

MERCHANT SHIPPING ORDINANCE, 2021

MERCHANT SHIPPING (MISCELLANEOUS AMENDMENTS) REGULATIONS 2025

(Sections 55, 107, 124(o) and 125)

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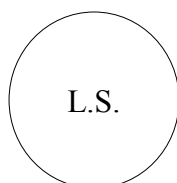
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Legal Notice No. 24 of 2025

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MERCHANT SHIPPING ORDINANCE, 2021

MERCHANT SHIPPING (MISCELLANEOUS AMENDMENTS) REGULATIONS 2025

In exercise of the powers conferred by sections 55, 107, 124(o) and 125 of the Merchant Shipping Ordinance, 2021, the Governor on the advice of the Executive Council makes the following Regulations:

PART 1 PRELIMINARY

Citation

1. These Regulations may be cited as the Merchant Shipping (Miscellaneous Amendments) Regulations, 2025.

Interpretation

2. In these Regulations—

“the Accident Reporting and Investigation Regulations” means the Merchant Shipping (Accident Reporting and Investigation) Regulations, 2021;

“the Load Lines Regulations” means the Merchant Shipping (Safety and Health) (Load Lines) Regulations, 2021;

“the Safety of Life at Sea Regulations” means the Merchant Shipping (Safety of Life at Sea) Regulations, 2021;

“the Safety of Navigation Regulations” means the Merchant Shipping (Safety of Navigation) Regulations, 2021.

PART 2

AMENDMENTS TO THE ACCIDENT REPORTING AND INVESTIGATION REGULATIONS

**HA 73 No.24 Merchant Shipping (Miscellaneous Amendments) Regulations
2025.**

Amendments to the Accident Reporting and Investigation Regulations

3. The Accident Reporting and Investigation Regulations are amended as follows.

Substitution of the term “Maritime Authority”

4. The Accident Reporting and Investigation Regulations are amended by substituting “Chief Marine Accident Investigator” for “Maritime Authority” wherever this term appears, other than in regulation 2.

Amendments to regulation 2—interpretation

5. In regulation 2 (interpretation)—

(a) for the definition of “investigator” substitute—

“**“investigator”** means a person appointed as an investigator by the Governor under section 107(1)(a) of the Merchant Shipping Ordinance, 2021;”;

(b) after the definition of “Casualty Investigation Code” insert—

“**“Chief Marine Accident Investigator”** means the person appointed by the Governor as Chief Marine Accident Investigator under section 107(1)(b) of the Merchant Shipping Ordinance, 2021;”.

Insertion of regulation 2A—dynamic references

6. After regulation 2 insert—

“Dynamic references

2A. (1) Any reference in these Regulations to a specific provision in the Casualty Investigation Code is to be construed as—

(a) a reference to the provision in that Code as modified from time to time;
and

(b) if the instrument is replaced by another instrument, as a reference to the provision in that other instrument.

(2) For the purposes of sub-regulation (1)(a), the Casualty Investigation Code is modified if omissions, additions or other alterations to the text take effect in accordance with Article VIII of SOLAS.

(3) A modification to, or replacement of, the Casualty Investigation Code by virtue of sub-regulation (2) has effect at the time that such modification or replacement comes into force in accordance with Article VIII(b)(vii) or (c)(iii), as the case may be, of SOLAS.

(4) The Maritime Authority must as soon as reasonably practicable publish details of the modification or replacement with an explanation of their effect in such manner as the Authority thinks fit.

(5) In this regulation “**SOLAS**” means the International Convention for the Safety of Life at Sea, 1974, its Protocols of 1978 and 1988 and any amendments in force on the date of commencement of these Regulations.

(6) No modification or replacement by virtue of sub-regulation (1) affects any right or liability arising before the date on which the modification or replacement has effect.”.

Amendment of regulation 4—appointment of investigator

7. For regulation 4 substitute—

“Appointment of investigators

4. (1) Where a marine safety investigation is to be carried out, the Chief Marine Accident Investigator must appoint one or more of the following to carry out the investigation—

- (a) the Chief Marine Accident Investigator;
- (b) an investigator;
- (c) the UK Chief Inspector of Marine Accidents;
- (d) a UK inspector of marine accidents; or
- (e) a person with special qualifications or experience in the investigation of accidents.

(2) In appointing a person to investigate a particular accident, the Chief Marine Accident Investigator must—

- (a) take account of Chapters 15.2 and 15.3 and 16.1 of the Casualty Investigation Code; and
- (b) be satisfied that a person appointed is—
 - (i) suitably qualified and knowledgeable in matters relating to the accident which is subject to the investigation;
 - (ii) impartial and objective; and
 - (iii) capable of acting without direction or interference from any person who may be affected by the outcome of the marine safety investigation.

(3) The Chief Marine Accident Investigator must not appoint a person as an investigator if that person has or has had any previous connection with any person or ship which may be involved in the investigation where that connection creates a potential or actual conflict of interest.

(4) A person appointed as an investigator must agree in writing to act in accordance with the Casualty Investigation Code.”.

**HA 75 No.24 Merchant Shipping (Miscellaneous Amendments) Regulations
2025.**

Amendment of regulation 7—duty to report accidents and serious injuries

8. In regulation 7(1)(e) for “the Harbour Master” substitute “the Maritime Authority”.

Amendment of regulation 8—preservation of evidence

9. In regulation 8(3)—

- (a) omit the word “or” at the end of paragraph (c); and
- (b) insert after paragraph (c)—
“*(cc)* the Maritime Authority; or”.

Amendment of regulation 9—action following notification of an accident

10. In regulation 9—

- (a) in sub-regulation (2) after paragraph (c) insert—
“*(cc)* the Maritime Authority;”;
- (b) for sub-regulation (7) substitute—
“(7) For the purpose of making a decision under this regulation—
 - (a) the Chief Marine Accident Investigator or any person making a decision on the Chief Marine Accident Investigator’s behalf, has the powers of an inspector under section 103D of the Merchant Shipping Ordinance, 2021, other than the powers in subparagraphs (ii) and (iii) of paragraph (i) of section 103D(2); and
 - (b) section 103E of the Merchant Shipping Ordinance, 2021 applies if the powers referred to in paragraph (a) are exercised as if a reference to an inspector was a reference to the Chief Marine Accident Investigator.”.

Amendment of regulation 11—notification of commencement of investigation

11. In regulation 11(1)—

- (a) omit the word “and” at the end of paragraph (c); and
- (b) insert after paragraph (c)—
“*(cc)* the Maritime Authority; and”.

Amendment of regulation 14—conduct of marine safety investigation

12. In regulation 14 for sub-regulation (4) substitute —

- “(4) An investigator assigned to carry out a marine safety investigation—
 - (a) has the powers of an inspector under section 103D of the Merchant Shipping Ordinance, 2021, other than the powers in subparagraphs (ii) and (iii) of paragraph (i) of section 103D(2); and
 - (b) section 103E of the Merchant Shipping Ordinance, 2021 applies to the exercise of those powers as if a reference to an inspector was a reference to the investigator.”.

Amendment of regulation 16—co-operation with other States

13. In regulation 16(6) for “Harbour Master” substitute “Chief Marine Accident Investigator”.

Amendment of regulation 17—completion of investigation and draft marine safety investigation report

14. After regulation 17(5)(a) insert—

“(aa) the Maritime Authority;”.

Amendment of regulation 19—publication of marine safety investigation reports

15. After regulation 19(1)(b) insert—

“(bb) the Maritime Authority;”.

PART 3

AMENDMENTS TO THE LOAD LINES REGULATIONS

Amendments to the Load Lines Regulations

16. The Load Lines Regulations are amended as follows.

Amendment of regulation 2—interpretation

17. After regulation 2(2) insert—

“(3) In applying the 1966 Convention or the 1988 Protocol, any reference in the 1966 Convention or the 1988 Protocol to—

(a) the “**Administration**” 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 administration of the ship’s flag State or, if none, the government of the flag State; and

(b) a “**Contracting Government**” is to be construed as a reference to –

(i) in relation to St Helena or St Helena waters, the Government of St Helena; and

(ii) in relation to any other State or waters, the Government of that State.”.

Insertion of regulation 2A—dynamic references

18. After regulation 2, insert—

“**Dynamic references**

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2A. (1) In these Regulations, except for regulation 9(3), any reference to the 1966 Convention, the 1988 Protocol, Annex I, Annex II or Annex III is to be construed—

- (a) as a reference to that instrument as modified from time to time; and
- (b) if that instrument is replaced by another instrument, as a reference to that instrument.

(2) For the purposes of sub-regulation (1) an instrument is modified if—

- (a) omissions, additions or other alterations to the text take effect in accordance with Article 29 of the 1966 Convention or with Article VI of the 1988 Protocol; or
- (b) supplementary provision made under Article 29 of the 1966 Convention or under Article VI of the 1988 Protocol takes effect.

(3) A modification to or a replacement of an instrument by virtue of sub-regulation (1) has effect at the time such modification or replacement comes into force in accordance with Article 28(4) of the 1966 Convention or Article VI of the 1988 Protocol, as the case may be.

(4) The Maritime Authority must as soon as reasonably practicable publish details of the modification or replacement with an explanation of their effect in such manner as the Authority thinks fit.

(5) No modification or replacement of a reference to an instrument by virtue of sub-regulation (1) affects any right or liability arising before the date on which the modification or replacement has effect.”.

Amendment of regulation 5—Maritime Authority

19. For regulation 5 substitute—

“Maritime Authority

5. (1) The Maritime Authority may authorise a corporation or society for the survey and classification of ships recognised by the Secretary of State (“**recognised organisation**”) to undertake a function conferred on the Maritime Authority under these Regulations on behalf of the Maritime Authority.

(2) Where a recognised organisation is authorised to undertake a function under sub-regulation (1), the recognised organisation must act in accordance with the relevant provisions of the Code for Recognised Organisations as adopted by the Marine Environment Protection Committee of the IMO by resolution MEPC.237(65) on 17th May 2013.”.

Amendment of regulation 29—control of a foreign ship holding a valid Convention certificate

20. In regulation 29—

- (a) in sub-regulation (1) for “subject to the control of officers authorised by the Maritime Authority” substitute “subject to inspection by an inspector”;

(b) in sub-regulation (2) for “an officer under sub-regulation (1)” substitute “an inspector”;

(c) in sub-regulation (3) for “the control of an officer under sub-regulation (1)” substitute “an inspection by an inspector”;

(d) for sub-regulation (4) substitute—

“(4) An inspection for the purpose of determining that any conditions stipulated in sub-regulation (3)(c) are met is limited to ensuring that the ship can proceed to sea without danger to the passengers or crew of the ship.”;

(e) after sub-regulation (5) insert—

“(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) In this regulation “**inspector**” has the meaning given in section 2(1) of the Merchant Shipping Ordinance, 2021.”.

Amendment of regulation 30— powers of officers exercising control

21. For regulation 30 substitute—

“Powers of inspectors

30. For the purpose of regulation 29 an inspector has the powers of an inspector in section 103D of the Merchant Shipping Ordinance, 2021.”.

Amendment of regulation 31—detention

22. After regulation 31(3) insert—

“(4) Sections 115, 116A and 116B of the Merchant Shipping Ordinance, 2021 apply to a detention under this regulation.”.

Amendment of regulation 32—arbitration

23. For regulation 32 substitute—

“Arbitration

32. (1) An owner who is dissatisfied with the outcome of a survey carried out under these Regulations may, within 21 days of receiving notice of that outcome, serve a written notice on the responsible person—

(a) stating there is a dispute in relation to the survey; and

(b) requesting that the dispute be referred to a single arbitrator in accordance with section 116A(2) of the Merchant Shipping Ordinance, 2021.

**HA 79 No.24 Merchant Shipping (Miscellaneous Amendments) Regulations
2025.**

(2) Section 116A of the Merchant Shipping Ordinance, 2021 applies to a referral for arbitration under this regulation.

(3) In this regulation “**responsible person**” means the person responsible for the issue of the certificate in connection with which a survey required by these Regulations is carried out.”.

Omission of regulation 33—compensation for unjustified detention

24. Omit regulation 33.

PART 4

AMENDMENTS TO THE SAFETY OF LIFE AT SEA REGULATIONS

Amendments to the Safety of Life at Sea Regulations

25. The Safety of Life at Sea Regulations are amended as follows.

Amendment of regulation 3—interpretation

26. In regulation 3—

(a) after the definition of “INF Code” insert—

““**inspector**” has the meaning given in section 2(1) of the Merchant Shipping Ordinance, 2021;”;

(b) after the definition of “shipper” insert—

““**SOLAS**” means the International Convention for the Safety of Life at Sea 1974, its Protocols of 1978 and 1988, and any amendments in force on the date of commencement of these Regulations;

“**surveyor**” means a person appointed or authorised as a surveyor under section 103A of the Merchant Shipping Ordinance, 2021;”.

Insertion of regulation 3A—dynamic references

27. After regulation 3 insert—

“Dynamic references

3A. (1) Any reference in these Regulations to a provision in SOLAS or a Code is to be construed as—

(a) a reference to the provision in that instrument as modified from time to time; and

(b) if the instrument is replaced by another instrument, as a reference to the provision in that other instrument.

(2) For the purposes of sub-regulation (1)(a), SOLAS is modified if omissions, additions or other alterations to the text take effect in accordance with Article VIII of SOLAS.

(3) A modification to or replacement of SOLAS by virtue of sub-regulation (2) has effect at the time that such modification or replacement comes into force in accordance with Article VIII(b)(vii) or (c)(iii), as the case may be, of SOLAS.

(4) For the purposes of sub-regulation (1)(a), a Code is modified if omissions, additions or other alterations to the text—

(a) take effect in accordance with Article VIII of SOLAS; or

(b) are adopted by a resolution of the Marine Safety Committee or Marine Environment Protection Committee, as the case may be, of the IMO in accordance with the rules of procedure which apply to the Committee.

(5) The Maritime Authority must as soon as reasonably practicable publish details of the modification or replacement with an explanation of their effect in such manner as the Authority thinks fit.

(6) No modification or replacement by virtue of sub-regulation (1) affects any right or liability arising before the date on which the modification or replacement has effect.”.

Insertion of regulation 4A—Maritime Authority

28. After regulation 4 insert—

“Maritime Authority

4A. (1) The Maritime Authority may authorise a corporation or society for the survey and classification of ships recognised by the Secretary of State (“**recognised organisation**”) to undertake a function conferred on the Maritime Authority under these Regulations on behalf of the Maritime Authority.

(2) Where a recognised organisation is authorised to undertake a function under sub-regulation (1), the recognised organisation must act in accordance with the relevant provisions of the Code for Recognised Organisations as adopted by the Marine Environment Protection Committee of the IMO by resolution MEPC.237(65) on 17th May 2013.”.

Amendment of regulation 9—general application

29. In regulation 9(2) omit paragraph (b).

Amendment of regulation 12—exemptions—general

30. In regulation 12(1)(a) omit the word “ship” on the second occasion it appears.

Amendment of regulation 59—casualties involving nuclear ships

31. In regulation 59(2) after “nuclear foreign ship” insert “in St Helena waters or the Exclusive Economic Zone”.

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Amendment of regulation 78—responsibilities after a survey

32. For regulation 78(2) substitute—

“(2) A ship and its equipment, including any equipment required under the Merchant Shipping (Safety of Navigation Regulations), 2021 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.”.

Amendment of regulation 79—procedure to be adopted when a ship is deficient

33. In regulation 79 omit the words “or recognized organization” wherever they appear.

Insertion of regulation 94A—reference to arbitration

34. After regulation 94 insert—

“Arbitration

94A. (1) An owner who is dissatisfied with the outcome of a survey carried out under this Part may, within 21 days of receiving notice of that outcome, serve a written notice on the responsible person—

(a) stating there is a dispute in relation to the survey; and

(b) requesting that the dispute be referred to a single arbitrator in accordance with section 116A(2) of the Merchant Shipping Ordinance, 2021.

(2) The provisions of section 116A of the Merchant Shipping Ordinance, 2021 apply to a referral for arbitration under this regulation.

(3) In this regulation “**responsible person**” means the person responsible for the issue of the certificate in connection with which a survey required by these Regulations is carried out.”.

Amendment of regulation 95—inspection and control of ships

35. For regulation 95(5) substitute—

“(5) For the purpose of this regulation an inspector has the powers of an inspector in section 103D of the Merchant Shipping Ordinance, 2021.”.

Amendment of regulation 96—detention

36. After regulation 96(5) insert—

“(6) Sections 115, 116A and 116B of the Merchant Shipping Ordinance, 2021 apply to a detention under this regulation.”.

PART 5

AMENDMENTS TO THE SAFETY OF NAVIGATION REGULATIONS

Amendments to the Safety of Navigation Regulations

37. The Safety of Navigation Regulations are amended as follows.

Insertion of regulations 2A and 2B—Maritime Authority and dynamic references

38. After regulation 2 insert—

“Maritime Authority

2A. (1) The Maritime Authority may authorise a corporation or society for the survey and classification of ships recognised by the Secretary of State (“**recognised organisation**”) to undertake a function conferred on the Maritime Authority under these Regulations on behalf of the Maritime Authority.

(2) Where a recognised organisation is authorised to undertake a function under sub-regulation (1), the recognised organisation must act in accordance with the relevant provisions of the Code for Recognised Organisations as adopted by the Marine Environment Protection Committee of the IMO by resolution MEPC.237(65) on 17th May 2013.

Dynamic references

2B. (1) A reference in these Regulations to a provision of Chapter V, the International Regulations or to an Annex of the International Regulations is to be construed—

- (a) as a reference to the instrument as modified from time to time; and
- (b) if the instrument is replaced, as a reference to the replacement.

(2) For the purposes of sub-regulation (1)(a), Chapter V is modified if omissions, additions or other alterations to the text take effect in accordance with Article VIII of SOLAS.

(3) A modification to, or replacement of Chapter V by virtue of sub-regulation (2) has effect at the time that such modification or replacement comes into force in accordance with Article VIII(b)(vii) or (c)(iii), as the case may be, of SOLAS.

(4) For the purposes of sub-regulation (1), a provision of the International Regulations or Annex is—

- (a) modified, if an omission, addition, or other alteration to the text; or
- (b) replaced, if a replacement,

takes effect in accordance with Article VI of the International Regulations.

(5) A modification to or a replacement by virtue of sub-regulation (4) has effect at such time as the modification or replacement comes into force in accordance with Article VI(4) of the International Regulations.

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(6) The Maritime Authority must as soon as reasonably practicable publish details of the modification or replacement with an explanation of the effect in such manner as the Authority thinks fit.

(7) No modification or replacement by virtue of sub-regulation (1) affects any right or liability arising before the date on which the modification or replacement has effect.”.

Insertion of headings—Part 2

39. After regulation 3 insert—

“PART 2

SAFETY OF NAVIGATION (SAFETY CONVENTION: CHAPTER V)

Implementation of Chapter V of the Safety Convention.”.

Amendment of regulation 7—application of Regulations

40. In regulation 7—

(a) in sub-regulation (1), for “Regulations 8, 9, 10, 11, 12, 13 and 14 apply” substitute “This Part applies”;

(b) in sub-regulation (2) for “regulations 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14” substitute “this Part”.

Amendment of regulation 8—requirements of Chapter V

41. In regulation 8(1) for “regulations 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 apply” substitute “this Part applies”.

Insertion of regulation 9A—surveys etc

42. After regulation 9 insert—

“Surveys etc

9A. (1) This regulation applies to—

(a) a St Helena passenger ship engaged on international voyages; and

(b) a St Helena cargo ship of 300 GT and above engaged on international voyages.

(2) A survey of the ship for the purposes of Part XV of the Merchant Shipping (Safety of Life at Sea) Regulations, 2021 must include the survey of the ship’s compliance with regulations 8, 9 and 11.

(3) An owner who is dissatisfied with the outcome of such a survey may, within 21 days of receiving notice of that outcome, serve a written notice on the responsible person—

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(a) stating there is a dispute in relation to the survey; and

(b) requesting that the dispute be referred to a single arbitrator in accordance with section 116A(2) of the Merchant Shipping Ordinance, 2021.

(4) Section 116A of the Merchant Shipping Ordinance, 2021 (references to arbitration) applies to a referral for arbitration under this regulation.

(5) In this regulation “**responsible person**” means the person responsible for the issue of the certificate in connection with which a survey required by these Regulations is carried out.”.

Insertion of heading—Part 3

43. After regulation 14 insert—

“PART 3

INTERNATIONAL REGULATIONS”.

Insertion of heading—Part 4

44. After regulation 18 insert—

“PART 4

ENFORCEMENT”.

Amendment of regulation 21—power to detain

45. For regulation 21 substitute—

“**21. (1)** Any ship in contravention of these Regulations which proceeds or attempts to proceed to sea may be detained.

(2) Sections 115, 116A and 116B of the Merchant Shipping Ordinance, 2021 apply to a detention under this regulation.”.

Made by the Governor on the advice of the Executive Council this 3rd day of July 2025

Nigel Phillips CBE
Governor

HA 85 No.24 Merchant Shipping (Miscellaneous Amendments) Regulations 2025.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to the following Regulations:

- the Merchant Shipping (Accident Reporting and Investigation) Regulations, 2021;
- the Merchant Shipping (Safety and Health) (Load Lines) Regulations, 2021;
- the Merchant Shipping (Safety of Life at Sea) Regulations, 2021; and
- the Merchant Shipping (Safety of Navigation) Regulations, 2021.

The amendments are necessary:

- as a consequence of the amendments made to the Merchant Shipping Ordinance, 2021 by the Merchant Shipping (Amendment) Ordinance, 2025;
- to rationalise provision relating to the detention of ships and the reference of disputes to arbitration;
- to incorporate by reference provisions of international instruments and for those provisions to be updated if the instrument is subsequently amended or replaced; and
- to correct a small number of errors in the Regulations listed above.