



Maritime and Coastguard Agency

MIN 343 (M+F)

Changes to MCA's 2002 SOLAS V Publication¹, Arising Out of Amendments to SOLAS Chapter V.

**Notice to all Shipowners, Ship Operators, Ship Managers, Classification Societies,
Masters and Officers**

*This Marine Information Notice should be read in conjunction with MSN 1812(M), and
replaces MGN380 (M&F)*

This MIN expires 31 January 2010

PLEASE NOTE:-

Where this document provides guidance on the law it should not be regarded as definitive. The way the law applies to any particular case can vary according to circumstances - for example, from vessel to vessel and you should consider seeking independent legal advice if you are unsure of your own legal position.

Summary

- This Notice details amendments to Chapter V of the Safety at Life at Sea (SOLAS) Convention. These amendments have been adopted by the International Maritime Organization's (IMO) Maritime Safety Committee (MSC), and have been implemented by the United Kingdom on 31st December 2008.
- This Notice gives guidance as per MSC.1/Circ.1295/6 regarding the survey, certification and compliance of ships that are required to transmit Long Range Identification and Tracking (LRIT) information.

1 Introduction

Chapter V of the Safety of Life at Sea (SOLAS) Convention is given legal effect in UK legislation through the Merchant Shipping (Safety of Navigation) Regulations 2002 (SI 2002 No.1473).

In accordance with Regulation 5(4) of those Regulations, this Notice specifies changes in the MCA's 2002 SOLAS Chapter V publication "Safety of Navigation, Implementing SOLAS Chapter V, 2002 1 (MCA's 2002 SOLAS V publication). It amends or replaces the existing requirements, as stated, with additional or alternative requirements which apply to a ship of its description.

The amendments in this notice relate to changes to Chapter V of MCA's SOLAS V publication which were adopted by the IMO Maritime Safety Committee at its 81st session, came into force in the United Kingdom on 1 January 2008, for implementation on the 31st December 2008 by the United Kingdom.

¹ Second edition published with amendments June 2007 ISBN 978 011 552838 5

2. Amendments to SOLAS Chapter V, arising from Resolution MSC.202(81) which were adopted on 19 May 2006 and resulted in revisions to Regulation 2 (Definitions), and a new Regulation 19-1 (Long-range identification and tracking of ships) in the MCA's 2002 SOLAS V publication are as follows:

Regulation 2 – Definitions²

.1 The following text is inserted after the existing paragraph 5.

6 *High-Speed Craft* means a craft as defined in regulation X/1.3.

7 *Mobile Off-Shore Drilling Unit* means a mobile off-shore drilling unit as defined in regulation XI-2/1.1.5.

.2 The new Regulation, Regulation 19-1 is inserted after the existing regulation 19:

See Annex 1 to this MIN for Regulation 19-1.

3. United Kingdom LRIT Policy:

MSC.1 Circ 1256 & 1257 have been replaced by MSC.1 Circ 1295, 1296, 1297 & 1298.

In advance of published European LRIT policy and UK legislation this notice provides information as to the requirements for onboard provision and testing of functional LRIT systems. The UK has appointed Authorised Testing Application Service Providers (ATASP's), to carry out Conformance Testing, in line with MSC.1/Circ.1296 (see Annex 2 of this MIN).

On completion of successful testing the ATASP's are authorised to issue Conformance Test Reports on behalf of the Maritime and Coastguard Agency (MCA), an Executive Agency of the United Kingdom (UK) Department for Transport (shall be further referred to as MCA). Copies of the Test Reports will be sent to the vessel and :

Survey Branch
Maritime and Coastguard Agency
Bay 2/22
Spring Place
105 Commercial Road
Southampton
SO15 1EG

During any renewal or annual survey for the SEC, and following the initial certification of compliance of a ship with the requirements of regulation V/19-1, the related certificate should be issued or endorsed, as the case may be, provided the Conformance Test Report (CTR) is still valid taking into account the provisions of paragraph 7.1 of MSC.1/Circ.1296.

No additional costs will be incurred unless the certification renewal is forced after a revocation has taken place.

To ensure that shipborne equipment complies with Regulations, (MSC.1/Circ.1296 ANNEX section 4), the ship owner should contact the equipment provider and an ATASP to ensure compatibility with the requirements of the Regulation prior to applying for a Conformance test.

² The amendments to regulation 2 take into account the amendments to the regulation which were adopted on 20 May 2004, under cover of resolution MSC.153(78) and entered into force on 1 July 2006.

CTR's issued by ATASP's prior to the 15th December 2008, in the old format of MSC.1 Circ. 1257, will continue to be valid until such time as a new CTR is required to be issued (see Paragraph 7 of MSC.1/Circ.1296). CTR's issued post 15th December 2008, are required to be in the format as laid down in MSC.1 Circ 1296 Appendix 2.

The following are ATASP's for the UK:

Transas Telematics Ltd	+46 (0) 31 769 5680
Polestar	+44 20 7313 7402
Securewest	+44 1548 856001
Fulcrum Maritime Systems	+44 1708 788400
Selex Communications Ltd	+44 (0) 1268 823 515

For updated contact information and any additional ATASPs, please go to: www.ukshipregister.co.uk and follow the link for LRIT.

CTR's should be completed within a suitable period prior to the date of the first radio survey after 31 December 2008.

4. Shipborne Equipment

In addition to the general requirements contained in resolution A.694(17) on recommendations on general requirements for shipborne radio equipment forming part of the global maritime distress and safety system (GMDSS) and for electronic navigational aids, the shipborne equipment should comply with the following minimum requirements:

- .1 be capable of automatically, and without human intervention on board the ship, transmitting the ship's LRIT information at 6-hour intervals to an LRIT Data Centre;
- .2 be capable of being configured remotely to transmit LRIT information at variable intervals;
- .3 be capable of transmitting LRIT information following receipt of polling commands;
- .4 interfaces directly to the shipborne global navigation satellite system equipment, or have internal positioning capability;
- .5 be supplied with energy from the main and emergency source of electrical power³; and
- .6 be tested for electromagnetic compatibility taking into account the recommendations developed by the Organization⁴.

5. Exemptions & Equivalence

Exemptions / Equivalence will be considered, on a case by case basis. Criteria for Exemptions / Equivalence, as laid down in Section 6 of Annex to MSC.1/Circ.1295, will be adhered to. Applications should be made through your MCA Customer Service Manager (if applicable) in the first instance, otherwise to the MCA Survey Branch, address as section 3.4.

³ This provision should not apply to ships using for the transmission of LRIT information any of the radio communication equipment provided for compliance with the provisions of chapter IV. In such cases, the shipborne equipment should be provided with sources of energy as specified in regulation IV/13.

⁴ Refer to resolution A.813(19) on General requirements for electromagnetic compatibility of all electrical and electronic ship's equipment.

6. Port State Control & Detentions

The following information is provided from MSC.1 Circ 1298, Annex, Section's 10 & 11:

“Port State Notice of Arrival

10.1 Administrations wishing to engage in verifications of Notices of Arrival tendered by ships entitled to fly their flag to a port State in order to enable the port State concerned to initiate the process of tracking a specific ship proceeding to its port, should instruct the ships entitled to fly their flag to transmit a copy of the Notice of Arrival they tender to a port State to the LRIT Data Centre to which the ship is transmitting LRIT information. In this manner it would be up to each Administration, if it so wished, to validate the requests of any Contracting Government for the provision of LRIT information as a port State.

Ship not transmitting due to outside failure of the LRIT system

11.1 When the LRIT information transmitted by a ship cannot be received by those entitled to receive such information, for example a Contracting Government as a port State, due to a failure or a situation outside the control of the ship, for example:

- .1 due to a failure of the CSP or the ASP or of the LRIT Data Centre; or
- .2 because the Administration has not made the/any necessary arrangements; or
- .3 because the LRIT Data Centre to which the ship is transmitting LRIT information is declining to provide the requested LRIT information to the LRIT Data Centre it is requesting them due to their financial disputes, in view of the fact that the failure or the situation is outside of the control of the ship, Contracting Governments should not impose sanctions on the ship because they are unable to receive LRIT information transmitted by the ship.

11.2 As matters are beyond the control of the ship, no grounds arise for either delaying or detaining the ship pursuant to the provisions of regulations I/19 and V/16 as long as the Conformance test report and related radio certificate are valid. However, it is possible that a Contracting Government, unaware of the circumstances, might decide to impose control measures or steps pursuant to regulation XI-2/9.

To avoid such action it would be advisable for the ship to notify the port State of the situation. However, for doing so the ship needs to be made aware of the failure of the system or the circumstances involved. Those causing the failure of the system or those involved in the prevailing situation should advise the ship accordingly if the duration of the failure is expected to exceed, for example 6 hours, and when the ship was being polled or is providing information on demand. Administrations should consider the issue and determine the maximum duration of such failure beyond which the ship would need to inform the Contracting Governments concerned.

11.3 The question of imposition of any sanctions under the laws of the Contracting Government is an internal issue for the Contracting Government concerned. However, it is expected that Contracting Governments concerned should show a reasonable understanding of the circumstances.”

More Information

Navigation Safety Branch
Maritime and Coastguard Agency
Bay 2/2
Spring Place
105 Commercial Road
Southampton
SO15 1EG

Tel : +44 (0) 23 8032 9356
Fax : +44 (0) 23 8032 9204
e-mail: navigation.safety@mcga.gov.uk

General Inquiries: infoline@mcga.gov.uk

MCA Website Address: www.mcga.gov.uk

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*An executive agency of the
Department for
Transport*

Regulation 19-1

Long-range identification and tracking of ships

1. Nothing in this regulation or the provisions of performance standards and functional requirements⁵ adopted by the Organization in relation to the long-range identification and tracking of ships shall prejudice the rights, jurisdiction or obligations of States under international law, in particular, the legal regimes of the high seas, the exclusive economic zone, the contiguous zone, the territorial seas or the straits used for international navigation and archipelagic sea lanes.

2.1 Subject to the provisions of paragraphs 4.1 and 4.2, this regulation shall apply to the following types of ships engaged on international voyages:

- .1 passenger ships, including high-speed passenger craft;
- .2 cargo ships, including high-speed craft, of 300 gross tonnage⁶ and upwards: and
- .3 mobile offshore drilling units.

2.2 The term "ship" when used in paragraphs 3 to 11.2, includes the passenger and cargo ships, the high-speed craft and the mobile offshore drilling units which are subject to the provisions of this regulation.

3. This regulation establishes provisions to enable Contracting Governments to undertake the long-range identification and tracking of ships.

4.1 Ships shall be fitted with a system to automatically transmit the information specified in paragraph 5 as follows:

- .1 ships constructed on or after 31 December 2008;
- .2 ships constructed before 31 December 2008 and certified for operations:
 - .1 in sea areas A1 and A2, as defined in regulations IV/2.1.12 and IV/2.1.13; or
 - .2 in sea areas A1, A2 and A3, as defined in regulations IV/2.1.12, IV/2.1.13 and IV/2.1.14;

not later than the first survey of the radio installation after 31 December 2008;
- .3 ships constructed before 31 December 2008 and certified for operations in sea areas A1, A2, A3 and A4, as defined in regulations IV/2.1.12, IV/2.1.13, IV/2.1.14 and IV/2.1.15, not later than the first survey of the radio installation after 1 July 2009. However, these ships shall comply with the provisions of subparagraph .2 above whilst they operate within sea areas A1, A2 and A3.

4.2 Ships, irrespective of the date of construction, fitted with an automatic identification system (AIS), as defined in regulation 19.2.4, and operated exclusively within sea area A1, as defined in regulation IV/2.1.12, shall not be required to comply with the provisions of this regulation.

⁵ Refer to the REVISED PERFORMANCE STANDARDS AND FUNCTIONAL REQUIREMENTS FOR THE LONG-RANGE IDENTIFICATION AND TRACKING OF SHIPS, RESOLUTION MSC.263(84)(adopted on 16 May 2008).

⁶ The gross tonnage to be used for determining whether a cargo ship or high-speed craft is required to comply with the provisions of this regulation shall be that determined under the provisions of the International Convention on Tonnage Measurements of Ships, 1969 irrespective of the date on which the ship or high-speed craft has been or is being constructed.

5. Subject to the provisions of paragraph 4.1, ships shall automatically transmit the following long-range identification and tracking information:

- .1 the identity of the ship;
- .2 the position of the ship (latitude and longitude); and
- .3 the date and time of the position provided.

6. Systems and equipment used to meet the requirements of this regulation shall conform to performance standards and functional requirements⁵ not inferior to those adopted by the Organization. Any shipboard equipment shall be of a type approved by the Administration.

7. Systems and equipment used to meet the requirements of this regulation shall be capable of being switched off on board or be capable of ceasing the distribution of long-range identification and tracking information:

- .1 where international agreements, rules or standards provide for the protection of navigational information; or
- .2 in exceptional circumstances and for the shortest duration possible where the operation is considered by the master to compromise the safety or security of the ship. In such a case, the master shall inform the Administration without undue delay and make an entry in the record of navigational activities and incidents maintained in accordance with regulation 28 setting out the reasons for the decision and indicating the period during which the system or equipment was switched off.

8.1 Subject to the provisions of paragraphs 8.2 to 11.2, Contracting Governments shall be able to receive long-range identification and tracking information about ships, for security and other purposes as agreed by the Organization, as follows:

- .1 the Administration shall be entitled to receive such information about ships entitled to fly its flag irrespective of where such ships may be located;
- .2 a Contracting Government shall be entitled to receive such information about ships which have indicated their intention to enter a port facility, as defined in regulation XI-2/1.1.9, or a place under the jurisdiction of that Contracting Government, irrespective of where such ships may be located provided they are not located within the waters landward of the baselines, established in accordance with international law, of another Contracting Government; and
- .3 a Contracting Government shall be entitled to receive such information about ships entitled to fly the flag of other Contracting Governments, not intending to enter a port facility or a place under the jurisdiction of that Contracting Government, navigating within a distance not exceeding 1,000 nautical miles of its coast provided such ships are not located within the waters landward of the baselines, established in accordance with international law, of another Contracting Government; and
- .4 a Contracting Government shall not be entitled to receive, pursuant to subparagraph .3, such information about a ship located within the territorial sea of the Contracting Government whose flag the ship is entitled to fly.

8.2 Contracting Governments shall specify and communicate to the Organization relevant details, taking into account the performance standards and functional requirements adopted by the Organization⁶, to enable long-range identification and tracking information to be made available pursuant to the provisions of paragraph 8.1. The Contracting Government concerned may, at any time thereafter, amend or withdraw such communication. The Organization shall inform all Contracting Governments upon receipt of such communication together with the particulars thereof.

9.1 Notwithstanding the provisions of paragraph 8.1.3, the Administration shall be entitled, in order to meet security or other concerns, at any time, to decide that long-range identification and tracking information about ships entitled to fly its flag shall not be provided pursuant to the provisions of paragraph 8.1.3 to Contracting Governments. The Administration concerned may, at any time thereafter, amend, suspend or annul such decisions.

9.2 The Administration concerned shall communicate, pursuant to paragraph 9.1, such decisions to the Organization. The Organization shall inform all Contracting Governments upon receipt of such communication together with the particulars thereof.

9.3 The rights, duties and obligations, under international law, of the ships whose Administration invoked the provisions of paragraph 9.1 shall not be prejudiced as a result of such decisions.

10. Contracting Governments shall, at all times:

- .1 recognise the importance of long-range identification and tracking information;
- .2 recognise and respect the commercial confidentiality and sensitivity of any long-range identification and tracking information they may receive;
- .3 protect the information they may receive from unauthorised access or disclosure; and
- .4 use the information they may receive in a manner consistent with international law.

11.1 Contracting Governments shall bear all costs associated with any long-range identification and tracking information they request and receive. Notwithstanding the provisions of paragraph 11.2, Contracting Governments shall not impose any charges on ships in relation to long-range identification and tracking information they may seek to receive.

11.2 Unless the national legislation of the Administration provides otherwise, ships entitled to fly its flag shall not incur any charges for transmitting long-range identification and tracking information in compliance with the provisions of this regulation.

12. Notwithstanding the provisions of paragraph 8.1, the search and rescue services of Contracting Governments shall be entitled to receive, free of any charges, long-range identification and tracking information in relation to the search and rescue of persons in distress at sea.

13. Contracting Governments may report to the Organization any case where they consider that provisions of this regulation or of any other related requirements established by the Organization have not been or are not being observed or adhered to.

14. The Maritime Safety Committee shall determine the criteria, procedures and arrangements for the establishment, review and audit of the provision of long-range identification and tracking information to Contracting Governments pursuant to the provisions of this regulation.

⁶ Refer to Footnote 3.

Appendix 2

Model of Conformance test report

Conformance test report

issued under the provisions of MSC.1/Circ.1296 on Guidance on the survey and certification of compliance of ships with the requirements to transmit LRIT information

issued by.....

on behalf of the Government of the United Kingdom of Great Britain and Northern Ireland

Name of ship:	
Port of registry:	
Distinctive number or letters:	
IMO number:	
Maritime Mobile Service Identity:	
Gross tonnage:	
Sea areas in which the ship is certified to operate ⁸ :	
Sea areas for which this report is valid ⁹ :	
Application Service Provider conducting the test:	

THIS IS TO CERTIFY that the shipborne equipment designated to transmit LRIT information and specified below:

.1 has been found to meet the requirement of the provision of regulations V/19-1.6 and V/19-1.7 and of the Revised performance standards and functional requirements for the long-range identification and tracking of ships adopted by resolution MSC.263(84) and:

- .1 is of a type approved by the Administration in accordance with the provisions of regulation V/19-1; Yes No
- .2 is of a type approved by the Administration in accordance with the provisions of regulation IV/14; Yes No

⁸ Insert the sea areas specified in Radio related certificate (refer to paragraph 3.1.6 and to section 11 of this circular).

⁹ Refer to paragraphs 5.2 to 5.2.2. Insert the sea areas for which the conformance testing is valid. For example, if the sea areas indicated on the Radio related certificate are A1, A2, A3 and A4 and the conformance test has been conducted using a communication system which provides coverage only for sea areas A1, A2 and A3, insert A1, A2 and A3.

.3 has been certified by the Administration as meeting the requirements of IEC 60945 (2002-08) and IEC 60945 Corr.1 (2008-04) on Maritime navigation and radiocommunication equipment and systems – General – requirements – Methods of testing and required test results; Yes No

.4 is the ship security alert system of the ship and has been found to comply with the provisions of regulation XI-2/6; and of resolution MSC.136(76) on Performance standards for a ship security alert system¹⁰/resolution MSC.147(77) on Adoption of the Revised performance standards for a ship security alert system¹¹; Yes No

.2 has undergone conformance testing in accordance with the procedures and provisions set out in MSC.1/Circ.1296, and has shown that it can operate within the tolerances of the acceptance criteria stated in the aforesaid circular.

The conformance test was satisfactorily completed on
(date of completion of testing)

Details of the shipborne equipment used to transmit LRIT information (e.g., maker model, serial number and shipborne equipment identifier):

Issued at on
.....
(place of issue) *(date of issue)*

.....
(name and signature of authorized person issuing the report)

¹⁰ Delete as appropriate.
¹¹ Delete as appropriate.