

**Consultation on the Proposed Revised Technical Requirements and Associated Impact Assessment Resulting from the Review of Standards for Older UK Passenger Ships**

## **Aim**

1. This consultation seeks your views on proposed amendments to the technical requirements applicable to UK Domestic Passenger Vessels and the Regulatory Impact Assessment that has been prepared in respect of these proposed changes. These requirements are intended to be applied retrospectively to the Domestic Passenger Fleet.
2. The intent of the consultation is to more fully explore the viability of each of the separate proposed measures – both from a cost perspective and from a feasibility point of view. It is aimed to identify whether any considerations have been overlooked and provide justification for any areas where the proposals could be scaled back.
3. There is much scope for stakeholders to influence the policy around the individual proposals and also to refine the cost benefit information.

## **Overview**

1. Your views are sought in the following areas:
* The Impact Assessment and whether it represents a true representation of the impact of the proposals
* The proposed revised requirements in general and how they will affect you as an operator (if applicable)
* The feasibility of implementing the proposals including whether the proposed transition period is achievable.

A full list of consultation questions is contained in paragraph 35 to this consultation.

## This consultation runs from 06 November 2018 until 29 January 2019

1. Following the conclusion of this consultation and consideration of the feedback, a draft amending statutory instrument will be prepared which will then be the subject of a separate, further consultation.

**Background**

1. The technical standards applicable to the current domestic passenger fleet vary depending on the age of the vessel. Since 2000, the MCA has introduced more rigorous regulations for domestic passenger vessels. These regulations apply, in general, to new build vessels. These newer standards are considered to provide a high safety standard in line with other internationally recognised standards. Concurrent with these developments, the regulations for existing vessels have remained mostly unchanged. The review of ‘grandfather rights’ for existing vessels aimed to identify key safety areas where revision of the technical standards applied to existing vessels could bridge the safety gap between old and new vessels.
2. The objective of the review was to provide suitable regulation for existing domestic passenger vessels which is comparable with modern regulations whilst being proportionate and pragmatic. The aim is to have a consistent domestic passenger ship safety standard irrespective of the age of the vessel.
3. The initial derivation of the proposed revised requirements was developed through working groups in conjunction with industry representatives (48 operators and industry representatives). Only practicable changes which would provide a substantial increase in safety have been considered.
4. Many operators have been proactive in increasing the safety of their vessels. It is intended, where possible, to include best practice and existing accepted arrangements when any regulatory amendments are implemented.

## **Proposed revised requirements**

1. Paragraphs 12-30 detail the proposed revisions to technical requirements resulting from the review along with an indication of which ships will be affected if the proposals are implemented. The accompanying RIA gives detail on the projected cost impacts of each proposal. Where reference is made to the present Regulations this is intended to mean the suite of instruments collectively known as the Class III-VI(A) Regulations[[1]](#footnote-1).

**Liferaft provision**

1. The current Regulations allow certain vessels to carry liferafts for fewer than 100% of the persons on board (60%) and for the remaining capacity to be made up with buoyant apparatus. This means that, in the event of an evacuation, up to 40% of persons on board may need to enter the water. This is out of step requirements for new-build ships.
2. It is proposed to require all seagoing vessels and those operating on Category C and D waters to fit liferafts sufficient to accommodate 100% of the persons on board. This would allow for the evacuation of all persons on board into liferafts, without the need to enter the water.

**Affected ships – ships on category C and D waters and seagoing ships not currently fitted with liferafts to accommodate 100% of the persons on board.**

**Lifejacket provision**

1. The Regulations for older ships do not currently require lifejackets to be carried on ships on Category B waters. For new ships MSN 1823 requires all vessels to carry lifejackets or buoyancy aids except those operating only on Category A waters (where depth is generally less than 1.5m). Category A waterways are narrow and shallow (less than 1.5m deep) and consequentially the evacuation philosophy is based in the fact that persons on board can be evacuated directly to the shore. This is not the case in category B waters, where the waterway will likely be wider and deeper. In the unlikely event of persons having to evacuate the vessel they may need to enter the water (as category B vessels generally have buoyant apparatus as opposed to liferafts). If persons are entering the water then a lifejacket or buoyancy aid will greatly improve safety.
2. It is proposed to require that vessels on Category B waterways carry buoyancy aids or lifejackets for 100% of the persons on board.

**Affected ships – ships on category B waters not currently carrying lifejackets or buoyancy aids.**

**Lifejacket lights**

1. The present Regulations for existing ships do not require the fitting of lifejacket lights, lights are required for new ships on category C and D waters when a vessel operates at night.

1. It is proposed to require that ships on Category C and D waters operating outside of daylight hours are fitted with lifejacket lights.

**Affected ships – ships on C and D waters that operate outside of daylight hours.**

**Fire detection**

1. The present Regulations for existing ships do not require a fire detection system to be fitted in the machinery space – this is out of step with modern standards. A fire detection system would provide early awareness of any fire and hence a chance to swiftly extinguish the fire.
2. It is proposed to require all enclosed machinery spaces and any passenger sleeping spaces on all vessels of Class III-VI(A) be fitted with a fire detection system. This would allow the early detection of fire in such spaces. Note that continuously manned machinery spaces would not require the fitting of additional detection under this proposal.

**Affected ships – all UK passenger ships of Classes III-VI(A) that have enclosed machinery spaces and/or passenger sleeping spaces without a fire detection system.**

**Fixed firefighting**

1. The present Regulations do not require the fitting of fixed firefighting systems within main machinery spaces for all ships. Fixed firefighting systems are a proven effective method of fighting fires within machinery spaces and are extensively required throughout modern standards.
2. It is proposed to require a fixed firefighting system to be fitted in enclosed machinery spaces on all vessels of Class III-VI(A). Under this proposal, on smaller vessels with boxed engines the fixed firefighting requirement could be met with alternative arrangements (such as a permanently fixed fire extinguisher). Alternative arrangements would be conditional on the proviso that opening of the machinery space is not required to fight the fire, and that the surveyor is satisfied with the alternative arrangements.

**Affected ships - all UK passenger ships of Classes III-VI(A) that do not currently have a fixed firefighting system fitted in the machinery space or, in the case of small ships with boxed engine housings, an alternate means of fire-fighting that can be operated from outside of the space.**

**Containment of fire**

1. It is proposed to require that machinery spaces are enclosed by A class divisions insulated to A30 standard.
2. It is proposed to require that galleys are enclosed by an A0 steel boundary.
3. It is proposed to require liferaft stowage positions, embarkation stations and assembly stations not be located in way of the machinery spaces or other spaces with a high fire risk unless the boundaries between the high-risk areas and the liferaft stowage position, embarkation station or assembly station is insulated to the A-30 standard of fire protection. It is further proposed that liferaft launching stations be situated so as to avoid the ship’s side in way of a machinery space or other space with a high fire risk unless the side of the ship is insulated to the A-30 fire protection standard.

**Affected ships – all UK passenger ships of Classes III-VI(A) that do not currently meet the proposed requirements in paragraphs 22-24.**

### **Mechanically powered fire and bilge pumps**

1. Current regulations allow the use of hand pumps for fighting fires and pumping bilges. It is proposed to require fire and bilge pumping capacity to be met with powered pumps. This revised requirement would cease the use of hand pumps to fulfil capacity and would mean that pumping could be achieved with a more efficient use of limited crew and without the possibility of asking passengers to ‘man the pumps’.
2. Noting that the engines and arrangements of many vessels may be unsuitable for fixed powered fire and bilge pumps the proposal would allow for alternative arrangements for smaller vessels, such as additional portable bilge pumps and/or additional portable fire extinguishers.

### **Bilge alarms**

1. At present there is no requirement to fit bilge alarms in compartments where bilge water can accumulate. Such alarms allow the detection of water ingress and hence can help to prevent catastrophic flooding or foundering. It is proposed to require bilge alarms in all compartments containing propulsion machinery and in any other compartment where bilge water can accumulate.

**Affected ships - all UK passenger ships of Classes III-VI(A) that do not currently have bilge alarms.**

### **Damage stability**

1. Many existing vessels have no provision for post damage survivability. This means that these vessels are not required to survive relatively minor damage, such as a minor collision and subsequent hull failure. It is proposed to require all vessels operating on Category C and D waters and seagoing vessels to meet either the one-compartment damage stability standard or achieve compliance with the buoyancy test standard through added buoyancy.
2. Recognising the different operational environment of non-tidal Category C waters, it is currently proposed that ships in these areas could continue to operate with their existing requirements subject to a risk assessment carried out to an agreed standard and covering an agreed set of minimum considerations.
3. It is recognised that the determination of feasible options for providing a level of damage stability will be specific for each ship affected and is likely to require consultant review (this is reflected in the impact assessment).

**Affected ships - ships on category C and D waters and seagoing ships applying the heel test standard or that meet the buoyancy test standard by having a watertight deck.**

## **Phase-in requirements**

1. It is currently proposed to allow a period of two years following the making of the regulations to bring the requirements into effect. The necessary modifications would be required to have been made prior to the first survey of the vessel within two years of the application of the requirements.

**Next steps**

1. Once this consultation closes we will review all responses. Taking into consideration the consultation responses we will refine the proposals and amend where necessary. The impact assessment will also be refined and finalised utilising stakeholder feedback. A set of amending Regulations will be the subject of a second, shorter consultation which we aim to hold in Spring 2019. It is aimed for the revised Regulations (including transitional arrangements) to come into force in October 2019. At this point we will also publish any supporting guidance considered necessary.
2. The proposed technical amendments resulting from the review will be achieved through amending the following Statutory Instruments:
* The Merchant Shipping (Passenger Ship Construction: Ships of Classes III to VI(A)) Regulations 1998 (SI 1998 No. 2515)
* The Merchant Shipping (Life-Saving Appliances for Passenger Ships Of Classes III To VI(A)) Regulations 1999 (SI 1999 No. 2723)
* The Merchant Shipping (Fire Protection: Small Ships) Regulations 1998 (SI 1998 No. 1011).

**Stakeholder involvement**

1. We recognise that responding to consultations can be time consuming but, as noted above, we would really value your feedback to help determine the feasibility of the proposals and to refine the requirements. It is intended to hold a workshop to allow stakeholders to discuss the proposed changes with the responsible MCA policy staff. Further details will be published shortly.

## **Consultation Questions**

1. When responding to the consultation we would be grateful if your response could include response to these specific questions:

**Q1:** Do you consider the Impact Assessment represents a true representation of the impact of the proposals? If not please provide detail, including revised costings if available.

**Q2:** In general, do you consider that the implementation of these requirements will represent a fulfilment of the aim to deliver a raising of the safety level through proportionate means? Please provide any further comment on the proposals in general and the fulfilment or otherwise of the stated aims.

**Q3:** For each proposal – are you affected by this proposal? If affected, please provide detail on how you feel your ship(s) will be impacted from both a cost and operational point of view.

**Q4:** For each proposal – do you have any other comments on this proposal?

**Q5:** For equipment related proposals – do you already have this equipment fitted on your ship(s). If so please provide detail, in particular for any fixed firefighting arrangements.

**Q6:** Specific to damage stability – do you consider that the appropriate ships are included in this requirement? Do you consider enabling ships operating in non-tidal waters to be subject to a risk assessment is appropriate, or is there justification to widen this further?

**Q7:** Do you have any alternative suggestions to improve safety in the key areas identified?

**Q8:** Please provide comment on the overall feasibility of achieving compliance. In particular please comment on the proposed phase-in period and whether you feel this can be achieved.

# **Responding to this consultation**

1. Anyone may respond to this consultation and consideration will be given to all responses. We will be particularly interested to hear from operators of UK domestic passenger ships.

37. This consultation is open for 12 weeks from 06 November 2018, the deadline for responses is 29 January 2019.

1. Consultation responses should be emailed to Joanna.Dormon@mcga.gov.uk. Any questions should be sent to this email address. When responding, representative groups are asked to give a summary of the people and organisations they represent, and where relevant who else they have consulted in reaching their conclusions.

## **Freedom of information**

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the Freedom of Information Act 2000 (FOIA) or the Environmental Information Regulations 2004.

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department/MCA.

The MCA will process your personal data in accordance with the data protection framework and, in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

## **Data Protection**

The MCA is carrying out this consultation to gather evidence. The consultation is being carried out in the public interest to inform the development of policy.

The MCA will use your contact details to send you information about the consultation, for example if we need to ask follow-up questions, as part of its functions as a government department. Your information will be kept secure and will not be used for any other purpose without your permission.

To find out more about how the MCA looks after personal data, your rights, and how to contact our data protection officer, please go to: <https://www.gov.uk/government/organisations/maritime-and-coastguard-agency/about/personal-information-charter>

If you do not wish to remain on this list, please reply and let us know.

# **Conduct of this consultation**

This consultation has been conducted in accordance with the Cabinet Office Consultation Principles which can be found at: <https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/492132/20160111_Consultation_principles_final.pdf>

## **Feedback on conduct of consultation**

If you have any comments regarding the conduct of this consultation, please contact the Consultation Co-ordinator at consultation.coordinator@mcga.gov.uk.

We are continually trying to improve the way in which we conduct consultations and appreciate your views. We would be grateful if you could complete and return the attached feedback form at Annex A. These should be submitted to the Consultation Co-ordinator and are not affected by the deadline for this consultation.

If you require this consultation in an alternative format, please contact either the Consultation Co-ordinator or the named official conducting this consultation.

# **List of Annexes and attachments**

Attachment: Regulatory Impact Assessment

Annex A: MCA Consultation Feedback Form

**ANNEX A**

**MCA CONSULTATION FEEDBACK FORM**

1. Please indicate on which Consultation you are providing feedback:

***……………………………………………………………………………***

|  |  |
| --- | --- |
| 2a. | Please indicate whether you are responding on behalf of: |
|  |[ ]  Yourself as an Individual |
|  |[ ]  A Trade Association |
|  |[ ]  A Company |
|  |[ ]  A Government Organisation |
|  |[ ]  A Trade Union |
|  |[ ]  Other(please specify) |  |

|  |  |
| --- | --- |
| 2a. | Please indicate whether you accessed this consultation package through: |
|  |[ ]  Post |
|  |[ ]  Email |
|  |[ ]  Website |

|  |  |
| --- | --- |
| 3. | Please rate the quality of this consultation regarding accuracy, good English and spelling: |
|  |[ ]  Very good |
|  |[ ]  Good |
|  |[ ]  Average |
|  |[ ]  Poor |
|  |[ ]  Very Poor |

|  |  |
| --- | --- |
| 4. | Please rate the format of the consultation presentation (layout, Annexes etc.): |
|  |[ ]  Very good |
|  |[ ]  Good |
|  |[ ]  Average |
|  |[ ]  Poor |
|  |[ ]  Very Poor |

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| --- | --- |
| 5. | Please rate the consultation in terms of how clear and concise you felt it was: |
|  |[ ]  Very good |
|  |[ ]  Good |
|  |[ ]  Average |
|  |[ ]  Poor |
|  |[ ]  Very Poor |

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| --- | --- |
| 6. | Did you feel that the consultation was conducted over a sufficient period of time? |
|  |[ ]  Yes |
|  |[ ]  No |

|  |  |
| --- | --- |
| 7. | Were any representative groups, organisations or companies not consulted who you felt should have been? |
|  |[ ]  Yes |
|  |[ ]  No |
|  | If yes, who? |  |

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| 8. | Please let us have any suggestions for improvement or other comments you wish to make about this consultation below: |
|  |  |

Thank you for your time. Please return this form to:

Consultation Co-ordinator,

Maritime and Coastguard Agency,

Spring Place, Bay 3/26, 105 Commercial Road

Southampton SO15 1EG

Or e-mail it to: consultation.coordinator@mcga.gov.uk

If you are happy to supply your name in case we need to contact you to discuss your views further, please enter it below (this is optional and your feedback will still be taken into account if you wish to remain anonymous):

|  |  |
| --- | --- |
| Name  |  |
| Tel. No. |  |

**Please note that the deadline for responses to the Consultation itself**

**does not apply to the return of this form.**

1. The Class III-VI(A) Regulations affected by this review are:

• The Merchant Shipping (Fire Protection: Small Ships) Regulations 1998, as amended (SI 1998/1011) (Merchant Shipping Notices (MSN) 1665(M), 1666(M), 1667(M), 1668(M),1669(M) and 1670(M));

• The Merchant Shipping (Passenger Ship Construction: Ships of Classes III to VI(A)) Regulations 1998, as amended (SI 1998/2515) (MSN 1699(M));

• The Merchant Shipping (Life-Saving Appliances for Passenger Ships of Classes III to VI(A)) Regulations 1999, as amended (SI 1999/2723) (MSN 1676(M)); [↑](#footnote-ref-1)