



**Department of Economic Development**  
**Isle of Man Ship Registry Consultation:**  
**Proposed legislation implementing SOLAS Chapter 1 – Survey and Certification**

This consultation paper sets out the Isle of Man Government's proposals to make new Regulations to give effect to the survey and certification requirements in SOLAS Chapter 1. The new Regulations will implement the SOLAS Chapter 1 survey and certification requirements including the latest amendments made to that Chapter which were adopted by IMO Resolution MSC. 204(81) on 18 May 2006.

We would be grateful for any comments on the proposed implementation of SOLAS as detailed in this consultation paper (preferably by email) to:

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**This consultation will close at 5.00pm on 29 December 2017**

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## Proposed Regulations giving effect to SOLAS Chapter 1 – Survey and Certification

### 1. Introduction

The International Convention for the Safety of Life at Sea (SOLAS) is generally regarded as the most important of all international treaties concerning the safety of merchant ships. The Isle of Man Ship Registry has an obligation as a flag State to write and maintain legislation in order to implement this Convention.

As a result of the recent and rapid changes to the SOLAS Convention the Isle of Man Ship Registry is currently in the process of updating and where necessary writing new Regulations implementing the SOLAS Convention to include all of the latest requirements.

SOLAS Chapter 1 includes the requirements concerning the survey of various types of ships and the issuing of documents signifying that the ship meets the requirements of the Convention. The survey and certification requirements apply to all Manx ships which engage on international voyages wherever they may be except for -

- (a) cargo ships under 300gt;
- (b) high-speed craft;
- (c) MODUs;
- (d) Commercial yachts which comply with the Large Commercial Yacht Code; (LY1, LY2 or LY3).
- (e) pleasure yachts not engaged in trade;
- (f) fishing vessels;
- (g) ships of war or troopships;
- (h) ships not propelled by mechanical means; or
- (i) wooden ships of primitive build.

This is fundamentally a legislation project to replace existing Regulations with a new set of Regulations containing the latest survey and certification provisions of SOLAS Chapter 1. We do not anticipate any changes to how the Ship Registry operates with regards to the survey and certification of Isle of Man registered ships and these surveys are either delegated to a Recognised Organisation, or carried out by the Ship Registry using our own surveyors.

However this project is necessary because SOLAS Chapter 1 has links to all of the other Chapters of SOLAS, for example SOLAS Chapter V states the requirements for Radiocommunications on board ships, however the survey and certification for Radiocommunications is contained in SOLAS Chapter 1.

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## **2. Exemptions and Equivalentents**

As part of this project we intend to update existing Isle of Man Regulations with the Exemptions and Equivalentents clauses from SOLAS Chapter 1. This is to ensure existing Regulations implementing the SOLAS Convention include the standard Exemption and Equivalentents clauses.

## **3. Port State Control & Casualties**

Regulation 19 of SOLAS Chapter 1 contains Port State Control provisions for foreign ships visiting an Isle of Man port and regulation 21 states the requirements for casualty investigation. The Ship Registry does not intend to include these provisions in the new SOLAS Chapter 1 Regulations as they will be dealt with in separate projects.

## **4. Foreign Ships**

The Regulations will prohibit a foreign ship from leaving a Manx port without SOLAS Certification or equivalent documentation demonstrating they have been surveyed for compliance with SOLAS.

## **5. Manx Ships - Initial General Inspections and General Inspections**

The new Regulations will revoke and replace the existing Merchant Shipping (Survey and Certification) Regulations (SD352/99).

In addition to giving effect to the survey and certification provisions of SOLAS Chapter 1, the existing Survey and Certification Regulations also contain requirements for certain Manx ships to have an Initial General Inspections and General Inspections conducted by surveyors of the Department. The provisions for Initial General Inspections and General Inspections will therefore be reproduced in new Regulations without any material amendment.

## **6. Manx Ships under 500gt**

Manx ships which are under 500gt continue to be required to have an Initial General Inspection and General Inspection conducted by the Department and will be issued with a Record of Safety Equipment. (Note – this does not apply to any passenger ships, commercial yachts, small ships, pleasure vessels, or fishing vessels.)

The new Regulations will also include a general provision (based on SOLAS Chapter 1 regulation 11 - Maintenance of Condition after Survey) to require the condition of the ship and its equipment to be maintained, for no change to be made after survey without the consent of the Department and for the reporting of accidents or defects.

A draft of the proposed Survey and Certification Regulations is attached to this Consultation Paper.



# MERCHANT SHIPPING (SURVEY AND CERTIFICATION) REGULATIONS 2018

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*Merchant Shipping Act 1985*

# **MERCHANT SHIPPING (SURVEY AND CERTIFICATION) REGULATIONS 2018**

*Laid before Tynwald:*

*Coming into Operation: \*\* \*\*\* 2018*

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

## **PART 1 – INTRODUCTORY**

### **1 Title**

These Regulations are the Merchant Shipping (Survey and Certification) Regulations 2018.

### **2 Commencement**

These Regulations come into operation on \*\*\*\* \*\*\* 2018.

### **3 Application**

- (1) Unless provided otherwise, Parts 1 and 2 of these Regulations apply to a Manx ship, which engages on international voyages, wherever it may be.
- (2) Unless provided otherwise, Parts 1 and 3 of these Regulations apply to a foreign ship whilst it is in a port in the Island.
- (3) Parts 1 to 3 of these Regulations do not apply to a Manx ship or a foreign ship which is a –
  - (a) cargo ship under 300gt;
  - (b) high-speed craft;
  - (c) MODU;
  - (d) pleasure vessel;

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- (e) fishing vessel;
  - (f) ship of war or troopship;
  - (g) ship not propelled by mechanical means; or
  - (h) wooden ship of primitive build.
- (4) Unless provided otherwise, Parts 1 and 4 (Initial General Inspection and General Inspection) applies to a Manx ship wherever it may be.
- (5) Part 4 does not apply to a Manx ship which is a –
- (a) passenger ship;
  - (b) commercial yacht;
  - (c) pleasure vessel;
  - (d) fishing vessel; or
  - (e) small ship.
- (6) To avoid doubt, Part 4 applies to a high speed craft which is a cargo ship but does not apply to a high speed craft which is a passenger ship.

#### 4 Interpretation

- (1) In these Regulations –

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

“**bulk carrier**” means a ship which is constructed generally with single deck, top-side tanks and hopper side tanks in cargo spaces, and is intended primarily to carry dry cargo in bulk, and includes such types as ore carriers and combination carriers;

“**cargo ship**” means any ship which is not a passenger ship;

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

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

“**Contracting Government**” means the government of a Convention country;

“**Department**” means the Department of Economic Development;

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

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

**“gas carrier”** is a cargo ship constructed or adapted and used for the carriage in bulk of any liquefied gas or other products listed in either:

(a) chapter 19 of the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk adopted by IMO resolution MSC.5(48), (the International Gas Carrier Code); or

(b) chapter XIX of the Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk adopted by IMO resolution A.328(IX), (the Gas Carrier Code);

whichever is applicable;

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

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

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

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

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

**“MODU”** means a ship which complies with the MODU Code;

**“MODU Code”** means –

(a) for a ship built on or after 1 January 2012, the Code for the Construction and Equipment of Mobile Offshore Drilling Units 2009 (2009 MODU Code) and includes all amendments made to that Code up to and including those adopted by IMO resolution MSC.359(92) on 21 June 2013;

(b) for a ship built on or after 1 May 1991 up to and including 31 December 2001, the Code for the Construction and Equipment of Mobile Offshore Drilling Units 1989 (1989 MODU Code) and includes all amendments made to that Code up to and including those adopted by IMO resolution MSC.358(92) on 21 June 2013; and

(c) for a ship built on or before 30 April 1991, the Code for the Construction and Equipment of Mobile Offshore Drilling Units 1979 (1979 MODU Code) and includes all amendments made to that Code up to and including those adopted by IMO resolution MSC.357(92) on 21 June 2013;

**“NLS tanker”** means a ship constructed or adapted to carry a cargo of noxious liquid substances in bulk;



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“**oil tanker**” means a ship constructed or adapted primarily to carry oil in bulk in its cargo spaces and includes combination carriers, any NLS tanker and any gas carrier when carrying a cargo or part cargo of oil in bulk;

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

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

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

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

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

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

- (2) Unless the context clearly indicates otherwise, references to ‘Administration’ in SOLAS Chapter 1 are to be read as reference to the Department or RO, subject to any more specific provision in these Regulations or MSN \*\*\*.
- (3) If there is a footnote in SOLAS Chapter 1, and it is clear from the wording and the context that the content of the footnote or of a document referred to in the footnote is intended to form part of the requirement then such content must be treated as part of the requirement.

## **5 Responsibility of company and master**

- (1) The company and the master of a ship must ensure a ship complies with such of the requirements of these Regulations as apply in relation to a ship of its description.
- (2) Paragraph (1) applies whether or not these Regulations impose an obligation on another person.
- (3) A company or master which fails to comply with paragraph (1) commits an offence and is liable —
  - (a) on conviction on information, to custody for not more than 2 years, a fine, or both;
  - (b) on summary conviction, to a fine not exceeding £5,000.

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<sup>1</sup> SD396/03

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## 6 Provisions relating to offences

- (1) It is a defence for a person charged under these Regulations to show that he or she took all reasonable steps to avoid the commission of the offence.
- (2) If the commission by any person of an offence under these Regulations is due to the act or default of some other person, that other person is guilty of the offence and a person may be charged with and convicted of the offence by virtue of this regulation whether or not proceedings are taken against the first-mentioned person.
- (3) If a body corporate is guilty of an offence under these Regulations, and that offence is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of a director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he or she, as well as the body corporate, is guilty of that offence and is liable to be proceeded against and punished accordingly.
- (4) If the affairs of a body corporate are managed by its members, paragraph (3) applies in relation to the acts and defaults of a member in connection with his or her functions of management as if the member were a director of the body corporate.
- (5) For the purposes of this Regulation, “**body corporate**” includes a limited liability company constituted under the Limited Liability Companies Act 1996 and, in relation to that company, any reference to a director or other officer of a body corporate is a reference to a member and to the company’s manager and registered agent.

## PART 2 – SURVEY AND CERTIFICATION

### 7 Survey of passenger ships

- (1) A passenger ship must be surveyed in accordance with SOLAS Chapter 1, regulation 7.
- (2) A survey in accordance with paragraph (1) may be carried out by the Department or RO.

### 8 Passenger Ship Safety Certificate

- (1) A passenger ship must not proceed to sea without a valid Passenger Ship Safety Certificate.
- (2) A Passenger Ship Safety Certificate must be supplemented by a Record of Equipment in accordance with SOLAS Chapter 1, regulation 12(a)(vi).

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- (3) A Passenger Ship Safety Certificate may only be issued by the Department or RO following the successful completion of an initial or renewal survey in accordance with SOLAS Chapter 1, Part B, regulation 12(a)(i).
  - (4) A Passenger Ship Safety Certificate is only valid —
    - (a) if it is issued in accordance with SOLAS Chapter 1, regulation 14;
    - (b) for the duration specified in SOLAS Chapter 1, regulation 14; and
    - (c) if it is drawn up in the form corresponding to the models given in the appendix to the annex of the SOLAS Convention.
  - (5) For the purposes of SOLAS Chapter 1, regulation 14 (1)(a) a Passenger Ship Safety Certificate is valid for the period stated in it which must not exceed 12 months.

## **9 Limit on the number of passengers on passenger ships**

The number of passengers on board a passenger ship must not exceed the number of passengers for which the ship is certified on the Record of Equipment.

## **10 Survey of radio installations of cargo ships**

- (1) The radio installations of a cargo ship of 300gt or above must be surveyed in accordance with SOLAS Chapter 1, regulation 9.
- (2) A survey in accordance with paragraph (1) may be carried out by the Department or RO.

## **11 Cargo Ship Safety Radio Certificate**

- (1) A cargo ship of 300gt or above must not proceed to sea without a valid Cargo Ship Safety Radio Certificate.
- (2) A Cargo Ship Safety Radio Certificate must be supplemented by a Record of Equipment in accordance with SOLAS Chapter 1, regulation 12(a)(vi).
- (3) A Cargo Ship Safety Radio Certificate may only be issued by the Department or RO following the successful completion of an initial or renewal survey in accordance with the relevant requirements of SOLAS Chapter 1, Part B, regulation 12(a)(iv).
- (4) A Cargo Ship Safety Radio Certificate is only valid —
  - (a) if it is issued in accordance with SOLAS Chapter 1, regulation 14;
  - (b) for the duration specified in SOLAS Chapter 1, regulation 14; and
  - (c) if it is drawn up in the form corresponding to the models given in the appendix to the annex of the SOLAS Convention.

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- (5) For the purposes of SOLAS Chapter 1, regulation 14(1)(a), a Cargo Ship Safety Radio Certificate is valid for the period stated in it, which must not exceed 5 years.

## **12 Survey of life-saving appliances and other equipment of cargo ships**

- (1) The life-saving appliances and other equipment of a cargo ship of 500gt or above must be surveyed in accordance with SOLAS Chapter 1, regulation 8.
- (2) A survey in accordance with paragraph (1) may be carried out by the Department or RO.

## **13 Survey of structure, machinery and equipment of cargo ships**

- (1) The structure, machinery and equipment of a cargo ship of 500gt or above must be surveyed in accordance with SOLAS Chapter 1, regulation 10.
- (2) A survey in accordance with paragraph (1) may be carried out by the Department or RO.

## **14 Cargo Ship Safety Construction Certificate**

- (1) A cargo ship of 500gt or above must not proceed to sea without a valid Cargo Ship Safety Construction Certificate.
- (2) A Cargo Ship Safety Construction Certificate must be supplemented by a Record of Equipment in accordance with SOLAS Chapter 1, regulation 12(a)(vi).
- (3) A Cargo Ship Safety Construction Certificate may only be issued by the Department or RO following the successful completion of an initial or renewal survey in accordance with SOLAS Chapter 1, Part B, regulation 12(a)(ii).
- (4) A Cargo Ship Safety Construction Certificate is only valid —
  - (a) if it is issued in accordance with SOLAS Chapter 1, regulation 14;
  - (b) for the duration specified in SOLAS Chapter 1, regulation 14; and
  - (c) if it is drawn up in the form corresponding to the models given in the appendix to the annex of the SOLAS Convention.
- (5) For the purposes of SOLAS Chapter 1, regulation 14(1)(a), a Cargo Ship Safety Construction Certificate is valid for the period stated in it, which must not exceed 5 years.

## **15 Cargo Ship Safety Equipment Certificate**

- (1) A cargo ship of 500gt or above must not proceed to sea without a valid Cargo Ship Safety Equipment Certificate.

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- (2) A Cargo Ship Safety Equipment Certificate must be supplemented by a Record of Equipment in accordance with SOLAS Chapter 1, regulation 12(a)(vi).
  - (3) A Cargo Ship Safety Equipment Certificate may only be issued by the Department or RO following the successful completion of an initial or renewal survey in accordance with the relevant requirements of SOLAS Chapter 1, Part B, regulation 12(a)(iii).
  - (4) A Cargo Ship Safety Equipment Certificate is only valid –
    - (a) if it is issued in accordance with SOLAS Chapter 1, regulation 14;
    - (b) for the duration specified in SOLAS Chapter 1, regulation 14; and
    - (c) if it is drawn up in the form corresponding to the models given in the appendix to the annex of the SOLAS Convention.
  - (5) For the purposes of SOLAS Chapter 1, regulation 14(1)(a), a Cargo Ship Safety Equipment Certificate is valid for the period stated in it, which must not exceed 5 years.

## **16 Enhanced surveys for bulk carriers and oil tankers**

In accordance with SOLAS Chapter XI-1 (Special Measures to Enhance Maritime Safety) regulation 2, bulk carriers and oil tankers must be subject to an enhanced programme of inspections in accordance with the International Code on the Enhanced Programme of Inspections during surveys of Bulk Carriers and Oil Tankers, 2011 (2011 ESP Code), adopted by IMO resolution A.1049 (27) on 30 November 2011.

## **17 Maintenance of conditions after survey**

- (1) The condition of the ship and its equipment must be maintained to conform with the provisions of the SOLAS Convention to ensure that the ship in all respects remains fit to proceed to sea without danger to the ship or persons on board.
- (2) After any survey of the ship under SOLAS Chapter 1, regulations 7, 8, 9 or 10 has been completed, no change shall be made in the structural arrangements, machinery, equipment and other items covered by the survey, without the approval of the Department or RO.
- (3) 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 its life-saving appliances or other equipment –
  - (i) the master or company must report at the earliest opportunity to the Department and RO responsible for issuing the relevant certificate, who shall cause investigations to be initiated to

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determine whether a survey, as required by SOLAS Chapter 1, regulations 7, 8, 9 or 10, is necessary; and

- (ii) if the ship is in a port of another Convention country, the master or company must also report immediately to the appropriate authorities of the port State and the Department or RO must ascertain that such a report has been made.
- (4) If a certificate required by these Regulations is subject to conditions, including limitations to sea areas in which the ship may operate, all such conditions must be complied with.

## **18 Special circumstances**

- (1) In special circumstances determined by the Department, a new certificate need not be dated from the date of expiry of the existing certificate as required by SOLAS Chapter 1, regulation 14, paragraphs (b)(ii), (e) or (f).
- (2) For the purposes of SOLAS Chapter 1, regulation 14(g), the new certificate in accordance with paragraph (1), shall be valid –
  - (a) for a passenger ship, to a date not exceeding 12 months from the date of completion of the renewal survey;
  - (b) for a cargo ship, to a date not exceeding five years from the date of completion of the renewal survey.

## **19 Exemption Certificate**

- (1) If an exemption is granted to a ship in accordance with the provisions of the SOLAS Convention, a certificate called an Exemption Certificate must be issued in addition to the certificates prescribed in SOLAS Chapter 1;
- (2) An Exemption Certificate may only be issued by the Department.
- (3) For the purposes of SOLAS Chapter 1, regulation 14(1)(a), an Exemption Certificate is valid for the period stated in it which must not exceed 5 years or be valid for longer than the period of the certificate to which it refers.

## **20 Certificates cease to be valid**

A certificate issued under SOLAS Chapter 1, regulation 12 or 13 shall cease to be valid in any of the following cases –

- (a) if the relevant surveys and inspections are not completed within the periods specified under SOLAS Chapter 1, regulations 7(a), 8(a), 9(a) and 10(a);
- (b) if the certificate is not endorsed in accordance with the SOLAS Convention; or

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- (c) upon transfer of the ship to the flag of another State.

## **21 Procedure to be adopted when a ship is deficient**

- (1) If a surveyor determines that the condition of a ship or its equipment does not correspond substantially with the particulars of a certificate issued in accordance with these Regulations, or is such that the ship is not fit to proceed to sea without danger to the ship, or persons on board, the surveyor must immediately ensure that corrective action is taken and notify the Department and RO responsible for issuing the certificate.
- (2) If the corrective action is not taken the surveyor must notify the Department who may, upon receipt of such notification, instruct the surveyor to withdraw the relevant certificate.
- (3) If the ship is in the Port of another Convention country, the surveyor must also notify the appropriate authorities of the Port State of the withdrawal of the certificate.

## **22 Cancellation of Certificate**

- (1) The Department, or with the permission of the Department, an RO, may cancel a certificate issued to a ship where there is reason to believe that the –
  - (a) certificate was issued on false or erroneous information;
  - (b) structure, equipment or machinery has sustained damage or is otherwise deficient.
- (2) Any certificate issued to a ship by the Department, or on behalf of the Department, which has ceased to be valid in accordance with regulation 48 or has been cancelled in accordance with paragraph (1) must be surrendered upon request to the Department, or with the permission of the Department, by an RO, to the body making the request.
- (3) No person shall –
  - (a) alter any certificate referred to in these Regulations unless authorised to do so by the Department or RO;
  - (b) intentionally make a false certificate referred to in these Regulations;
  - (c) in connection with any survey required by these Regulations, knowingly or recklessly furnish false information;
  - (d) with intent to deceive, use, lend or allow to be used by another, a certificate referred to in these Regulations; or
  - (e) fail to surrender a certificate as required by paragraph (2).
- (4) A person who fails to comply with paragraph (3) commits an offence and is liable –

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- (a) on conviction on information, to custody for not more than 2 years, a fine, or both;
  - (b) on summary conviction, to a fine not exceeding £5,000.

### **23 Issue or endorsement of certificates by another government**

- (1) The Department may request a Contracting Government to survey a Manx ship and if the Contracting Government is satisfied that the requirements of the SOLAS Convention are complied with, it shall endorse or issue certificates to the ship in accordance with the SOLAS Convention.
- (2) Any certificate so issued must contain a statement to the effect that it has been issued at the request of the Government of the Isle of Man and the certificates shall have the same force and receive the same recognition as a certificate issued by the Department or RO under these Regulations.

### **24 Availability of certificates**

The certificates required by these Regulations must be readily available on board for examination at all times.

## **PART 3 - FOREIGN SHIPS**

- (1) A ship registered in a Convention country must not proceed to sea from a port in the Island unless the ship has valid certificates issued in accordance with the requirements of SOLAS Chapter 1.
- (2) A ship registered in a country which is not a Convention country must not proceed to sea unless it is in possession of documentation which shows that the ship has been surveyed for compliance with the SOLAS Convention.



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## **PART 4 – MANX SHIPS - INITIAL GENERAL INSPECTION AND MANDATORY GENERAL INSPECTION**

### **25 Initial General Inspection**

- (1) Subject to paragraph (2), a ship must have an initial general inspection carried out by the Department within 6 months of the date of registration.
- (2) The requirement in paragraph (1) to have an initial general inspection does not apply to a ship if the pre-registration survey required by section 7 of the Merchant Shipping Registration Act 1991 was carried out by the Department.

### **26 Mandatory General Inspection**

- (1) A ship must have two mandatory general inspections carried out by the Department in a 5 year period.
- (2) The period between mandatory general inspections must not exceed 36 months.
- (3) For a ship registered on or after 1 April 2017, the 5 year period starts on the date of registration and every 5 years thereafter.
- (4) For a ship registered before 1 April 2017, the 5 year period starts on the date of the ship's last general inspection and every 5 years thereafter.

### **27 Maintenance of conditions after survey – ships under 500gt**

- (1) Subject to paragraph (2), this regulation applies to a ship which is under 500gt.
- (2) This regulation does not apply to a cargo ship under 500gt to the extent that regulation 45 applies to those ships in respect of radio surveys and certification.
- (3) The condition of the ship and its equipment must be maintained to ensure that the ship in all respects remains fit to proceed to sea without danger to the ship or persons on board.
- (4) After any survey of the ship required by regulations 54 and 55 no change shall be made in the structural arrangements, machinery, equipment without the approval of the Department or RO.
- (5) If 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 its life-saving appliances or other equipment –
  - (a) the master or company shall report at the earliest opportunity to the Department; and
  - (b) if the ship is in a port of another Convention country, the master or company must also report immediately to the appropriate authorities of

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the port and the Department must ascertain that such a report has been made.

## **28 Exemption**

- (1) The Department may exempt a ship from all or any of the requirements of regulations 53 to 54 on such conditions (if any) as it considers appropriate.
- (2) An exemption granted under paragraph (1) is only valid if –
  - (a) it is in writing;
  - (b) it specifies the date on which it takes effect; and
  - (c) any conditions stated in it are complied with.

## **PART 5 – REVOCATION AND CONSEQUENTIAL AMENDMENTS**

### **29 Revocations**

The following Regulations are revoked –

- (a) Merchant Shipping (Survey and Certification) Regulations 1999<sup>2</sup>; and
- (b) Merchant Shipping (Harmonised Certification and Survey) Regulations 2000<sup>3</sup>.

### **30 Consequential amendments**

The schedule (consequential amendments) has effect.

MADE

**LAURENCE SKELLY**  
*Minister for Economic Development*

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<sup>2</sup> SD352/99

<sup>3</sup> SD441/00