Consultation on the Merchant Shipping (Safety Standards for Passenger Ships on Domestic Voyages) (Miscellaneous Amendments) Regulations to implement changes resulting from the “Grandfather Rights” review

**Consultation Outcome Report**

Summary of consultee comments and government responses to them

March 2019

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# **Section 1: Introduction**

1. The Maritime and Coastguard Agency (MCA), an executive Agency of the Department for Transport (DfT), carried out a public consultation on a review of the standards relating to existing Domestic Passenger Vessels, which are currently less stringent in some areas than those which are applied to newbuild vessels.

2. In some cases there is a safety gap between the standards for new ships and those for older vessels.

The review seeks to bring the standards applied to existing vessels into line, wherever possible, with those which apply to new vessels in key safety areas.

3. These proposals are to narrow the gap by means of new Regulations which amend the Merchant Shipping (Fire Protection: Small Ships) Regulations 1998 (SI 1998/1011), the Merchant Shipping (Passenger Ship Construction: Ships of Classes III to VI(A)) Regulations 1998 SI 1998/2515), and the Merchant Shipping (Life Saving Appliances for Passenger Ships of Classes III to VI(A)) Regulations 1999 (SI 1999/2723). They focus on several facets of ship safety for improvement.

4. The consultation set out to test the proposals for effectiveness, practicality, reasonableness and cost effectiveness, inviting consultees to give their views. Eight questions were posed, of which some were quite open, and in any case responses were not limited to answering the questions. Consultees who are also domestic passenger vessel operators or who had specialist knowledge of the industry were invited particularly to:

a) comment on costs contained in the government’s draft Impact Assessment - and to provide alternative costs where they did not agree;

b) if they operated vessels, to provide information on existing equipment and arrangements on their vessels relevant to the proposals;

c) to provide information on how their businesses would be affected by implementation of the proposals;

d) to comment on the length of the proposed phase-in period.

5. The Impact Assessment identified a preferred option which tailored the amendment of existing Regulations to achieve improvements in key safety areas, with allowances, where possible, for alternative arrangements addressing the safety concern without prohibitive expense. However, within this option there is room for subjectivity about what is prohibitive, and what is reasonable.

6. This Report gives a high level outline of the comments received from respondents. It does not seek to cover every individual comment received, but all comments received have been taken into consideration. Where appropriate, individual respondents will receive individual, private, replies.

# **Section 2: Consultation**

7. The consultation was carried out between 6 November 2018 and 29 January 2019. It can be found at: <https://www.gov.uk/government/consultations/consultation-on-the-results-of-the-review-of-standards-for-older-uk-passenger-ships>

8. While the consultation was promulgated on GOV.UK for any member of the public who wished to read it and/or respond to it, a number of domestic passenger ship operators and other stakeholders were specifically e-mailed by the Maritime and Coastguard Agency (MCA) to notify them of the consultation. These comprised stakeholders who had previously expressed interest in policy matters and stakeholders who had been contacted through Working Groups. The MCA also made the consultation known through its Domestic Passenger Ship Safety groups, comprising government, industry and other interested parties, namely the Domestic Passenger Ship Safety Group (DPSSG) and the Domestic Passenger Ship Safety Ro-Ro Group (DPSSG Ro-Ro), and also representative bodies including the Passenger Boat Association (PBA), the Passenger Vessel Operators’ Association (PVOA), National Historic Ships and the UK Chamber of Shipping.

9. A total of 75 responses were received from across the UK. Of these, five were representative bodies, representing groups of several operators, who each operate one or more vessels.

**Geographical distribution of responses**



10. This is the first of two public consultations which will take place on this subject. The government will consider the comments received during this first consultation and proposes to further consult on any revised proposals late spring/summer 2019.

# **Section 3: Consultation outcome**

***Questions posed***

11. The government’s proposals were described in the consultation document, which then posed eight questions, which are shown at Annex A to this Report. These questions cut across nine categories of safety measure plus proposed phase-in requirements. Most responses were received in narrative form, so extracting views from the responses to provide quantitative statistics has in some cases been subjective, and numbers derived are not statistically significant.

12. Proposals contained in the consultation fell into nine categories of safety measure, as follows:

a) Liferaft provision

Currently some vessels are permitted to carry liferafts for fewer than 100% of persons onboard.

*The proposal was that all vessels operating on Category C and D waters and at sea should have 100% liferaft provision.*

There was an even split between respondents who thought this would raise safety standards and those who did not. Some concern was expressed relating to the implications of this measure for stability and lost passenger space on certain vessels, and the fact that in a few cases any additional liferaft would have to be mounted in a location on the vessel where it would not be easily accessible to passengers.

b) Lifejacket provision

Currently older vessels operating on Category B waters are not required to carry lifejackets.

*The proposal was that all vessels operating on Category B waters should be required to carry lifejackets and/or buoyant aids sufficient for 100% of persons onboard.*

There was a majority view (a ratio of 2:1) that this proposal would not raise safety standards. In part this was because some respondents felt that their vessels operated sufficiently close to shore that the vessel could reach shore in less time than it would take to don lifejackets, and that the crew’s efforts were better placed doing this than assisting passengers with their lifejackets.

c) Lifejacket lights

Currently older vessels operating on Category C and D waters are not required to have lights fitted to lifejackets.

*The proposal was that all vessels operating on Category C and D waters outside daylight hours must have lights fitted to lifejackets carried.*

More respondents than not felt that lifejacket lights would make persons earlier to spot in the water after dark. However, some thought that this could be achieved sufficiently well with reflective strips and glow in the dark paint. The view was also expressed that with sufficient liferaft capacity persons would not end up in the water anyway – or if they did fall in the water, they would not have had time to don a lifejacket. However, some also highlighted significant costs, both initial and ongoing, while it is understood that some operators may have already fitted lights.

d) Fire detection

 Currently some older vessels are not required to have fire detection fitted.

*The proposal was that all Class III to VI(A) vessels should have fire detections systems fitted within machinery spaces and any passenger sleeping areas onboard the vessel.*

Every respondent who expressed a view on this thought that this proposal would raise safety standards. It was widely felt to be extremely important that the government did not insist on Marine Equipment Directive (MED) approved equipment to meet this need, as other, often cheaper, and sometimes more appropriate, systems were available, particularly for smaller ships. Ten respondents said their vessels were already compliant in this area, another five said some of their vessels were compliant and another said three of their four vessels were compliant and they were planning to make their fourth one compliant shortly.

e) Fixed Firefighting

 Currently not all vessels are required to have fixed firefighting systems fitted in main machinery spaces.

 *The proposal was that fixed firefighting systems would be required in machinery spaces of all vessels in Classes III to VI(A). However, the proposal included some flexibility for small vessels with boxed engines on the basis that it was not necessary to open a machinery space to fight a fire therein.*

Every respondent who expressed a view on this thought that this proposal would raise safety standards. It was also felt to be extremely important that the government did not insist on Marine Equipment Directive (MED) approved equipment to meet this need, as other, often cheaper, and sometimes more appropriate, systems were available.

f) Containment of fire

 Currently machinery spaces and galleys on relevant ships are not required to have insultation for the containment of fire.

 *The proposals were that machinery spaces be enclosed by A Class divisions insulated to A30 standard, and galley be enclosed by an A0 steel boundary.*

It was also proposed that liferaft stowage positions, embarkation stations and assembly points must not be located in the way of machinery or other spaces with a high fire risk unless the boundaries between the high-risk areas and those locations are insulated to A30 fire protection standards.

Additionally it was proposed that liferaft launching stations be situated so as to avoid the ship’s side in way of a machinery or other space with a high fire risk unless the side of the ship is also insulated to the A30 fire protection standard.

While three consultees did think this proposal would enhance safety, two did not, and 10 thought it would be impossible to achieve on their vessels. Four said they would incur significant cost while 10 said the cost would be prohibitive, five saying it would be impossible to achieve. One operator remarked that to fully enclose a machinery space on a wooden ship would prevent access for maintaining the hull. Another operator mentioned other issues which could be unintended, negative consequences of applying the proposals to engine boxes.

From a feasibility perspective, this measure resulted in considerable concern from respondents, second only to damage stability.

g) Powered fire pumps

 Currently vessels are permitted to carry hand pumps for fighting fires.

 *The proposal was to require fire pumping capacity to be met with powered pumps. However, the proposal contained relaxation for smaller vessels where arrangements rendered them unsuitable for fixed powered fire pumps.*

While six respondents said they considered this would raise standards (two said it would not) and there were concerns about the cost. Four respondents suggested that a mix of powered and hand pumps should be carried in case power was unavailable. It was generally felt that powered pumps, when working, were significantly more effective than hand pumps. A concern was also raised that diesel pumps, although effective, could be difficult to start in an emergency given they have infrequent use. Caution was also expressed concerning engine powered pumps, as an engine may have to be shut down in the event of fire, removing vital power to the pumps. Several respondents said they would have problems providing a power source for powered pumps, citing a need to additional batteries/ generators in limited space. It was felt to be extremely important that the government did not insist on Marine Equipment Directive (MED) approved equipment to meet this need.

h) Powered Bilge pumps

Currently vessels are permitted to carry hand pumps for pumping bilges.

*The proposal was to require bilge pumping capacity to be met with powered pumps. However, the proposal contained relaxation for smaller vessel where arrangements rendered them unsuitable for fixed powered bilge pumps.*

Five respondents supported the use of powered bilge pumps, one felt this would not raise safety standards, and there was concern about costs. Four respondents suggested that a mix of powered and hand pumps should be carried in case power was unavailable. It was generally felt that powered pumps, when working, were significantly more effective than hand pumps. A concern was also raised that diesel pumps, although effective, could be difficult to start in an emergency given they have infrequent use. Caution was also expressed concerning engine powered pumps, as an engine may have to be shut down in the event of fire, removing vital power to the pumps. Several respondents said they would have problems providing a power source for powered pumps, citing a need to additional batteries/ generators in limited space. It was felt to be extremely important that the government did not insist on Marine Equipment Directive (MED) approved equipment to meet this need.

i) Bilge alarms

 Currently no requirement exists to fit bilge alarms.

 *The proposal was to require bilge alarms to be fitted in all compartments containing machinery and in any other compartment where bilge water can accumulate.*

All four respondents who expressed a view considered that these proposals would enhance safety. There were eight comments which supported the proposals and two which did not, with the remainder not specifically expressing a view either way. No major concerns were expressed on cost grounds, with the caveat that the view was expressed that it was important that the government did not insist on Marine Equipment Directive (MED) approved equipment to meet this need.

j) Damage stability

 Currently many vessels have no provision for post-damage survivability.

 *The proposals required all vessel operating on Category C and D waters and at sea to meet either the one compartment survivability standard or achieve compliance with the buoyancy test standard through added buoyancy.*

 *The proposals permitted vessels on non-tidal Category C waters to 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.*

 This proposal elicited the strongest response. While no respondent specifically said they thought it would improve safety standards, only two thought it would not, and two respondents reported that their vessel(s) were already compliant. Seventeen respondents considered it would give rise to prohibitive costs, 14 saying it would be impossible to achieve onboard some or all of their vessels. Vessel obsolescence was identified for 22 vessels, and an unknown number of other vessels’ operations were considered endangered. Respondents identified an expected 107 redundancies plus several other groups of redundancies of unknown number, and 33 firms said they would go, or be likely to go, out of business as a result of the measure.

 Views were also expressed that the preservation of historic ships would be threatened by this measure, due to the fact that modification to comply with the new standards would be impossible and/or prohibitively expensive, as well as undermining the historic integrity of the vessels concerned.

k) Phase-in requirements

 A phase-in period of two years following the making of the Regulations was proposed.

There was a general view that five years would be more appropriate. Concerns were raised relating to available contractors to carry out the necessary work, and that many operators would leave getting the work done on their vessels until very shortly before the deadline, thus exacerbating the problem of limited availability of contractors. Thirty-four respondents felt that a two-year phase-in period across the range of measures was insufficient,, and suggested alternatives ranging from three to 20 years, although 11 respondents suggested five years. Some respondents believed two years was acceptable for some of the less onerous measures, but considered it non-feasible across the full range. Most respondents cited the impracticability of completing the work during that time – particularly structural work associated with damage stability - although some also cited affordability, saying they needed longer than two years to budget for the implementation.

l) Summary

Most respondents were supportive of the government’s efforts to improve safety, although some respondents thought that some proposals were disproportionate. Some operators have implemented enhanced safety measures voluntarily, and point out the safety record of the sector is good.

Damage stability was the most emotive area. Alternatives suggested included a wider use of risk assessment than proposed for the purposes of damage stability.

13. Some respondents felt that in some areas the proposed measures were disproportionate to the improvements in safety which would be realised from them. Others challenged the need for additional safety measures on the basis of the domestic passenger ship sector’s safety record. From the government’s point of view the main driver for the improvements is the fact that there are gaps between the safety standards of newer and older vessels and the potential for an incident on one of these vessels to be exacerbated by an arrangement or lack of equipment not permitted on a newer ship. A further driver was that it was felt that in some areas large improvements in safety could be achieved without disproportionate outlay.

# **Section 4: Next steps**

14. The questions that were posed in the consultation, together with a summary of the consultee comments on them and the government responses to the consultee comments, are set out at Annex A.

15. Not all respondents answered all the questions posed. All the comments received have been fully considered, and government is reviewing the original proposals in the light of these comments.

16. A further consultation will be held on any revised proposals. It is intended to carry this out during the second quarter of the 2019 calendar year.

17. The government will finalise the Regulations with a view to bringing them into force during the autumn of 2019, but a period for implementation will be permitted. The consultation recommended two years, but this could change, or have flexibilities added.

# **Consultation questions and answers**

**Annex A**

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| **CONSULTATION QUESTIONS AND SUMMARY OF CONSULTEE COMMENTS ON THE REVIEW OF “GRANDFATHER RIGHTS” FOR DOMESTIC PASSENGER VESSELS** |
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| **Question 1** | **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.** |
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| Summary of consultee views | Many respondents thought that some specified costs had been underestimated.  |
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| Government response | The government will review the Impact Assessment, taking into account the cost information provided by respondents. However, there may be some costs which are indirect and therefore are not included in the overall value of the Impact Assessment, albeit that they may be mentioned in the text of the assessment. |
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| **Question 2** | **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.** |
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| Summary of consultee views | The majority of respondents thought the greater part of the proposals would enhance safety. This was balanced in several areas by concerns in some areas about the practicality, affordability, cost-effectiveness and in particular concerns that damage stability proposals could lead to an unacceptable level of vessel obsolescence and individual redundancies.  |
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| Government response | The government will review the proposals in the light of the responses received.  |
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| **Question 3** | **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.** |
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| Summary of consultee views | Respondents offered information about how their vessels and organisation would be affected by the various proposals. Many said that in several areas they were already compliant with the new proposals. However, in other areas, including damage stability and containment, they cited costs and practicality issues, vessel obsolescence and redundancies.  |
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| Government response | This will assist the government evaluation of the proposals. |
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| **Question 4** | **For each proposal – do you have any other comments on this proposal?** |
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| Summary of consultee views | A range of other comments were provided including some suggestions for alternative approaches. Wider use of risk assessments instead of rigid requirements was suggested. It was also observed that it was possible that some proposals, if implemented, could have undesirable knock-on effects which have the potential to degrade other areas of safety, e.g., additional liferafts on some smaller vessels could adversely affect their stability. |
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| Government response | This will assist the government evaluation of the proposals. |
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| **Question 5**  | **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.** |
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| Summary of consultee views | Many respondents provided very useful information about equipment and arrangements existing – or not existing – on their vessels. Some operators did not have any issue with additional equipment which the proposals would make necessary, but requested that there was not a requirement that they be Marine Equipment Directive (MED) approved, this made them costly and sometimes difficult to source. MED equipment was frequently of a much higher specification than required, and non-MED equipment would meet the need more cost-effectively. |
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| Government response | This will assist the government evaluation of the proposals. The government is considering what standards are needed for equipment, what alternatives to MED standards are available, and whether they might be suitable in some cases. |
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| **Question 6**  | **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?** |
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| Summary of consultee views | Comments included suggestions that flexibilities be provided for vessels operating on non-tidal waters and wider use of risk assessments. |
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| Government response | The government is considering all suggestions made, and will publish any revisions in the proposals for consideration during the second consultation. |
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| **Question 7** | **Do you have any alternative suggestions to improve safety in the key areas identified?** |
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| Summary of consultee views | Suggestions were received which included further sub-division of Category C waters to accommodate the wider variation of conditions found in waters Categorised as C. It was also suggested that factors like distance from shore could be taken into account when assessing whether liferafts, lifejackets and other safety measures were necessary. |
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| Government response | The government is considering all suggestions made, although there are no plans at the present time to re-categorise waters. |
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| **Question 8** | **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.** |
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| Summary of consultee views | Certain proposals were considered by respondents impractical/impossible. These included in many case the damage stability proposals, the accommodation of additional liferafts and lifejackets on some vessels, and insultation of spaces for fire containment. A phase-in period of five years was preferred. |
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| Government response | The government is considering whether any flexibility might be possible in the areas cited. |
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