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DRAFT STATUTORY INSTRUMENTS

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**2021 No. XXXX**

**MERCHANT SHIPPING**

**The Merchant Shipping (Inspections of Ro-Ro Passenger Ships and High-Speed Passenger Craft) Regulations 2021**

*Made* - - - - - \*\*\*  
*Coming into force* - - - - - \*\*\*

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 85(1), (3), (5), (6) and (7), 86(1)(a) to (d), 302(1) and 306A of the Merchant Shipping Act 1995(a), and with the consent of the Treasury.

In accordance with section 86(4) of the Merchant Shipping Act 1995 the Secretary of State has consulted the persons referred to in that section.

In accordance with paragraph 13(1) of Schedule 8 to the European Union (Withdrawal) Act 2018(b), a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Merchant Shipping (Inspections of Ro-Ro Passenger Ships and High-Speed Passenger Craft) Regulations 2021, and come into force on XXXX.

(2) These Regulations extend to England and Wales, Scotland and Northern Ireland.

**Interpretation**

2.—(1) In these Regulations—

“the Act” means the Merchant Shipping Act 1995;

“annual flag State survey” means a survey carried out in accordance with the HSSC;

“company” means the organisation or person who has agreed to take over all the duties and responsibilities imposed by the International Management Code for Safe Operation of Ships

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(a) 1995 c. 21. Section 85 and 86 were amended by the Merchant Shipping and Maritime Security Act 1997 (c. 28), sections 8 and 29(2) and Schedule 7. Section 85 was amended by the British Overseas Territories Act 2002 (c. 8), section 2(3). Section 306A was inserted by the Deregulation Act 2015 (c. 20). There are other amendments but none is relevant.  
(b) 2018 c.16. Paragraph 13 of Schedule 8 was amended by the European Union (Withdrawal Agreement) Act 2020 (c. 1) and the European Union (Future Relationship) Act 2020 (c. 29).

and for Pollution Prevention (the ISM Code)(a) or, in cases where Chapter 9 of SOLAS does not apply, the owner of the ro-ro passenger ship or the high-speed passenger craft or any other organisation or person such as the manager, or the bareboat charterer, who has assumed the responsibility for operation of the ro-ro passenger ship or the high-speed passenger craft from its owner;

“flag State”, in relation to a ship, means the State whose flag the ship is entitled to fly;

“high-speed passenger craft” means a craft as defined in Regulation 1 of Chapter X of SOLAS, and carrying more than 12 passengers;

“HSSC” means the International Maritime Organization Survey Guidelines under the Harmonized System of Survey and Certification(b);

“inspector” means a person duly authorised by the Secretary of State to carry out inspections required by these Regulations;

“international conventions” means—

- (a) the International Convention on Load Lines 1966(c);
- (b) SOLAS;
- (c) STCW;
- (d) the Convention on the International Regulations for Preventing Collisions at Sea, 1972(d), and
- (e) the International Convention on Tonnage Measurement of Ships, 1969(e).

together with the protocols and amendments to these Conventions and related Codes of mandatory status;

“The Paris MOU” means the Memorandum of Understanding on Port State Control, signed in Paris on 26 January 1982(f);

“port state control inspection” means an inspection under the system for the enforcement of international standards, as provided for by the Merchant Shipping (Port State Control) Regulations 2011(g), and references to a “port state control inspector” and a “port state control

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- (a) International Management Code for the Safe Operation of Ships and for Pollution Prevention (the ISM Code) MSIS 02 revised 06-2020. The Code was adopted by the International Maritime Organization Resolution A.741(18) and may be obtained in copy from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR, and on [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/898007/MSIS02\\_RO6.20.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/898007/MSIS02_RO6.20.pdf).
  - (b) The guidelines were adopted on 2 December 2015 by Resolution A.29/Res.1104. The guidelines may be obtained in copy from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR and on [http://www.imo.org/en/OurWork/MSAS/Documents/A%2029-J-60%20-%20RES.1104%20\(E\).pdf](http://www.imo.org/en/OurWork/MSAS/Documents/A%2029-J-60%20-%20RES.1104%20(E).pdf).
  - (c) Cmnd. 3708. The Convention was modified by the Protocol of 1988 and amended by IMO Resolutions A.972(24), A.1082(28) and A.1083(28). The Protocol was amended by IMO Resolutions MSC.143(77), MSC.172(79), MSC.223(82), MSC.270(85), MSC.329(90), MSC.345(91), MSC.356(92) and MSC.375(93). The Convention may be obtained in copy from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or found on the Foreign and Commonwealth Office treaties database (<https://treaties.fco.gov.uk/awweb/pdfopener?md=1&did=66633>). The text of IMO Resolutions A.972(24), A.1082(28) and A.1083(28) may also be obtained from the International Maritime Organization at the same address, or in Marine Information Note 560(M) issued by the Maritime Coastguard Agency (MCA) and which is available in copy from the MCA of Spring Place, 105 Commercial Road, Southampton SO15 1EG or on <https://www.gov.uk>. The Protocol of 1988 (Cmnd. 4829) may be obtained in copy from the International Maritime Organization at the same address, or found on the Foreign and Commonwealth Office treaties database (<http://treaties.fco.gov.uk/docs/pdg/2000/TS0100.pdf>). The text of the amendments to the Protocol may be obtained from the International Maritime Organization of the same address or in Marine Information Note 560(M) issued by the MCA and available in copy from Spring Place, 105 Commercial Road, Southampton SO15 1EG or on <https://www.gov.uk>. Amendments will also be made available on the Foreign and Commonwealth Office treaties database (<http://treaties.fco.gov.uk/treaties/treaty.htm>).
  - (d) Cmnd. 6962. The Convention was amended in 1981 and 1988. The Convention may be obtained in copy from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or found on the Foreign and Commonwealth Office treaties database (<https://treaties.fco.gov.uk/awweb/pdfopener?md=1&did=67638>).
  - (e) Cmnd. 4332. The Convention may be obtained in copy from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or found on the Foreign and Commonwealth Office treaties database (<http://foto.archivalware.co.uk/data/Library2/pdf/1982-TS0050.pdf>).
  - (f) The 43rd Amendment to the Paris MOU was adopted on 2 October 2020. The Paris MOU may be obtained in copy from the Secretariat Paris MOU on PSC, P.O. Box 16191, 2500 BC The Hague, The Netherlands, or found on <https://www.parismou.org/inspections-risk/port-state-control-inspections-paris-mou>.
  - (g) S.I. 2011/2601, amended by S.I. 2018/1122 and S.I. 2020/496.

officer” are to inspectors duly authorised by the Secretary of State to carry out inspections required by those Regulations;

“prohibition of departure notice” means a notice issued in accordance with regulation 8;

“recognised organisation” means any organisation which continues to be recognised under Regulation (EC) No. 391/2009(a);

“regular service” means a series of ro-ro passenger ship or high-speed passenger craft crossings operated so as to serve traffic between the same two or more ports, or a series of voyages from and to the same port without intermediate calls, either—

(a) according to a published timetable; or

(b) with crossings so regular or frequent that they constitute a recognisable systematic series;

“relevant statutory requirement” means a requirement in a provision in a statutory instrument which implements an international convention and which is made under the Act (including statutory instruments made under an order made under the Act) or under the European Communities Act 1972(b).

“ro-ro passenger ship” means a ship with facilities to enable road or rail vehicles to roll on and roll off the vessel, and carrying more than 12 passengers;

“SOLAS” means the International Convention for the Safety of Life at Sea, 1974(c), and

“STCW” means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers 1978(d).

(2) In these Regulations, a reference to each of the international conventions is to be construed—

(a) as a reference to that international convention as it is modified from time to time;

(b) as, if an international convention is replaced, references to the replacement.

(3) For the purposes of paragraph (2), the international convention is modified or replaced if the modification or replacement takes effect in accordance with the articles of the conventions referred to in paragraph (4).

(4) The articles of the international conventions are—

(a) for the International Convention on Load Lines 1966, Article 29;

(b) for SOLAS, Article VIII;

(c) for the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers 1978, Article XII;

(d) for the Convention on the International Regulations Preventing Collisions at Sea 1972, Article VI, and

(e) for the International Convention on Tonnage Measurements for Ships 1969, Article 18.

(5) In these Regulations, references to “written” or “in writing” include the provision of such communication by electronic mail, facsimile or similar means, which is capable of producing a

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(a) EUR 2009/391, amended by S.I. 2019/270.

(b) 1972 c. 68. The European Communities Act 1972 was repealed by section 1 of the European Union (Withdrawal) Act 2018 (c. 16).

(c) Cmnd 7874. The Convention may be obtained in copy from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or found on the Foreign and Commonwealth Office treaties database (<https://treaties.fco.gov.uk/awweb/pdfopener?md=1&did=79786>). The Convention was modified by its Protocol of 1978 (Cmnd. 8277), which was replaced and abrogated by the Protocol of 1988 (Cm. 5044) with respect to the parties to the 1988 Protocol. The amendments to the Convention are available from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or found on the Foreign and Commonwealth Office treaties database (<https://treaties.fco.gov.uk/awweb/pdfopener?md=1&did=68013>). Hard copies of the Command Papers are available for inspection free of charge but by appointment at the Parliamentary Archives, Houses of Parliament, London SW1A 0PW. The Parliamentary Archives catalogue numbers for the Command Papers are HL/PO/JO/10/11/2301/2878 (Cmnd. 7874), HL/PO/JO/10/11/2302 (Cmnd. 8277) and PO/JO/10/11/3156/2280 (Cm. 5044).

(d) The Convention was amended in 1991, 1994, 1995, 1997, 1998, 2004 (on two occasions), 2006 and 2010. The Convention may be obtained from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or found on the the IMO website: (<https://treaties.un.org/doc/Publication/UNTS/Volume%201361/volume-1361-I-23001-English.pdf>).

document containing the text of any communication and in a form sufficiently permanent to be used for subsequent reference.

### **Application**

**3.**—(1) These Regulations apply to ro-ro passenger ships and high-speed passenger craft which are United Kingdom ships, wherever they may be, or non-United Kingdom ships while they are within United Kingdom waters, and which are operating—

- (a) on a regular service between a port in the United Kingdom and a port of a country other than a Member State of the European Union, or
- (b) on a regular service between ports in the United Kingdom in sea areas in which ships of Class A may operate in accordance with the Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000(a).

(2) For the purposes of this regulation, “non-United Kingdom ship” means any ship other than a United Kingdom ship.

### **Professional profile of inspectors**

**4.**—(1) Subject to paragraph (2), inspections under these Regulations must not be carried out by persons who do not fulfil the minimum qualification criteria specified in Schedule 1.

(2) Where an inspector with the required professional expertise cannot be provided by the Secretary of State, the inspector may be assisted by any person with the required professional expertise.

### **Pre-commencement inspections**

**5.**—(1) Before a ship starts to operate on a regular service the Secretary of State must carry out a pre-commencement inspection of the ship consisting of—

- (a) verification of compliance with the requirements laid down in Part 1 of Schedule 2, and
- (b) an inspection in accordance with the requirements of Part 2 of Schedule 2, to satisfy the inspector that the ship fulfils the necessary requirements for safe operation of a regular service.

(2) If a company is operating or intending to operate a ship that is eligible for a pre-commencement inspection, the company or the master of the ship, must notify the Secretary of State of the information specified in paragraph (3) in accordance with paragraph (4).

(3) The information referred to in paragraph (2) is—

- (a) the name, the call sign, the IMO identification number or the maritime mobile service identity number of the ship, and
- (b) the route of the proposed regular service, including the ports at which the service will start and finish.

(4) The information must be notified in writing to the Secretary of State at least two months before the day of the proposed commencement of the regular service.

(5) When requested by the Secretary of State each company operating or intending to operate a ship must provide evidence of compliance with the requirements of Part 1 of Schedule 2 during the period commencing one month prior to the scheduled date and ending on the day before the date of the pre-commencement inspection.

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(a) S.I. 2000/2687, amended by S.I. 2004/2883, S.I. 2018/53 by S.I. 2018/1221 and S.I. 2020/1222. There are other amendments but none is relevant.

### **Exceptions to the requirement to carry out a pre-commencement inspection**

6.—(1) When a ship is to be engaged on a regular service, the Secretary of State may decide not to carry out a pre-commencement inspection in accordance with regulation 5 where—

- (a) the ship was previously engaged on another regular service covered by these Regulations, and
- (b) the inspector is satisfied with the previous inspections and surveys carried out in respect of that ship, and that they are relevant to the ship's new operational conditions.

(2) At the request of a company, the inspector may confirm in advance that the previous inspections and surveys referred to in paragraph (1)(b) are relevant to the new operational conditions.

(3) Where due to unforeseen circumstances there is an urgent need for a replacement ship to be introduced rapidly to ensure continuity of service and paragraph (1) does not apply, the Secretary of State may allow the ship to start operating provided that—

- (a) a visual inspection and document check raises no concerns that the ship does not fulfil the requirements for safe operation, and
- (b) the pre-commencement inspection of the ship is completed in accordance with regulation 5 within one month of it starting operations.

(4) The Secretary of State may decide not to apply certain of the requirements or procedures set out in regulation 5(1)(a) and (b) where—

- (a) they are relevant to any annual flag State survey or inspection carried out in respect of that ship within the period of six months prior to the pre-commencement inspection, and
- (b) the relevant procedures and guidelines for surveys specified in HSSC or procedures designed to achieve the same goal have been followed.

### **Regular inspections**

7.—(1) The Secretary of State must in relation to each ship ensure that the following inspections are carried out once in every 12 month period—

- (a) an inspection in accordance with the requirements of Part 2 of Schedule 2, and
- (b) an inspection during a regular service, which must cover—
  - (i) the items listed in Schedule 3, and
  - (ii) what, in the professional judgement of the inspector, constitutes a sufficient number of the items listed in Schedule 2 to ensure that the ship continues to fulfil all the necessary requirements for safe operation.

(2) A pre-commencement inspection in accordance with regulation 5 is an inspection for the purposes of paragraph (1)(a).

(3) The Secretary of State may carry out the inspection referred to in paragraph (1)(a) at the same time as, or in conjunction with, the annual flag State survey for that ship provided that the relevant procedures and guidelines for surveys specified in HSSC or procedures designed to achieve the same goal are followed.

(4) The inspection referred to in paragraph (1)(b) must take place not before four months, but not later than eight months, after the inspection referred to in paragraph (1)(a).

(5) The Secretary of State must carry out an inspection in accordance with Part 2 of Schedule 2—

- (a) each time the ship undergoes repairs, alterations and modifications of a major character, or
- (b) subject to paragraph (6), when there is a change of management of the ship or a transfer of class of the ship.

(6) Where the safe operation of the ship is not affected by a change of management or transfer of class, the Secretary of State may, after taking account of inspections previously carried out for that ship, exempt the ship from the inspection required under paragraph (5)(b).

### **Rectification of deficiencies, prohibition of departure and suspension of inspection**

**8.**—(1) A company must ensure that any deficiencies which are confirmed or revealed by an inspection are or will be rectified.

(2) Without prejudice to any other relevant statutory requirement, where an inspector has grounds for believing that deficiencies confirmed or revealed by an inspection are clearly hazardous to health and safety or pose an immediate danger to health or life, or to the safety of the ship, its crew and passengers, that ship is liable to be detained until the inspector is satisfied that—

- (a) the hazard has been removed, and
- (b) the ship can, subject to any necessary conditions, proceed to sea or resume operation without risk to the health and safety of the passengers or crew, or risk to the ship or to other ships.

(3) Section 284 of the Act (enforcing detention of a ship) applies where a ship is liable to be detained under this regulation as if—

- (a) references to the owner of the ship were to the company;
- (b) references to detention of a ship under the Act were references to the detention of a ship in question under this regulation;
- (c) references to a notice of detention were references to a prohibition of departure notice served pursuant to paragraph (4) of this regulation;
- (d) references to a direction given under subsection (1A)(a) were references to a direction given under paragraph (5) of this regulation, and
- (e) subsection (7) were omitted.

(4) Where a ship is liable to be detained under the preceding provisions of this regulation, the person detaining the ship must serve a prohibition of departure notice on the master of the ship which—

- (a) specifies the deficiencies in relation to which the notice has been served;
- (b) requires that the ship must not be operated on a regular service unless the deficiencies so specified have been remedied and the ship has been released by any person mentioned in section 284(1) of the Act;
- (c) informs the master of the ship of the right of appeal and the applicable procedures, and
- (d) takes immediate effect.

(5) A notice may, in order to alleviate port congestion, include a direction allowing the ship to be moved to another part of the port if it is safe to do so.

(6) The risk of port congestion must not be a consideration in a decision whether to impose or to withdraw a prohibition of departure notice.

(7) Where a deficiency referred to in paragraph (2) cannot be readily rectified in the port in which the deficiency has been confirmed or revealed, the person having powers to detain the ship may permit it to proceed to the nearest appropriate repair yard available where the deficiency can be readily rectified.

(8) The ship's company must be served with a copy of the prohibition of departure notice.

(9) The person detaining the ship must not withdraw a prohibition of departure notice unless—

- (a) all deficiencies have been rectified and the hazard has been removed to the satisfaction of the inspector, and
- (b) the condition in regulation 10(2) is satisfied.

(10) In exceptional circumstances, where the overall condition of the ship is obviously substandard, the inspector may suspend the inspection of that ship until the company has taken the necessary steps to ensure that the ship—

- (a) is no longer clearly hazardous to health or safety;
- (b) no longer poses an immediate danger to the life of its crew and passengers, or
- (c) complies with the relevant requirements of the applicable international conventions.

(11) Where the inspector suspends an inspection under paragraph (10), the person detaining the ship must automatically serve a prohibition of departure notice.

(12) The prohibition of departure notice served under paragraph (11) may only be withdrawn where—

- (a) the inspection has been resumed and successfully completed, and
- (b) the conditions set out in the prohibition of departure notice and regulation 10(2) are satisfied.

(13) Subject to paragraph (14), section 96 (references of detention notices to arbitration) and section 97 (compensation in connection with invalid detention of ship) of the Act apply in relation to a prohibition of departure notice served under this regulation as they apply in relation to detention notices served under section 95 (power to detain dangerously unsafe ship).

(14) For the purposes of paragraph (13)—

- (a) section 96 applies as if—
  - (i) subsection (3) were omitted;
  - (ii) the words “as a dangerously unsafe ship” in subsection (5) were omitted;
  - (iii) subsection (11) were omitted; and
- (b) sections 96 and 97 of the Act apply as if “the relevant inspector” means the person who served the prohibition of departure notice under this regulation.

### **Inspection report**

**9.** On completion of any inspection required by these Regulations, the inspector must—

- (a) draw up a written report in accordance with Schedule 4, and
- (b) provide the master and the company with a copy of the report.

### **Costs of issuing prohibition of departure notices**

**10.—(1)** Where a prohibition of departure notice is served under regulation 8, all costs of the Secretary of State relating to that inspection must be covered by the relevant company.

(2) The prohibition of departure notice must not be withdrawn until full payment is made or a sufficient guarantee is given for reimbursement of the costs.

### **Revocation and consequential amendments**

**11.—(1)** The Merchant Shipping (Mandatory Surveys for Ro-Ro Ferry and High Speed Passenger Craft) Regulations 2001(a) are revoked.

(2) Schedule 5 (consequential amendments) has effect.

### **Review of the Regulations**

**12.—(1)** The Secretary of State must from time to time—

- (a) carry out a review of the regulatory provision contained in these Regulations; and

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(a) S.I. 2001/152, amended by S.I. 2004/1266 and S.I. 2018/1221.

(b) publish a report setting out the conclusions of the review.

(2) The first report must be published before the end of the period of five years beginning with the date on which these Regulations come into force.

(3) Subsequent reports must be published at intervals not exceeding 5 years.

(4) Section 30(4) of the Small Business, Enterprise and Employment Act 2015(a) requires that a report published under this regulation must, in particular—

- (a) set out the objectives intended to be achieved by the regulatory provision referred to in paragraph (1)(a);
- (b) assess the extent to which those objectives are achieved;
- (c) assess whether those objectives remain appropriate, and
- (d) if those objectives remain appropriate, assess the extent to which they could be achieved in another way which involves less onerous regulatory provision.

(5) In this regulation, “regulatory provision” has the same meaning as in sections 28 to 32 of the Small Business, Enterprise and Employment Act 2015 (see section 32 of that Act).

Signed by authority of the Secretary of State for Transport

*Name*  
Parliamentary Under Secretary of State  
Department for Transport

Date

We consent to the making of these Regulations

*Name*  
Two of the Lords Commissioners of Her Majesty’s Treasury

Date

## SCHEDULE 1

Regulation 4(1)

### Minimum qualification criteria of inspectors

**1.**—(1) Inspectors must—

- (a) have appropriate theoretical knowledge and practical experience of ships and their operation, and
- (b) be competent in the enforcement of the requirements of the international conventions and the relevant Paris MOU procedures.

(2) The knowledge and competence required by virtue of sub-paragraph (1)(b) must be acquired through documented training programmes.

**2.** Inspectors must, as a minimum, have either—

- (a) appropriate qualifications from a marine or nautical institution and relevant seagoing experience as a certified ship officer holding or having held a valid certificate of competency issued in accordance with the provisions of the STCW Regulation II/2 or Regulation III/2, not limited as regards the operating area or propulsion or tonnage, or
- (b) passed an examination recognised by the Secretary of State as a naval architect, mechanical engineer or an engineer related to the maritime fields and worked in that capacity for at least five years, or

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(a) 2015 c. 26. Section 30 was amended by the Enterprise Act 2016 (c. 12) and the European Union (Withdrawal) Act 2018 (c. 16).

- (c) a relevant university degree or equivalent and have properly trained and qualified as a ship safety inspector.
3. The inspectors must have—
- (a) completed a minimum of one year’s service as a flag State inspector either dealing with surveys and certification in accordance with the international conventions or involved in the monitoring of activities of recognised organisations, or
  - (b) gained an equivalent level of competence by following a minimum of one year’s field training participating in port state control inspections under the guidance of experienced port state control officers.
4. The inspectors referred to in paragraph 2(a) must have gained a maritime experience of at least five years, including—
- (a) periods of at least two years served at sea as officers in the deck or engine department respectively, or
  - (b) as a flag State inspector, or
  - (c) as an assistant port state control inspector.
5. The inspectors must have the ability to communicate orally and in writing with seafarers.
6. The inspectors must have sufficient theoretical and practical experience in maritime security including—
- (a) a good understanding of maritime security and how it is applied to the operations being examined;
  - (b) a good working knowledge of security technologies and techniques;
  - (c) a knowledge of inspection principles, procedures and techniques;
  - (d) a working knowledge of the operations being examined.

## SCHEDULE 2

Regulations 5 and 7

### Pre-commencement inspections and regular inspections

#### Part 1

#### Specific requirements for ships in regular service

##### Interpretation

1. In this Part, the reference to “Annex C of Marine Guidance Note 610 (M+F)(a)” includes a reference to any document amending or replacing that Annex which is considered by the Secretary of State to be relevant from time to time.

##### Verification of specific requirements

2. The requirements for ships in regular service required to be verified are—
- (a) that the master—

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(a) MGN 610 (M+F) Navigation: SOLAS Chapter V – Guidance on the Merchant Shipping (Safety of Navigation) Regulations 2020. This guidance is produced by the Maritime and Coastguard Agency and may be obtained in copy from the Maritime and Coastguard Agency, Spring Place, 105 Commercial Road, Southampton SO15 1EG, and on [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/904612/MGN\\_610\\_2020.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/904612/MGN_610_2020.pdf).

- (i) is provided with appropriate information on the availability of shore-based navigational guidance systems and other information schemes to assist them in the safe conduct of the voyages before the ro-ro passenger ship or high-speed passenger craft begins to sail, and
- (ii) makes use of the navigational guidance and information schemes referred to in Annex C of Marine Guidance Note 610 (M+F);
- (b) that the relevant provisions of paragraphs 2 to 6 of MSC/Circular 699 of 17 July 1995 ‘Revised guidelines for passenger safety instructions’(a) are applied;
- (c) that a table with the shipboard working arrangements is posted in an easily accessible place, and contains—
  - (i) the schedule of service at sea and service in port, and
  - (ii) the maximum hours of work or the minimum hours of rest required for watchkeepers;
- (d) that the master is not constrained from taking any decision which, in the master’s professional judgement, is necessary for safe navigation and operation, in particular in severe weather and in heavy seas;
- (e) that the master keeps a record of navigational activities and incidents which are of importance to safety of navigation;
- (f) that any damage to, or permanent deflection of shell doors and associated hull plating that may affect the integrity of the ro-ro passenger ship or high-speed passenger craft, and any deficiencies in the securing arrangements of such doors, are promptly reported to both the flag State administration and the port state and are promptly repaired to their satisfaction;
- (g) that an up-to-date voyage plan is available before the departure of the ro-ro passenger ship or high-speed passenger craft on its voyage and that in preparing the voyage plan the guidelines set out in IMO Assembly Resolution A.893(21) of 25 November 1999 ‘Guidelines for voyage planning’(b) are taken fully into account;
- (h) that general information about the services and assistance available to elderly and disabled persons on board is made known to such passengers and is made available in formats suitable for people with impaired sight.

## Part 2

### Procedures for inspections

#### **International convention requirements**

**3.—(1)** The inspections must ensure that the ship complies with all relevant statutory requirements, including in particular, those relating to—

- (a) construction;
- (b) subdivision and stability;
- (c) machinery and electrical installations;
- (d) loading and stability;
- (e) fire protection;
- (f) maximum number of passengers;

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(a) MSC/Circular.699, adopted by the Maritime Safety Committee of the International Maritime Organization on 17 July 1995. The Circular may be obtained in copy from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR and on [https://www.imorules.com/MSCCIRC\\_699.html](https://www.imorules.com/MSCCIRC_699.html).

(b) The guidelines may be obtained in copy from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR and on [https://www.wcdn.imo.org/localresources/en/KnowledgeCentre/IndexofIMOResolutions/AssemblyDocuments/A.893\(21\).pdf](https://www.wcdn.imo.org/localresources/en/KnowledgeCentre/IndexofIMOResolutions/AssemblyDocuments/A.893(21).pdf).

- (g) life-saving appliances and the carriage of dangerous goods, and
  - (h) radiocommunications and navigation.
- (2) For the purposes of sub-paragraph (1), the inspections must include—
- (a) the starting of the emergency generator;
  - (b) an inspection of emergency lighting;
  - (c) an inspection of the emergency source of power for radio-installations;
  - (d) a test of the public-address system;
  - (e) a fire drill, including a demonstration of the ability to use firemen's outfits;
  - (f) the operation of the emergency fire-pump with two firehoses connected to the fire main line in operation;
  - (g) the testing of the remote emergency stop controls for fuel supply to boilers, main and auxiliary engines, and for ventilation fans;
  - (h) the testing of remote and local controls for the closing of fire dampers;
  - (i) the testing of fire detection and alarm systems;
  - (j) the testing of proper closing of fire doors;
  - (k) the operation of bilge pumps;
  - (l) the closing of watertight bulkhead doors, both from the local and remote-control positions;
  - (m) a demonstration that shows that key crew members are acquainted with the damage control plan;
  - (n) the lowering of at least one rescue boat and one lifeboat to the water, starting and testing their propulsion and steering system, and recovering them from the water into their stowed position on board;
  - (o) the checking that all lifeboats and rescue boats correspond to the inventory;
  - (p) the testing of the ship's or craft's steering gear and auxiliary steering gear.
- (3) The inspections must focus on the familiarisation of crew members with, and their effectiveness in—
- (a) safety procedures;
  - (b) emergency procedures;
  - (c) maintenance;
  - (d) working practices;
  - (e) passenger safety;
  - (f) bridge procedures, and
  - (g) cargo and vehicle-related operations.
- (4) Seafarers' ability to understand and, where appropriate, give orders and instructions and report back in the common working language, as recorded in the ship's logbook must be checked.
- (5) The documented evidence that crew members have successfully followed a special training must be checked, in particular with regard to—
- (a) crowd-management training;
  - (b) familiarisation training;
  - (c) safety training for personnel providing direct safety assistance to passengers in passenger spaces, and in particular to elderly and disabled persons in an emergency, and
  - (d) crisis management and human behaviour training.
- (6) The inspection must include an assessment on whether rostering patterns are causing unreasonable fatigue, particularly for watch-keeping personnel.

(7) Certificates of competency of crew members serving on board ships falling within the scope of these Regulations must comply with the Merchant Shipping (Standards of Training, Certification and Watchkeeping) Regulations 2015(a).

## SCHEDULE 3

Regulation 7(1)(b)

### Procedures for carrying out inspections during a regular service

1. When carrying out inspections during a regular service, the following must be checked.

#### Passenger information

2. In relation to passenger information—

- (a) that the number of passengers for which the ship is certified is not exceeded;
- (b) that the registration of passenger information complies with the Merchant Shipping (Counting and Registration of Persons on Board Passenger Ships) Regulations 1999(b);
- (c) how the information on the total number of passengers is passed to the master and, if appropriate, how passengers undertaking a double crossing without going ashore are included in the total for the return voyage.

#### Loading and stability information

3. In relation to loading and stability information—

- (a) that, when applicable, reliable draught gauges are fitted and are in use;
- (b) that measures are taken to ensure that the ship is not overloaded and the appropriate subdivision load line is not submerged;
- (c) that the loading and stability assessment is carried out based on the type and extent of loading;
- (d) that goods vehicles and other cargo are weighed where required and the figures passed to the ship for use in the loading and stability assessment;
- (e) that damage control plans are permanently exhibited and that booklets containing damage control information are provided for the ship's officers.

#### Security for sea

4. In relation to security for sea—

- (a) that the procedure to ensure that the ship is secured for sea before leaving the berth, which should include a positive reporting procedure that all the shell watertight and weather-tight doors are closed is followed;
- (b) that all the vehicle deck doors are closed before the ship leaves the berth or remain open long enough only to enable—
  - (i) the bow visor to be closed;
  - (ii) the closing arrangements for the bow, stern and side doors, and
  - (iii) the provision of indicator lights and TV surveillance to show their status on the navigating bridge;
- (c) that any difficulties with the operation of the indicator lights, particularly the switches at the doors, are ascertained and reported.

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(a) S.I. 2015/782, amended by S.I. 2018/68 and S.I. 2019/630.

(b) S.I. 1999/1869, amended by S.I. 2010/680, S.I. 2010/1075, S.I. 2011/1043, S.I. 2019/649 and S.I. 2021/81.

## **Safety announcements**

### **5. In relation to safety announcements—**

- (a) that the form of routine safety announcements and the posting of instructions and guidance on emergency procedures occurs in the appropriate language or languages;
- (b) that the routine safety announcement takes place at the commencement of the voyage and can be heard in all public spaces, including open decks, to which passengers have access.

## **Log book entries**

### **6. In relation to log book entries—**

- (a) that the log book is examined to ensure that the entries are being made regarding—
  - (i) the closing of the bow, stern and other watertight and weather-tight doors;
  - (ii) drills for sub-division watertight doors, and
  - (iii) the testing of steering gears, and abandon ship drills;
- (b) that the log book is recording—
  - (i) draughts, freeboard and stability, and
  - (ii) the common working language for the crew.

## **Dangerous goods**

### **7. In relation to dangerous goods—**

- (a) that any cargo of dangerous or polluting goods is carried out in accordance with the relevant statutory requirements and, in particular that a declaration concerning dangerous and polluting goods is provided together with a manifest or stowage plan to show—
  - (i) their location on board;
  - (ii) that the carriage of the particular cargo is permitted on passenger ships, and
  - (iii) that the dangerous and polluting goods are properly marked, labelled, stowed, secured and segregated;
- (b) that vehicles carrying dangerous and polluting goods are properly placarded and secured;
- (c) that, when dangerous and polluting goods are carried, a copy of the relevant manifest or stowage plan is available ashore;
- (d) that the master is aware of the notification requirements under the Merchant Shipping (Vessel Traffic Monitoring and Reporting Requirements) Regulations 2004<sup>(a)</sup> and of the instructions on the emergency procedures to be followed and the rendering of first aid should there be an incident involving the dangerous goods or marine pollutants;
- (e) that the means of ventilating the vehicle decks is—
  - (i) in use at all times;
  - (ii) is increased when the engines of the vehicles are running,
  - (iii) and that there is some form of indication on the bridge to show that the vehicle deck ventilation is in operation.

## **Securing freight vehicles**

### **8. In relation to securing freight vehicles—**

- (a) that freight vehicles are secured, for example, whether block stow or individual lashings;
- (b) whether sufficient strong points are available;

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(a) S.I. 2004/2110, amended by S.I. 2005/1092, S.I. 2008/3145, S.I. 2011/2616, S.I. 2014/3306, S.I. 2018/68, S.I. 2018/1221, S.I. 2019/42 and S.I. 2020/673.

- (c) the arrangements for securing freight vehicles when adverse weather is experienced or expected;
- (d) the method of securing coaches and motor cycles, if any;
- (e) that the ship has a cargo securing manual.

### **Vehicle decks**

#### **9. In relation to vehicle decks—**

- (a) whether special category and ro-ro cargo spaces are being continuously patrolled or monitored by a TV surveillance system so that the movement of vehicles in adverse weather and the unauthorised entry of passengers may be observed;
- (b) that fire doors and entrances are kept shut and that notices are posted to keep passengers off the vehicle decks whilst the ship is at sea.

### **Closure of watertight doors**

#### **10. In relation to the closure of watertight doors—**

- (a) that the policy laid down in the ship's operational instructions for the sub-division watertight doors is being followed;
- (b) that the required drills are being carried out;
- (c) that the bridge control for the watertight doors is kept, when possible, on 'local' control;
- (d) that the doors are being kept closed in restricted visibility and any hazardous situation;
- (e) that crews are instructed in the correct way to operate the doors and are aware of the dangers of their misuse.

### **Fire patrols**

**11.** That an efficient fire patrol is being maintained so that any outbreak of fire may be readily detected, and—

- (a) this includes special category spaces where no fixed fire detection and alarm system is fitted, and
- (b) those spaces may be patrolled as indicated in paragraph 9(a).

### **Communications in an emergency**

**12.** That there are sufficient crew members in accordance with the muster list to assist passengers in an emergency and that they are readily identifiable and able to communicate with the passengers in an emergency, taking into account an appropriate and adequate combination of any of the following factors—

- (a) the language or languages appropriate to the principal nationalities of passengers carried on a particular route;
- (b) the likelihood that an ability to use elementary English vocabulary for basic instructions can provide a means of communicating with a passenger in need of assistance if the passenger and crew member do not share a common language;
- (c) the possible need to communicate during an emergency by other means (for example, by demonstration, hand signals, or calling attention to the location of instructions, muster stations, life-saving devices or evacuation routes when verbal communication is impractical);
- (d) whether complete safety instructions have been provided to passengers in their native language or languages;

- (e) the languages in which emergency announcements may be broadcast during an emergency or drill to convey critical guidance to passengers and to facilitate crew members in assisting passengers.

### **Common working language between crew members**

13. That a working language has been established to ensure effective crew performance in safety matters and that this working language is recorded in the ship's logbook.

### **Safety equipment**

14. In relation to safety equipment—

- (a) that the life-saving and fire appliances, including the fire doors and other items of the structural fire protection that can be readily inspected, are being maintained;
- (b) that fire control plans are permanently exhibited or booklets containing the equivalent information are provided for the information of the ship's officers;
- (c) that the stowage of the lifejackets is appropriate and that the stowage of children's lifejackets may be readily identified;
- (d) that the loading of vehicles does not prevent the operation of the fire controls, emergency shut-offs, controls for the storm valves, or any other emergency control functions that may be located on the vehicle decks;

### **Navigational and radio equipment**

15. That the navigational and radio communications equipment, including emergency position-indicating radio beacons (EPIRBs), are operational.

### **Supplementary emergency lighting**

16. That supplementary emergency lighting is fitted, when required by the relevant statutory requirements, and that a record of deficiencies is being kept.

### **Means of escape**

17. In relation to means of escape—

- (a) that means of escape, including escape routes, are marked, in accordance with the relevant statutory requirements, and lighted, from both the main and emergency sources of power;
- (b) that measures are taken to keep vehicles clear of escape routes where those escape routes cross or pass through vehicle decks;
- (c) that exits, particularly exits from duty free shops, which have been found to be blocked by an excess of goods, are kept clear.

### **Engine room cleanliness**

18. That the engine room is maintained in a clean condition in accordance with the maintenance procedures.

### **Garbage disposal**

19. That the arrangements for the handling and disposal of garbage are satisfactory.

### **Planned maintenance**

20. In relation to planned maintenance—

- (a) that all companies have specific standing orders, with a planned maintenance system, for all safety related areas including bow and stern doors and side openings, together with their closing arrangements, but also covering engine room maintenance and safety equipment;
- (b) that there are plans in place for periodically checking all items so as to maintain safety standards at the highest level;
- (c) that there are procedures in place for recording deficiencies and confirming they have been properly rectified so that the master and the designated person ashore within the company management structure are aware of the deficiencies and are notified when they have been rectified within a time specified;
- (d) that period checking of the operation of the inner and outer bow door closing arrangements includes the indicators, surveillance equipment and any scuppers in the spaces between the bow visor and the inner door and especially the closing mechanisms and their associated hydraulic systems.

### **Making a voyage**

21. When making a voyage the opportunity should be taken to check overcrowding, including the availability of seats and the blocking of passageways, stairs and emergency exits by baggage and by passengers unable to find seats. It is necessary to check that the vehicle deck is vacated by passengers before the ship sails and that they do not again have access until immediately prior to docking.

## **SCHEDULE 4**

Regulation 9

### **Inspection report**

The inspection report must contain at least the following items.

#### **1. General**

- (a) date and place of the inspection;
- (b) name of the ship inspected;
- (c) flag;
- (d) type of ship (as indicated in the Safety Management Certificate);
- (e) IMO identification number;
- (f) call sign;
- (g) tonnage (gt);
- (h) deadweight tonnage (where relevant);
- (i) year of construction as determined on the basis of the date indicated in the ship's safety certificates;
- (j) the classification society or classification societies as well as any other organisation, where relevant, which has/ have issued to this ship the classification certificates, if any;
- (k) the recognised organisation and any other party which has issued to this ship certificates in accordance with the applicable international conventions on behalf of the flag State;
- (l) name and address of the ship's company or the operator;
- (m) name and address of the charterer responsible for the selection of the ship and type of charter in the case of ships carrying liquid or solid cargoes in bulk;
- (n) final date of writing the inspection report;
- (o) indication that detailed information on an inspection or a detention may be subject to publication.

## 2. Information relating to inspection

- (a) certificates issued in application of the relevant international conventions, authority or organisation that issued the certificate in question, including the date of issue and expiry;
- (b) parts or elements of the ship that were inspected (in the case of more detailed or expanded inspection);
- (c) port and date of the last intermediate or annual or renewal survey and the name of the organisation which carried out the survey;
- (d) type of inspection (inspection, more detailed inspection, expanded inspection);
- (e) nature of the deficiencies;
- (f) measures taken.

## 3. Additional information in the event of detention

- (a) date of detention order;
- (b) date of lifting of the prohibition of departure notice;
- (c) nature of the deficiencies warranting the prohibition of departure notice (with references to the international conventions, if relevant);
- (d) indication, where relevant, of whether the recognised organisation or any other private body that carried out the survey has a responsibility in relation to the deficiencies which, along or in combination, led to detention;
- (e) measures taken.

# SCHEDULE 5

Regulation 11(2)

## Consequential amendments

### **Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000**

1. In regulation 7B(2)(b) of the Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000(a), for “the Merchant Shipping (Mandatory Surveys for Ro-Ro Ferry and High Speed Passenger Craft) Regulations 2001” substitute “the Merchant Shipping (Inspections of Ro-Ro Passenger Ship and High-Speed Passenger Craft) Regulations 2021(b)”.

### **Merchant Shipping (Updating of References to Maritime Conventions) Regulations 2004**

2. In the Merchant Shipping (Updating of References to Maritime Conventions) Regulations 2004(c), omit regulation 7.

### **Merchant Shipping (Ro-Ro Passenger Ships) (Stability) Regulations 2004**

3. In regulation 7(2)(b) of the Merchant Shipping (Ro-Ro Passenger Ships) (Stability) Regulations 2004(d), for “the Merchant Shipping (Mandatory Surveys for Ro-Ro Ferry and High Speed Passenger Craft) Regulations 2001” substitute “the Merchant Shipping (Inspections of Ro-Ro Passenger Ship and High-Speed Passenger Craft) Regulations 2021”.

### **Merchant Shipping (Fees) Regulations 2018**

4. In Schedule 1, Part 1 of the Merchant Shipping (Fees) Regulations 2018(e)—

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(a) S.I. 2000/2687. Regulation 7B was inserted by S.I. 2004/2883. There are other amendments but none is relevant.  
(b) S.I. 2021/XXXX.  
(c) S.I. 2004/1266.  
(d) S.I. 2004/2884.  
(e) S.I. 2018/1104. There are amendments but none is relevant.

- (a) in paragraph 2(1)(f), for “prevention of operation notice in accordance with regulation 9 of the Merchant Shipping (Mandatory Surveys for Ro-Ro Ferry and High Speed Passenger Craft) Regulations 2001” substitute “prohibition of departure notice in accordance with regulation 8 of the Merchant Shipping (Inspections of Ro-Ro Passenger Ship and High-Speed Passenger Craft) Regulations 2021”;
- (b) in the table in paragraph 5, in Section L (survey and certification), in the entry for “the Merchant Shipping (Mandatory Surveys for Ro-Ro Ferry and High Speed Passenger Craft) Regulations 2001”—
  - (i) in the first column, for “The Merchant Shipping (Mandatory Surveys for Ro-Ro Passenger Ship and High Speed Passenger Craft) Regulations 2001” substitute “The Merchant Shipping (Inspections of Ro-Ro Passenger Ship and High-Speed Passenger Craft) Regulations 2021”;
  - (ii) in the second column, for “2001/152” substitute “2021/XXXX”;
  - (iii) in the third column, omit “2004/1266”.

### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations revoke and replace the Merchant Shipping (Mandatory Surveys for Ro-Ro Ferry and High Speed Passenger Craft) Regulations 2001 (S.I. 2001/152).

These Regulations apply to ro-ro passenger ships and high-speed passenger craft operating a regular service between a port in the UK and a port of a third country and to those on domestic voyages in sea areas in which ships of class A may operate in accordance with the Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000 (S.I. 2000/2687) (regulation 3). The requirements for pre-commencement inspections and regular inspections are set out in regulations 5 and 7 respectively). Regulation 6 provides for exceptions to the requirement to carry out a pre-commencement inspection.

Regulation 8 makes provision for detention of ships and service of prohibition of departure notices prohibiting a ship’s departure where any deficiencies confirmed or revealed by an inspection in relation to the ship have not been rectified and the deficiencies are hazardous to health and safety. All future amendments to the provisions of the international conventions referenced in regulation 2 will be automatically incorporated into the regulation by way of ambulatory reference.

Regulation 9 requires the drawing up of inspection reports and for the report to be given to the ship’s master and the company.

The costs of service of prohibition of departure notices are provided for in regulation 10.

Regulation 12 requires the Secretary of State to review the operation and effect of these Regulations and publish a report before XXX XXX and at intervals not exceeding five years after that. Following a review, it will fall to the Secretary of State to consider whether the Regulations should remain as they are, or be amended or revoked. A further instrument would be needed to amend or revoke the Regulations.

Schedule 5 makes consequential amendments.

Marine Guidance Note (MGN) 610 (M+F), which is referred to in the Regulations, provides guidance on the requirements imposed by Chapter V of the International Convention for the Safety of Life at Sea, 1974. The MGN is available on [www.gov.uk/topic/ships-cargoes/m-notices](http://www.gov.uk/topic/ships-cargoes/m-notices) and in hard copy from the Maritime and Coastguard Agency (MCA) of Spring Place, 105 Commercial Road, Southampton SO15 1EG.

The international conventions and protocols referred to in this instrument may be obtained in copy from the International Maritime Organization (“IMO”), 4 Albert Embankment, London SE1 7SR and are available on the Foreign and Commonwealth Office (FCO) treaties database (<https://treaties.fco.gov.uk/responsive/app/consolidatedSearch/>). The text of the IMO Resolutions amending the conventions and protocols may be obtained from the IMO or can be found on the

FCO treaties database (<https://treaties.fco.gov.uk/responsive/app/consolidatedSearch/>). The Paris Memorandum of Understanding may be obtained in copy from the Secretariat Paris MOU on PSC, P.O. Box 16191, 2500 BC The Hague, The Netherlands, or can be found on <https://www.parismou.org/inspections-risk/port-state-control-inspections-paris-mou>.

Future amendments to the conventions and the protocols may be obtained in copy from the IMO and after coming into force in the United Kingdom, found on the FCO treaties database (<https://treaties.fco.gov.uk/responsive/app/consolidatedSearch/>). Until such publication is made on the FCO treaties database, an amendment will be available from the MCA and on <https://www.gov.uk>. An amendment will be publicised in advance of its in-force date by means of a Parliamentary Statement to both Houses of Parliament and by way of a Marine Guidance Note, which will be available in copy from the MCA and on <https://www.gov.uk>.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen. The Explanatory Memorandum is published alongside this instrument on [www.legislation.gov.uk](http://www.legislation.gov.uk).

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