



# Gibraltar Maritime Administration

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## Shipping Guidance Notice – 090 SOLAS Chapter V – Guidance on the Regulations

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To: Ship Owners, Operators, Master's, Classification Societies and Recognised Organisations

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Related legislation or information: -

- Safety Of Life At Sea (SOLAS) Convention – Chapter V
- Gibraltar Merchant Shipping (Survey, Certification and Safety) Regulations 2004

### 1. Purpose

The purpose of this guidance notice is to provide clarification and guidance on the Gibraltar Merchant Shipping (Survey, Certification and Safety) Regulations 2004, which implement Chapter V of the International Convention for the Safety of Life at Sea, 1974 (SOLAS).

### 2. Introduction

Chapter V focuses on measures which improve safety of navigation, and to reduce the risk of accidents occurring at sea, specifically in the areas of the carriage and use of equipment to assist in safe navigation, the receipt of vital safety information and communications, including emergency communications and signals.

The Gibraltar Merchant Shipping (Survey, Certification and Safety) Regulations 2004 implement Chapter V of the Convention for the Safety of Life at Sea, 1974 and all outstanding amendments to Chapter V.

The Regulations use cross-referencing of the Convention requirements to refer the reader to obligations contained in Chapter V itself. Additionally, the Regulations use ambulatory reference to transpose future amendments to the Chapter V requirements into law, rather than transposing them directly. This approach is designed to allow the mandatory text to be available to ship-owners and other interested parties at a much earlier stage than the traditional transposition approach would have done.

However, it is recognised that in some cases the text of international instruments may not provide sufficient clarity for the requirements to be fully understood and implemented domestically. This includes, for example, where an international obligation provides that a ship-owner or shipbuilder must do something “to the satisfaction of the Administration”. Therefore, Annex A of this Notice provides additional guidance on, and clarification of, the international obligations.

Certain aspects of the regime contained in the Regulations will not be altered by future amendments coming into force by way of ambulatory reference. Examples include powers to grant exemptions and equivalences, and provisions for penalties for non-compliance.

3. Annex A - CLARIFICATION AND GUIDANCE ON SPECIFIC REGULATIONS IN CHAPTER V OF THE INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1974 (SOLAS)

Not all SOLAS V regulations have guidance associated with them as guidance is not necessary in all cases. There will therefore be numerical gaps in the regulation numbers in the tables below. The tables are split into sections:

- (i) the international regulation itself (which contains either the text of the regulation or sub-regulation, or, in some cases for the sake of clarity, a description of it) followed by;
- (ii) guidance.

<b>Regulation 1 paragraph (4) of SOLAS Chapter V</b>	
The Administration shall determine to what extent the provisions of regulations 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, and 28 do not apply to the following categories of ships:	
.1	ships below 150 gross tonnage engaged on any voyage;
.2	ships below 500 gross tonnage not engaged on international voyages; and
.3	fishing vessels.
Certain types of ships are subject to specific Flag State requirements. The Administration should be contacted to seek any specific clarification on applicable requirements.	

<b>Regulation 2 paragraph (3) of SOLAS Chapter V</b>	
All ships mean any ship, vessel or craft irrespective of type and purpose.	
<b>Guidance/ clarification of application</b>	
Paragraph 3: the definition of "all ships" means that the Chapter is applicable to vessels other than simply merchant vessels. These include fishing vessels, hovercraft and pleasure craft. Refer also to Guidance Notes to regulation 1 for exceptions for certain classes of vessel and which regulations may apply to them.	

<b>Regulation 3 paragraph (1) of SOLAS Chapter V</b>	
The Administration may grant general exemptions from the requirements of regulations 15, 16, 17, 18, 19 (except 19.2.1.7), 20, 22, 24, 25, 26, 27 and 28 to ships without mechanical propulsion.	
<b>Guidance/ clarification of application in UK context</b>	
This allows Administrations to grant general exemptions to vessels with no means of propulsion (e.g. certain types of vessel used in the offshore industry such as jack-up rigs, storage or offloading units etc.) from the specified regulations. The GMA will grant exemptions to such Gibraltar registered ships.	

<b>Regulation 3 paragraph (2) of SOLAS Chapter V</b>	
The Administration may grant to individual ships exemptions or equivalents of a partial or conditional nature, when any such ship is engaged on a voyage where the maximum distance of the ship from the shore, the length and nature of the voyage, the absence of general navigational hazards, and other conditions affecting safety are such as to render the full application of this chapter unreasonable or unnecessary, provided that the Administration has taken into account the effect such exemptions and equivalents may have upon the safety of all other ships.	
<b>Guidance/ clarification of application</b>	
In order for Gibraltar to utilise this provision, the Administration must be satisfied that safety is not compromised and a formal application detailing the request is made.	

<b>Regulation 3 paragraph (3) of SOLAS Chapter V</b>
Each Administration shall submit to the Organization, as soon as possible after 1 January in each year, a report summarizing all new exemptions and equivalents granted under paragraph 2 of this regulation during the previous calendar year and giving the reasons for granting such exemptions and equivalents. The Organization shall circulate such particulars to other Contracting Governments for information
<b>Guidance/ clarification of application</b>
Exemptions and equivalences are granted for a specified period. They will not be granted indefinitely. Owners seeking an exemption or equivalency for navigational equipment should contact the Administration.

<b>Regulation 4 of SOLAS Chapter V</b>
Each Contracting Government shall take all steps necessary to ensure that, when intelligence of any dangers is received from whatever reliable source, it shall be promptly brought to the knowledge of those concerned and communicated to other interested Governments*
*Refer to the Guidance on the IMO/IHO World-Wide Navigational Warning Service adopted by the Organization by resolution A.706(17), as amended.
<b>Guidance/ clarification of application</b>
Mariners should refer to regulations 31 and 32 which lay down the Masters' obligations to report dangers to navigation (regulation 31) and provide the correct reporting format (reg 32.)

<b>Regulation 5 paragraph (1) of SOLAS Chapter V</b>
Contracting Governments undertake to encourage the collection of meteorological data by ships at sea and to arrange for their examination, dissemination and exchange in the manner most suitable for the purpose of aiding navigation.* Administrations shall encourage the use of meteorological instruments of a high degree of accuracy and shall facilitate the checking of such instruments upon request. Arrangements may be made by appropriate national meteorological services for this checking to be undertaken, free of charge to the ship.
<b>Guidance/ clarification of application</b>
Weather conditions can also affect a ship's navigation, and in 1983 IMO adopted resolution A.528(13), Recommendation on Weather Routeing, which recognizes that weather routeing - by which ships are provided with "optimum routes" to avoid bad weather - can aid safety.
IMO member Governments are urged to support the World Meteorological Organization's (WMO) Voluntary Observing Ship Programme (VOS). The Administration encourages companies to volunteer their vessels. Despite technological developments, ship meteorological reports still play an essential role in providing accurate forecasts and will continue to do so for the foreseeable future.

<b>Regulation 6 paragraph (1) of SOLAS Chapter V</b>
The Ice Patrol contributes to safety of life at sea, safety and efficiency of navigation and protection of the marine environment in the North Atlantic. Ships transiting the region of icebergs guarded by the Ice Patrol during the ice season are required to make use of the services provided by the Ice Patrol.
<b>Guidance/ clarification of application</b>
For full details of the Service and reporting requirements for ships in the ice area refer to the Admiralty List of Radio Signals Vol.3 part 2.
More information about the service with regularly updated ice reports can be found on the US Coastguard website under "International Ice Patrol": <a href="https://www.navcen.uscg.gov">https://www.navcen.uscg.gov</a>

**Regulation 10 paragraph (1) of SOLAS Chapter V**

Ships' routing systems contribute to safety of life at sea, safety and efficiency of navigation and protection of the marine environment. Ships' routing systems are recommended for use by, and may be made mandatory for, all ships, certain categories of ships or ships carrying certain cargoes, when adopted and implemented in accordance with the guidelines and criteria developed by the International Maritime Organization (IMO).\*

\*Refer to the General provisions on ships' routing (resolution A.572(14), as amended).

**Guidance/ clarification of application**

IMO Resolution A.572(14) (as amended) sets out the General Provisions on Ships' Routing which are followed by Contracting Governments when submitting routing schemes for consideration. "IMO Ships' Routing" contains details of all IMO-adopted ships' routing schemes as well as the General Provisions. All details of adopted schemes are shown on the relevant UKHO charts, with any special requirements set out in chart notes. Paragraphs 1 to 6 lay down the requirements and procedures for submitting proposals for schemes.

**Regulation 10 paragraph (7) of SOLAS Chapter V**

A ship shall use a mandatory ships' routing system adopted by the Organization as required for its category or cargo carried and in accordance with the relevant provisions in force unless there are compelling reasons not to use a particular ships' routing system. Any such reason shall be recorded in the ships' log.

**Guidance/ clarification of application**

Paragraph 7 refers to mandatory ships' routing systems with which ships must comply. These are the IMO adopted systems for mandatory use by ships or certain categories of ships. Such a system will be shown on official navigational charts as a "Mandatory Ships' Routing System".

**Regulation 11 paragraph (7) of SOLAS Chapter V**

The master of a ship shall comply with the requirements of adopted ship reporting systems and report to the appropriate authority all information required in accordance with the provisions of each such system.

**Guidance/ clarification of application**

Gibraltar ships anywhere in the world must comply with any mandatory ship reporting system adopted by the IMO which applies to them.

Details of mandatory ship reporting schemes are promulgated through the Admiralty List of Radio Signals, including any amendments, corrections or replacements. Entries are annotated with the words: "Mandatory system under SOLAS Regulation V/11-1". The locations of ship reporting systems are shown on the relevant Admiralty Charts.

Ships to which a mandatory ship reporting system applies should report to the shore-based authority without delay when entering and, if necessary, when leaving the area covered by the system. A ship may be required to provide additional reports or information to update or modify an earlier report.

Failure of a ship's radiocommunications equipment would not, in itself, be considered as a failure to comply with the rules of a mandatory ship-reporting system. However, masters should endeavour to restore communications as soon as practicable. If a technical failure prevents a ship from reporting, the master should enter the fact and reasons for not reporting in the ship's log. Masters of ships which contravene mandatory ship reporting requirements may be liable to prosecution.

In addition, reporting requirements for certain classes of oil tanker entering the Western European Particularly Sensitive Sea Area came into force on 1 July 2005. The reporting area extends from southern Portugal to the Shetland Islands. Full details of this scheme (West European Tanker reporting System - WETREP) are given in IMO Circular SN/Circ.242.

<b>Regulation 12 of SOLAS Chapter V</b>
This Regulation deals with Vessel Traffic Services (VTS)
<b>Guidance/ clarification of application</b>
<p>There are two types of VTS: Port and Coastal, and there is a clear distinction between the two. A Port (or river) VTS is a service provided when entering or leaving ports or harbours or when sailing along rivers or through waters which restrict the manoeuvring of ships. A Coastal VTS is mainly concerned with vessel traffic passing through a sea area. Reference is made to the IMO Guidelines for VTS (Resolution A.857 (20)), which offer guidance on design and operation of VTS systems.</p> <p>In most ports and within territorial seas, participation in VTS is mandatory under local regulations. Information on available Vessel Traffic Services is given in the Admiralty List of Radio Signals (ALRS) Volume 6 parts 1, 2, 3 and 4 and the IALA VTS Manual. The Administration strongly urges all Gibraltar ships to make use of any VTS that is provided. The Administration will keep compliance of vessels with VTS under review and if performance is considered unacceptable, a more regulatory approach may be taken.</p> <p>The Guidelines on Vessel Traffic Services (Resolution A.857(20)) and MSC/Circ.952 make reference to the IALA Guidelines on VTS - see IALA Website <a href="http://www.iala-aism.org/">http://www.iala-aism.org/</a></p>

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*This copy of the Administrative Instruction has been sent electronically and does not carry a signature or official stamp. A sign and stamped copy will be available upon enquiry*