

RESOLUTION MSC.46(65)

adopted on 16 May 1995

ADOPTION OF AMENDMENTS TO THE INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1974

THE MARITIME SAFETY COMMITTEE,

RECALLING Article 28(b) of the Convention on the International Maritime Organization concerning the functions of the Committee,

RECALLING FURTHER article VIII(b) of the International Convention for the Safety of Life at Sea (SOLAS), 1974, hereinafter referred to as "the Convention", concerning the procedures for amending the Annex to the Convention,

HAVING APPROVED, at its sixty-fourth session, amendments to the Convention proposed and circulated in accordance with article VIII(b)(i) thereof,

1. ADOPTS, in accordance with article VIII(b)(iv) of the Convention, the amendments to the Convention the text of which is set out in the Annex to the present resolution;
2. DETERMINES, in accordance with article VIII(b)(vi)(2)(bb) of the Convention, that the amendments set out in the Annex shall be deemed to have been accepted on 1 July 1996 unless, prior to that date, more than one third of the Contracting Governments to the Convention or Contracting Governments the combined merchant fleets of which constitute not less than fifty per cent of the gross tonnage of the world's merchant fleet, have notified their objections to the amendments;
3. INVITES Contracting Governments to note that, in accordance with article VIII(b)(vii)(2) of the Convention, the amendments set out in the Annex shall enter into force on 1 January 1997 upon their acceptance in accordance with paragraph 2 above;
4. REQUESTS the Secretary-General, in conformity with article VIII(b)(v) of the Convention, to transmit certified copies of the present resolution and the text of the amendments contained in the Annex to all Contracting Governments to the Convention;
5. FURTHER REQUESTS the Secretary-General to transmit copies of the resolution and its Annex to Members of the Organization which are not Contracting Governments to the Convention.

ANNEX

AMENDMENTS TO THE INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1974

Regulation V/8 - Routeing

The existing heading and text of the regulation are replaced by the following:

"Ship's routeing

(a) Ships' routeing systems contribute to safety of life at sea, safety and efficiency of navigation, and/or protection of the marine environment. Ships' routeing 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 Organization.**

Note ** Refer to the General Provisions on Ships' Routeing adopted by the Organization by resolution AS72(14), as amended.

(b) The Organization is recognized as the only international body for developing guidelines, criteria and regulations on an international level for ships' routeing systems. Contracting Governments shall refer proposals for the adoption of ships' routeing systems to the Organization. The Organization will collate and disseminate to Contracting Governments all relevant information with regard to any adopted ships' routeing systems.

(c) This regulation, and its associated guidelines and criteria, does not apply to warships, naval auxiliary or other vessels owned or operated by a Contracting Government and used, for the time being, only on government non-commercial service; however, such ships are encouraged to participate in ships' routeing systems adopted in accordance with this regulation.

(d) The initiation of action for establishing a ships' routeing system is the responsibility of the Government or Governments concerned. In developing such systems for adoption by the Organization, the guidelines and criteria developed by the Organization shall be taken into account.

(e) Ships' routing systems should be submitted to the Organization for adoption. However, a Government or Governments implementing ships' routing systems not intended to be submitted to the Organization for adoption or which have not been adopted by the Organization are encouraged to follow, wherever possible, the guidelines and criteria developed by the Organization**.

Note ** Refer to the General Provisions on Ships' Routing adopted by the Organization by resolution AS72(I4), as amended.

(f) Where two or more Governments have a common interest in a particular area, they should formulate joint proposals for the delineation and use of a routing system therein on the basis of an agreement between them. Upon receipt of such proposal and before proceeding with the consideration of it for adoption, the Organization shall ensure details of the proposal are disseminated to the Governments which have a common interest in the area, including countries in the vicinity of the proposed ships' routing system.

(g) Contracting Governments shall adhere to the measures adopted by the Organization concerning ships' routing. They shall promulgate all information necessary for the safe and effective use of adopted ships' routing systems. A Government or Governments concerned may monitor traffic in those systems. Contracting Governments will do everything in their power to secure the appropriate use of ships' routing systems adopted by the Organization.

(h) 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 ship's log.

(i) Mandatory ships' routing systems shall be reviewed by the Contracting Government or Governments concerned in accordance with the guidelines and criteria developed by the Organization.**

Note ** Refer to the General Provisions on Ships' Routing adopted by the Organization by resolution AS72(I4), as amended.

(j) All adopted ships' routing systems and actions taken to enforce compliance with those systems shall be consistent with international law, including the relevant provisions of the 1982 United Nations Convention on the Law of the Sea.

(k) Nothing in this regulation nor its associated guidelines and criteria shall prejudice the rights and duties of Governments under international law or the legal regime of international straits."
