to comply with a duty or a requirement to do something so far as is reasonably practicable, it is for the person charged to prove that it was not reasonably practicable to do more than was in fact done to satisfy the duty or requirement.

PART XVII TRANSITIONAL PROVISIONS

Convention Certificates and documents etc issued prior to the entry into force of these Regulations

