

Regulation 33 - Distress Situations: Obligations and procedures

Summary

- **Masters obliged to respond to distress messages from any source.**
- **Ships can be requisitioned by the master of a ship in distress or the search and rescue authorities.**

Regulation 33

- 1. The master of a ship at sea which is in a position to be able to provide assistance on receiving information from any source that persons are in distress at sea, is bound to proceed with all speed to their assistance, if possible informing them or the search and rescue service that the ship is doing so. This obligation to provide assistance applies regardless of the nationality or status of such persons or the circumstances in which they are found. If the ship receiving the distress alert is unable or, in the special circumstances of the case, considers it unreasonable or unnecessary to proceed to their assistance, the master must enter in the log-book the reason for failing to proceed to the assistance of the persons in distress, taking into account the recommendation of the Organization, to inform the appropriate search and rescue service accordingly.*
- 1.1 Contracting Governments shall co-ordinate and co-operate to ensure that masters of ships providing assistance by embarking persons in distress at sea are released from their obligations with minimum further deviation from the ships' intended voyage, provided that releasing the master of the ship from the obligations under the current regulation does not further endanger the safety of life at sea. The Contracting Government responsible for the search and rescue region in which such assistance is rendered shall exercise primary responsibility for ensuring such co-ordination and co-operation occurs, so that survivors assisted are disembarked from the assisting ship and delivered to a place of safety, taking into account the particular circumstances of the case and guidelines developed by the Organization. In these cases the relevant Contracting Governments shall arrange for such disembarkation to be effected as soon as reasonably practicable.*
- 2. The master of a ship in distress or the search and rescue service concerned, after consultation, so far as may be possible, with the masters of ships which answer the distress alert, has the right to requisition one or more of those ships as the master of the ship in distress or the search and rescue service considers best able to render assistance, and it shall be the duty of the master or masters of the ship or ships requisitioned to comply with the requisition by continuing to proceed with all speed to the assistance of persons in distress.*
- 3. Masters of ships shall be released from the obligation imposed by paragraph 1 on learning that their ships have not been requisitioned and that one or more other ships have been requisitioned and are complying with the requisition. This decision shall, if possible be communicated to the other requisitioned ships and to the search and rescue service.*
- 4. The master of a ship shall be released from the obligation imposed by paragraph 1 and, if his ship has been requisitioned, from the obligation imposed by paragraph 2 on being informed by the persons in distress or by the search and rescue service or by the master of another ship which has reached such persons that assistance is no longer necessary.*
- 5. The provisions of this regulation do not prejudice the Convention for the Unification of Certain Rules of Law Relating to Assistance and Salvage at Sea, signed at Brussels on 23 September 1910, particularly the obligation to render assistance imposed by article 11 of that Convention.**
- 6. Masters of ships who have embarked persons in distress at sea shall treat them*

with humanity, within the capabilities and limitations of the ship.

** International Convention on Salvage 1989 done at London on 28 April 1989 entered into force on 14 July 1996*

MCA Guidance

- 1.** Reg. 33 applies to all ships.
- 2.** Replaces and revises SOLAS V/74 Regulation 10.
- 3.** The regulation places an obligation on masters to respond to messages from any source that persons are in distress at sea. (Note that the former wording was "Ships or aircraft in distress").
- 4.** Reference should be made to Volume 3 of the International Aeronautical and Maritime Search and Rescue (IAMSAR) manual adopted in 2000 by IMO Resolution A.894(21). This replaces the Merchant Ship Search and Rescue (MERSAR) Manual and IMO Search and Rescue (IMOSAR) manual and should be carried on board all ships.
- 5.** This Regulation supersedes the Merchant Shipping (Distress Messages) Regulations 1998.
- 6.** Masters who, in special circumstances, decide not to respond to a distress must enter their reasons in the logbook and, if they have responded to the distress, inform the appropriate search and rescue authorities of their decision not to proceed.