



# MGN DRAFT XXA (M)

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## Special Purpose Ships (SPS) Code - Application to Offshore Vessels

**Notice to all Shipowners, Masters, Managers, Crew, Charterers, Shipbuilders, Project Managers, and Employers, Surveyors, Contractors and other providers of personnel and/or ship-based services to the offshore industries.**

*This notice replaces those parts of MGN 390 that are applicable to the SPS Code.*

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### PLEASE NOTE:

Where this document provides guidance on the law it should not be regarded as definitive. The way the law applies to any particular case can vary according to circumstances – for example, from vessel to vessel – and you should consider seeking independent legal advice if you are unsure of your own legal position.

#### Summary

Provides guidance on the application of the IMO Special Purpose Ships Code to UK ships, and to those that are non-UK ships operating from UK ports and/or in UK waters in the offshore sector, including the use of alternative and equivalent IMO codes and guidelines. For other offshore vessels refer to MGNXXB(M)

## 1 Introduction

- 1.1 UK regulations and the SOLAS Convention allow a cargo ship to carry up to 12 passengers in addition to the crew. A ship carrying more than 12 passengers by definition must be a passenger ship. The Maritime and Coastguard Agency (MCA) of the UK recognizes that there are ships carrying more than 12 persons that are of such a design which operate in services and under conditions that can make strict compliance with passenger ship requirements inappropriate. Additionally, certain key attributes of those persons carried are not typical of passengers, in that they are regularly working in the maritime environment, are certified medically fit and have relevant safety training.
- 1.2 The SPS Code provides an appropriate level of safety for those ships and the persons carried, as well as the valuable and beneficial operational flexibility needed to address those scenarios. Moreover, SPS Code alternatives for the training and certification of personnel on board may be more effective for operations on such ships, than would be strict compliance with the SOLAS and STCW regulations for cargo or passenger ships. This MGN considers the safe carriage of those persons who are not members of the crew



or passengers, and provides means of demonstrating compliance with the SPS Code or with alternative IMO standards that are deemed equivalent.

1.3 The Special Purpose Ships (SPS) Code, or “the Code” as referred to in this MGN means:

- IMO Resolution MSC.266(84) of 13 May 2008 – *Code of Safety for Special Purpose Ships, 2008*, as amended by Resolution MSC.299(87) and MSC.1/Circ.1422 (for ships built on or after 1 July 2009); or
- IMO Resolution A.534(13) of 17 November 1983 - *Code of Safety for Special Purpose Ships, 1983*, (for ships built before 1 July 2009), and where in this MGN the 1983 SPS Code is deemed applicable (see section 3), then references to relevant chapters and paragraphs of the 2008 SPS Code may be taken as references to their equivalents in the 1983 SPS Code.

1.4 In addition to the crew and special personnel, SPSs may also carry up to 12 passengers (subject to prescribed limits on their number aggregated with special personnel by the Code and in accordance with paragraph 3 of this MGN).

1.5 The Offshore Supply Vessel (OSV) Guidelines means IMO Resolutions A.469(XII) and MSC.235(82) as amended by MSC.335(90) – *Guidelines for the construction of Offshore supply vessels, 1982 or 2006 as amended*.

1.6 References to ships “constructed” or “built” in this MGN refer to the dates at *which the keels of which are laid or which are at a similar stage of construction* for the purposes of construction under SOLAS Chapter II-1 simultaneously with the 2008 SPS Code (the applicable UK date for new ships under the 2008 SPS Code being on or after 1 July 2009). Bringing about changes in order to achieve compliance with the SPS Code will in most cases be considered as constituting *alterations and modifications of a major character* as the alterations required to the structure and equipment in order effect the change would inevitably be substantial (effecting substantial alterations to a ship’s dimensions, increased numbers of persons carried together with increased accommodation, fitting additional lifesaving appliances, fire protection, and subdivision etc.). However, if ships have previously undertaken very similar operations to SPS and do not require substantial alteration, (i.e. ships falling under the terms of paragraph 5 below - continuing in their operation roles prior to 1 July 2009) may be submitted for an interpretation by the MCA in each individual case.

## 2 Special personnel

2.1 “Special personnel” means all persons (who are not passengers or members of the crew) that are carried on board in connection with the special purpose of that ship or because of special work being carried out onboard that ship, when the ship is certified as a SPS.

2.2 In this context, “crew” means all persons carried to provide navigation and maintenance of the ship, its machinery, systems and arrangements essential for propulsion and safe navigation or to provide services for other persons on board.

2.3 Special personnel may include the following, on ships in connection with such operations:

- (a) scientists or technicians engaged in research or hydrographic or oceanographic surveys, and expeditionaries on non-commercial expeditions.
- (b) salvage, cable-laying and pipe-laying personnel.



- (c) seismic, diving, remotely operated vehicle (ROV) and other technicians in the hydrocarbon extraction or other offshore industries.
- (d) technicians that work on wind and tidal turbines, or other emerging energy technologies.

2.4 The commonly-used terms “special person”, “industrial personnel”, “non-marine personnel” and “charterer’s personnel” are considered synonymous with “special personnel”.

2.5 A passenger ship may carry the number of persons (which may include special personnel), as permitted by its Passenger Ship Safety Certificate.

### **3. Application of the Code**

Ships carrying more than 12 special personnel and passengers in aggregate shall:

- (a) if constructed on or after 1 January 2014, comply with the 2008 SPS Code;
- (b) if constructed between 1 July 2009 and 31 December 2013 inclusive, are expected to comply with the 2008 SPS Code, but if not fully compliant may undertake assessment in accordance with section 4 below; or
- (c) if constructed before 1 July 2009, comply with the either 1983 or the 2008 SPS Code, or follow one of the alternatives given in section 5 below.

### **4. Alternatives for compliance with Application of the SPS Code to ships constructed between 1 July 2009 and 31 December 2013**

Ships not fully compliant with the SPS Code, shall have their extent of compliance assessed by the flag or an independent consultancy, and may be issued with a Document of Compliance by or on behalf of their flag State which allows appropriate restricted operations. The options in section 5 below may be considered in assessing the extent of compliance and equivalent standards. For non-UK ships, such documents should be submitted to the MCA for consideration prior to operating from a UK port.

### **5. Application of the SPS Code to ships built before 1 July 2009**

5.1 Previous guidance (MGN390 being published and made available shortly before 1 July 2009), recognised that many UK ships then employed on the UK Continental Shelf were designed for operating with persons in addition to the marine crew. Such ships are permitted to continue in their operational roles undertaken as UK ships prior to that date, under their current UK certification arrangements.

5.2 Subject to individual, formal acceptance of ships by the MCA, existing ships meeting the following criteria may be considered as providing an equivalent standard to the SPS Code.

#### **5.2.1 Ships under 80 metres load line length and carrying no more than 50 special personnel**

Such vessels may be exempted from the damage stability and subdivision requirements of the 1983 SPS Code (Resolution A.534(13)) subject to -

- (a) compliance in all other respects with the 1983 SPS Code;



- (b) compliance with the damage stability and subdivision requirements of IMO OSV Guidelines, Resolution A.469(XII) or MSC.235(82); and
- (c) the range of operational risks being limited to the continental shelf conditions anticipated in the OSV Guidelines referred to above (e.g. diving assistance, survey, offshore construction, hydrographic, oceanographic or underwater survey, installing, inspecting, testing, repairing, altering, renewing or recovering seabed equipment).

Note 1: Without prejudice to subsection 5.2.1(b), the OSV Guidelines apply to the carriage of not more than 12 “industrial personnel” or special personnel.

Note 2: IMO Resolution A.673(16) – *Guidelines for the Transport and Handling of Limited Amounts of Hazardous and Noxious Liquid Substances in Bulk on Offshore Support Vessels* – explicitly requires that ships also comply with the OSV Guidelines. Therefore SPSs carrying limited amounts of those liquids in bulk should also meet the OSV Guidelines (see MSN1458(M)). Chapter 7 of the Code addresses the carriage of dangerous goods on SPSs.

#### 5.2.2 Ships of 80 metres load line length and over or carrying more than 50 special personnel

- (a) evaluation against the damage survivability criteria in the Code (which may be by use of the probabilistic approach in the SPS Code 2008);
- (b) consideration of the operational circumstances, e.g. draught restriction, to achieve compliance; and
- (c) evaluation of the extent of compliance with the Code in the key areas of fire protection and life-saving appliances. Shortfalls may be covered or mitigated by operational limitations acceptable to the MCA.

5.2.3 Alternatively, compliance is accepted with certain technical requirements of IMO Resolution A.1023(26) – *Code for the Construction and Equipment of Mobile Offshore Drilling Units*, 2009 (MODU Code) – as an alternative technical standard and solution to the conditions described for SPS in this MGN. The use of the MODU Code in this way should be documented and justified in evaluating the extent of compliance with that Code; and does not mean the ship becomes or is considered to be a Mobile Offshore Drilling Unit (MODU) or Mobile Offshore Unit (MOU).

## 6 Dual or multiple operating modes

A ship may have dual or multiple operating modes, for instance operating and complying with the Code at a reduced draught when carrying large numbers of special personnel; and alternatively as an OSV when carrying its full deadweight and operating at its maximum draught without being in ‘SPS mode’. These would need to be clearly identified in the ship’s Safety Management System and stability booklet, if applicable.

## 7. Health and safety, welfare, training and abilities, fitness and certification of Special Personnel

7.1 Special personnel are not considered to be part of the crew for the purposes of training or medical fitness and certification, and the standards in this MGN may be applied to the special personnel that have no safety or other duties as a part of the ship’s crew. Where any persons have specific safety duties allocated on a ship’s Muster List, they are required to have the STCW Chapter VI basic training and be medically certified as for ship’s crew.



7.2 Special Personnel must be able to demonstrate their **medical fitness** with an ENG1, or UK recognised equivalent medical fitness certificate (see Merchant Shipping Notice MSN1815); or subject to a risk assessment by the employer, another certificate of medical fitness appropriate to the duties and geographic location of the worker will be accepted. The UK would also accept the following as evidence of equivalent medical fitness for those not considered seafarers (see paragraph 7.4.1):

- (a) UK Civil Aviation Authority (CAA) Commercial Pilot's Licence (for pilots);
- (b) UK Health and Safety Executive (HSE) Diving Medical Certificate (for divers);
- (c) Oil and Gas UK (OGUK) offshore medical (for offshore workers); or
- (d) Medicals carried out in accordance with "The renewableUK" Medical Fitness to Work Guidelines for near offshore projects (for wind-farm workers).

7.3 Special Personnel must be able to demonstrate **safety training and abilities** as follows.

7.3.1 Ship familiarisation training as defined in MGN 120(M);

7.3.2 Ability to communicate in the working language of the ship; and

7.3.3 Completion of approved basic training in personal survival techniques, as set out in one of the following courses:

- (a) Table A-VI/1-1 of the STCW Code;
- (b) the Offshore Petroleum Industry Training Organisation (OPITO) approved Basic Offshore Safety Induction and Emergency Training (BOSIET); or
- (c) a course which achieves similar standards and which the company has assessed and accepts for this purpose.

7.4 Occupational **health, safety and welfare** of special personnel

7.4.1 The status of special personnel on board SPS (or ships accepted as equivalent), for the purposes of the Maritime Labour Convention should be considered against the criteria in MGN471(M) – *Maritime Labour Convention 2006: Definitions*.

7.4.2 The occupational health and safety duties that are applicable to employers, workers and others on board ship are subject to the Merchant Shipping and Fishing Vessels (Health and Safety at Work) Regulations 1997 (reference e.g. MGN20(M+F) and MGN492(M)), whether or not such persons are considered seafarers or non-seafarers.

## 8. Verification and enforcement

8.1 It is important for any ships that carry large numbers of persons, where safety standards are specifically dependent on the numbers and status of persons on board, that the ship and operators have effective procedures to verify the numbers of persons and their status on board. For SPSs, this should include their medical fitness certification, safety training and other requirements referred to in section 7 above. The master of a SPS may call for persons to provide adequate demonstration/certification for meeting the requirements set out in this MGN, thereby also contributing towards managing an entire list of those on board at all times.

8.2 UK ships with large numbers of persons onboard may be inspected to confirm that they meet the requirements.



8.3 Non-UK ships calling at a port or anchorage in the UK to engage in a ship/port interface Port State Control Regulations application (SI.2011/2601: Regulation 3(1)) with large numbers of persons onboard are liable to be inspected under Port State Control by UK inspectors, with expectation that all those onboard will be able to provide evidence of meeting the requirements set out in this MGN, in accordance with the principle of *no more favourable treatment*.

## **9 “Walk to Work” (W2W) type operations**

9.1 Where persons are carried and accommodated on the ship, but carry out their work during periods while disembarked onto an installation/structure or another ship, such as in “Walk to Work” operations, they cannot be part of the crew of the accommodation vessel, even if they return to the ship to carry out work associated with the installation/structure.

9.2 Ships that comply with the safety standards of the Code as identified at Sections 3, 4 or 5 above may be accepted for W2W operations as an alternative to passenger ship standards – provided that the persons so carried and accommodated meet the standards for special personnel at Section 7.

## **10. Survey and Certification of UK Special Purpose Ships**

10.1 UK Special Purpose Ships will be surveyed in accordance with the Merchant Shipping (Survey and Certification) Regulations 1995 as amended, as cargo ships, in accordance with Sections 1.6 and 1.7 of the Code. The Code may be applied to UK ships without a lower limit on the gross tonnage (Code section 1.2.1) and regardless of whether a ship operates as a SPS on international or on non-international voyages. Applicable statutory survey requirements not mentioned in the Code, including Load Line and MARPOL, will apply.

10.2 In addition to SOLAS Cargo Ship certificates, the MCA will issue an exemption certificate in accordance with the Code. This will specify, where exemptions from cargo ship safety requirements have been issued, that the Code has been accepted as meeting the relevant safety standards.

10.3 A Statement of Compliance for the Special Purpose Ships Code, in the format prescribed in the Code (as a certificate), may be issued on request from an owner. The maximum number of persons (or special personnel where the 1983 SPS Code is applicable) permitted to be carried, will be identified in one or more of the above documents.

### **More Information**

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