

GUERNSEY STATUTORY INSTRUMENT

2021 No. 29

**The Merchant Shipping (Safety) (Distress Signals and  
Prevention of Collisions) (Bailiwick of Guernsey)  
Regulations, 2021**

*Made by the States' Trading Supervisory Board**1<sup>st</sup> April, 2021**Made by the General Services Committee**31<sup>st</sup> March, 2021**Made by the Harbours, Shipping & Pilotage**31<sup>st</sup> March, 2021**Committee**Coming into operation**2<sup>nd</sup> April, 2021*

THE STATES OF GUERNSEY STATES' TRADING SUPERVISORY BOARD, THE STATES OF ALDERNEY GENERAL SERVICES COMMITTEE, and THE CHIEF PLEAS OF SARK HARBOURS, SHIPPING & PILOTAGE COMMITTEE in exercise of the powers conferred on them by sections 80, 81 and 289 of the Merchant Shipping (Bailiwick of Guernsey) Law, 2002<sup>a</sup> ("the Law") and all other powers enabling them in that behalf, hereby make the following regulations:-

**Application.**

1. (1) These Regulations apply to Guernsey vessels wherever they may be and to other vessels while they are within the Bailiwick.

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<sup>a</sup> Order in Council No. VIII of 2004; there are amendments not relevant to these Regulations.

- (2) In this regulation "vessels" includes—
  - (a) hovercraft, and
  - (b) seaplanes on the surface of the water.

**Signals of distress.**

2. (1) The signals of distress which shall be used by vessels to which these Regulations apply are those set out in Annex IV to the International Regulations.

(2) No signal of distress shall be used by any vessel unless the master of the vessel so orders.

(3) The master of the vessel shall not order any signal of distress to be used by the vessel unless satisfied -

- (a) that the vessel is in serious and imminent danger, or that another ship or an aircraft or person is in serious and imminent danger and cannot send that signal, and
- (b) that the vessel in danger (whether the master's own vessel or another vessel) or the aircraft or person in danger, as the case may be, requires immediate assistance in addition to any assistance then available.

(4) The master of a vessel which has sent any signal of distress by means of radio or other means shall cause that signal to be revoked by all

appropriate means as soon as the master is satisfied that the vessel or aircraft to which or the person to whom the signal relates is no longer in need of assistance as aforesaid.

**Prevention of collision.**

3. (1) Subject to paragraph (2) below, vessels to which these Regulations apply shall comply with the provisions of Rules 1 to 36 of and Annexes I to III to the International Regulations.

(2) Nothing in these Regulations shall be taken to require compliance by any vessel or class of vessels, which by virtue of Rule 38 of the International Regulations may be exempted from compliance therewith, with any of the provisions of the said Regulations specified in paragraphs (a) to (h) inclusive of that Rule, at any time when, by virtue of that Rule, that vessel or class of vessels may be exempted from that provision.

**Exemptions.**

4. The States' Trading Supervisory Board may exempt any ship or description of ships from all or any of the provisions of these Regulations which relate to the number, position, range or arc of visibility of lights or shapes, as well as to the disposition and characteristics of sound-signalling appliances if it is satisfied that compliance with such provision is either impractical or unreasonable in the case of that ship or description of ships in such terms (if any) as it may specify and may, subject to giving reasonable notice, alter or cancel any such exemption.

**Penalties.**

5. (1) Where any of these Regulations is contravened, the owner of the vessel, the master and any person for the time being responsible for the conduct

of the vessel shall each be guilty of an offence, punishable on conviction on indictment by a fine not exceeding level 5 on the uniform scale.

(2) It shall be a defence for any person charged under these Regulations to show that he or she took all reasonable precautions to avoid the commission of the offence.

**Power to detain.**

6. In any case where a ship does not comply with the requirements of these Regulations, the ship shall be liable to be detained and section 270 of the Merchant Shipping (Bailiwick of Guernsey) Law, 2002 (which relates to the detention of a ship) shall have effect in relation to the ship, subject to the modification that as if for the words "this Law" wherever they appear, there were substituted "the Merchant Shipping (Safety) (Distress Signals and Prevention of Collisions) (Bailiwick of Guernsey) Regulations, 2021".

**Interpretation.**

7. (1) In these Regulations -

"Guernsey vessel" means a vessel which -

- (i) is registered in the Bailiwick, or
- (ii) is not registered under the law of any country but is wholly owned by persons, each of whom is either a British citizen or a British Dependent Territories citizen who is resident in the Bailiwick or a body corporate which is established under the law of any part of the

Bailiwick and has its principal place of business in the Bailiwick,

**"the Hydrographer of the Navy"** means the person for the time being appointed to that office by the Admiralty Board of the United Kingdom,

**"the International Regulations"** means the International Regulations for Preventing Collisions at Sea 1972 as amended by –

- (a) Resolutions A464(XII), A626(15), A678(16), A736(18), A910(22), A1004(25) and A1085(28) of the Organisation, and
- (b) any further Resolutions of the Organisation which the Secretary of State notifies by Merchant Shipping Notice that he considers relevant from time to time,

**"Merchant Shipping Notice"** means a Notice described as such and issued by the Maritime and Coastguard Agency of the United Kingdom".

**"Notice to Mariners"** means an Admiralty Notice to Mariners published by the Hydrographer of the Navy,

**"the Organisation"** means the International Maritime Organization.

(2) The traffic separation schemes which are referred to in Rule 10(a) of the International Regulations are the schemes listed in Notice to Mariners No. 17 and marked "\*" in the margin; and in this paragraph, "Notice to Mariners No. 17" means Notice to Mariners No. 17 in the Annual Summary of Admiralty Notices

to Mariners of 1989 and any subsequent Notice to Mariners containing like material which the Hydrographer of the Navy considers relevant from time to time being a Notice to Mariners which –

- (a) replaces Admiralty Notice to Mariners No. 17, or
- (b) replaces any subsequent Notice to Mariners containing the like material,

and a reference to any such subsequent Notice to Mariners includes a reference to any Notice to Mariners amending the same which the Hydrographer of the Navy considers relevant from time to time.

(3) In the International Regulations –

**"date of entry into force of these Regulations"** in Rule 38 (exemptions) means, in the case of a vessel registered outside the United Kingdom and the Bailiwick, the date of entry into force of the International Regulations for the State whose flag the vessel is entitled to fly,

**"high speed craft"** means a craft capable of maximum speed equal to or exceeding -

$$3.7 \nabla^{0.1567} \text{ (m/s)}$$

where

$\nabla$  is the displacement corresponding to the design waterline (m<sup>3</sup>).

(4) The diagram mentioned in paragraph 7 of Annex 1 to the International Regulations is the diagram specified in the Chromaticity Chart (1975) published by the International Illumination Commission (CIE).

(5) The reference to the International Code of Signals in paragraph 3 of Annex IV to the International Regulations is a reference to the International Code of Signals (1985) published by the Organisation, and the reference to the Merchant Ship Search and Rescue Manual in that paragraph is a reference to the manual of that name published in 1986 by the Organisation; and such references include reference to any document amending either of those publications which is considered by the Secretary of State to be relevant from time to time and is specified in a Merchant Shipping Notice.

**Citation and commencement.**

8. These Regulations may be cited as the Merchant Shipping (Safety) (Distress Signals and Prevention of Collisions) (Bailiwick of Guernsey) Regulations, 2021 and shall come into force on 2<sup>nd</sup> April 2021.

Dated this 1<sup>st</sup> day of April, 2021



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P. J. ROFFEY

President

For and on behalf of the States' Trading Supervisory Board

Dated this 31<sup>st</sup> day of March, 2021



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A. BURGESS

Deputy Chairman

For and on behalf of the General Services Committee of the States of Alderney

Dated this 31<sup>st</sup> day of March, 2021



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S. WILLIAMS

Chairman

For and on behalf of the Harbours, Shipping & Pilotage Committee of the Chief Pleas  
of Sark

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## EXPLANATORY NOTE

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

These regulations are made under sections 80, 81 and 289 of the Merchant Shipping (Bailiwick of Guernsey) Law, 2002. They make domestic provision equivalent to the Merchant Shipping (Distress Signals and Prevention of Collisions) Regulations 1996 (UK SI 1996 No. 75).

These regulations come into effect on 2<sup>nd</sup> April, 2021.

