



MERCHANT SHIPPING (RADIO) (AMENDMENT) REGULATIONS 2020

MARINECARE Consultant Bangladesh Ltd

MERCHANT SHIPPING (RADIO)(AMENDMENT) REGULATIONS 2020

The Director General of Shipping, in exercise of the powers conferred by section --- of the Merchant Shipping Act 2020, makes the following regulations:

Short title and Commencement

1. -(1) These Regulations may be cited as the Merchant Shipping (RADIO) (AMENDMENT) Regulations 2020.
- (2) These Regulations shall come into force on the day after notice of their making is given in the Official Gazette.

Purpose of the Regulation

2. The purpose of these Regulations, among others, is to implement the amendment of SOLAS chapter IV on radio communication by IMO Resolution MSC.436(99), which was adopted on 24 May 2018, and entered into force on 1 January 2020.

Amendment of the Merchant Shipping (RADIO) Regulations 2002

- 3 (1) The Merchant Shipping (RADIO) Regulation 2002 are amended as follows.
 - (2) In Regulation 2 (definition) –
 - (a) Paragraph (8) to be replaced by following text-

“Recognized mobile satellite service means any service which operates through a satellite system and is recognized by the Organization, for use in the global maritime distress and safety system (GMDSS).”
 - (b) a new definition of Radio regulation is added in paragraph (16) as follows:-

“Radio Regulation means the Radio Regulation annexed to, or regarded as being annexed to, the most recent Telecommunication Convention which is in force at any time”
 - (c) Paragraph 16 becomes paragraph 17
 - (d) Paragraph 17 becomes paragraph 18 and the existing text of the paragraph to be replaced by following text-

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“Sea area A3 means an area, excluding sea area A1 and A2, with the coverage of a Recognized mobile satellite service in which continuous alerting is available.”

(e) Paragraph 18 becomes paragraph 19

(f) Paragraph 19 becomes paragraph 20

(3) In Regulation 4

(a) paragraph (e) to be replaced by following text-

“a radio facility for reception of maritime safety information by a recognized mobile satellite service enhanced group calling system if the ship is engaged in voyages in sea area A1, or A2 or A3 but in which an international NAVTEX service is not provided. However, ships engaged exclusively in voyages in areas where an HF direct-printing telegraphy maritime safety information service is provided and fitted with equipment capable of receiving such service, may be exempt from this requirement.

(b) paragraph (f) to be replaced by following text-

“a satellite emergency position-indicating radio beacon (satellite EPIRB) which shall be capable of transmitting a distress alert either through the polar orbiting satellite service operating in the 406 MHz band or, if the ship is engaged only on voyages within a recognized mobile satellite service coverage, through the a recognized mobile satellite service operating in the 1.6 GHz band.

(4) In Regulation 7 paragraph (3) to be replaced by following text-

“In lieu of the satellite EPIRB, required by regulation 4(f) an EPIRB which shall be capable of transmitting a distress alert using DSC on VHF channel 70 and providing for locating by means of a radar transponder capable of operating in the 9 GHz band.

(5) In Regulation 8 a new paragraph (3) to be added with following text-

“a radio installation capable of maintaining a continuous DSC watch on the frequency 2,187.5 kHz which may be separate from, or combined with, that required by subparagraph 8.1”

(6) In Regulation 9

(a) paragraph 1 (A) to be replaced with following text-

“An Recognized Mobile Satellite Service Ship Earth Station (SES) which shall be

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capable of performing the following functions:”

(b) paragraph 1 (D) sub-paragraph (c) to be replaced with following text-
“through a recognized mobile satellite service by an additional ship earth station.”

(c) 2 (C) sub paragraph (b) to be replaced with following text-
“through a recognized mobile satellite service by a ship earth station; and”

(7) In Regulation 14

(a) Paragraph 1(A) sub-paragraph (a) to be replaced with following text-

“Sea Area A3- a VHF radio installation and either an MF/HF radio installation or Recognized Mobile Satellite Service ship earth station (SES);

(b) Paragraph 1(A) sub-paragraph (b) to be replaced with following text-

“Sea areas A3 and A4, and Ships operating in sea area A4 only occasionally - a VHF radio installation and an MF/HF radio installation or Recognized Mobile Satellite Service ship earth station (SES)“

(8) Regulation 15(2) to be replaced by following text-

“ A person is qualified for the purposes of paragraph (1) where–

- (a) in the case of an area A1 vessel, he holds a GMDSS Restricted Operator Certificate, or
- (b) in the case of an area A2, area A3 or area A4 vessel, he holds a GMDSS General Operator Certificate.”

(9) Following new regulation to be added as Regulation 18

Non-Compliance

18 – A person who fails to comply with any requirements of these Regulations commits an offence against the Merchant Shipping Act, and is liable to prosecution under that Act.

(10) Following new regulation to be added as Regulation 19

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Exemptions

19.—(1) In relation to a Bangladesh ship, the Director General may by notice in writing grant an exemption, not inconsistent with the Convention, from all or any of the provisions of these Regulations for such classes of case or individual cases, and on such terms, as the Director General may specify.

(2) The Director General may amend or revoke an exemption by notice in writing containing the grounds for the amendment or revocation.

(3) A notice under paragraph (2) is valid only if—

(a) persons to whom the exemption applies were given the opportunity to make representations before the notice was given; or

(c) the Director General considers that urgent safety or pollution prevention considerations require the notice to be given immediately.

(11) Following new regulation to be added as Regulation 20

Power to detain

20.—(1) Subject to paragraph (2) below, in any case where a vessel, to which these Regulations apply, does not comply with the requirements of these Regulations, the vessel shall be liable to be detained and section 187 (190) of the Merchant Shipping Act 2020 (which relates to the Radio regulation) shall have effect in relation to the vessel.

(2) A vessel shall not be detained in a port where repair facilities are not readily available by reason of malfunction of the equipment for providing general radio communications, if the vessel is capable of performing all distress and safety functions.

(3) The power under this regulation to detain a ship may only be exercised in relation to a foreign ship if the ship in question is in a port or offshore terminal in Bangladesh.

(4) Where a ship is detained under paragraph (1), the person detaining the ship must serve on the master of the ship a detention notice which—

(a) states the grounds for the detention; and (b) requires the terms of the notice to be complied with until the ship is released.

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(5) Where a foreign ship is detained, the Director General must immediately inform the consul or diplomatic representative of the State whose flag the ship is entitled to fly or the appropriate maritime authorities of that State.

(12) Following new regulation to be added as Regulation 21

Offences and penalties

21.—(1) Any contravention of the requirements of the Act, Regulation or Convention is an offence by the concerned person and he shall if no other punishment is provided by the Act for the offence be punishable for each offence by a fine not exceeding one hundred thousand penalty units.

(13) Following new regulation to be added as Regulation 22

Defence

22. It is a defence for a person charged with an offence under regulation 21 to show that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(14) Following new regulation to be added as Regulation 23

Review

23.—(1) The Director General must from time to time—

- (a) carry out a review of these Regulations,
- (b) set out the conclusions of the review in a report, and
- (c) publish the report.

(2) In carrying out the review the Director General must, so far as is reasonable, have regard to legislation of other IMO member States.

(3) The report must in particular—

- (a) set out the objectives intended to be achieved by the regulatory system established by these Regulations,
- (b) assess the extent to which those objectives are achieved, and
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

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(4) The first report under this regulation must be published before the end of the period of five years beginning with the day on which these Regulations come into force.

(5) Reports under this regulation are afterwards to be published at intervals not exceeding five years.

Made this 16th day of January, 2020

Director General
Department of Shipping