



Seagoing Domestic Passenger Ships - General Exemption for Vessels Less Than 24m in Length

Notice to all Shipowners, Masters, Operators, Designers, Builders and Surveyors

This notice should be read with the SSPS Code, Regulations Applicable to vessels of Class III, VI & VI(A), MGN 535 and The Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000 (as amended).

Summary

- This MGN explains a General Exemption that has been granted to eligible seagoing domestic passenger ships of less than 24 metres (m) in Load Line length.
- This General Exemption enables eligible ships to comply with either the;
 - UK Small Seagoing Passenger Ship (SSPS) Code, or
 - Regulations Applicable to vessels of Class III, VI & VI(A), or;
 - Continued compliance to Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000 (as amended).
- This General Exemption is effective from **21 December 2019**.

1. Introduction

1.1 Directive 2009/45/EC (as amended) “on safety rules and standards for passenger ships” (the Directive) applies to seagoing domestic passenger ships constructed of steel or an equivalent material (normally aluminium). These ships are vessels that:-

- are certificated to carry more than 12 passengers;
- go to sea (not operating exclusively within categorised waters); but,
- undertake only non-international (“domestic”) voyages; either to a different port, or back to the same port, within the United Kingdom (UK).



- 1.2 In the UK, the Directive is implemented by the Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000 (SI 2000/2687) (as amended). In this MGN, these are referred to as “the UK Regulations”.
- 1.3 The principal regulations applicable to vessels of Class III, VI & VI(A) as referred in this MGN are:-
 - 1.3.1 SI 1998 No.2515 – The Merchant Shipping (Passenger Ship Construction: Ships of Classes III – VI(A)) Regulations 1998 (as amended);
 - 1.3.2 SI 1999 No.2723 – The Merchant Shipping (Life-Saving Appliances for Passenger Ships of Classes III – VI(A)) Regulations (as amended);
 - 1.3.3 SI 1998 No.1011 – The Merchant Shipping (Fire Protection – Small Ships) Regulations (as amended),

This is not an exhaustive list. In applying these regulations, the operator will need to assess the ability of the vessel to comply with these and other applicable domestic regulations.

2. Background

- 2.1 Directive 2009/45/EC contains standards for the construction, equipment and operation of seagoing domestic passenger ships. These standards are based upon those developed for international passenger ships, and adopted under the relevant International Conventions, including the International Convention for the Safety of Life at Sea (SOLAS) 1974 (as amended). In the Directive, those standards are scaled and adapted to be appropriate and proportionate for ships on domestic voyages. Article 3 - Scope (1)(a) of the Directive formerly applied to passenger ships of any length but was amended by Directive (EU) 2017/2108/EU to no longer apply to ships less than 24m in length.
- 2.2 This amendment comes into force on 21 December 2019 and allows ships less than 24m in length to be covered by national measures within EU Member States. However, this amending Directive has not yet been implemented by the UK, so there is currently no corresponding amendment to the UK Regulations.
- 2.3 A General Exemption has therefore been developed and authorised to disapply the regulations to UK seagoing domestic passenger ships **less than 24m in length**, steel or equivalent built after 1st July 1998 from compliance with the UK Regulations provided, they meet one of the following either;
 - 2.3.1 the Small Seagoing Passenger Ships Code (the “SSPS Code”); or
 - 2.3.2 the regulations applicable to Class III, VI or VI(A) vessels as appropriate to their operation.

These requirements provide a bespoke, national safety regime that is more appropriate and proportionate for the domestic operating environments around the UK.

- 2.4 Alternatively, vessels may remain in compliance with the UK regulations.
- 2.5 Only one standard may be applied to a vessel and the relevant exemption provisions of that standard are available, as they would be to any other vessel.

3. SSPS Code application



- 3.1 The SSPS Code has been available since 2015 for use on a voluntary basis, by ships less than 24m in length, not constructed of steel or equivalent, and which were not therefore covered by the Directive. Ships constructed of steel or equivalent are covered by the Directive up to 21 December 2019, but not after that date when this General Exemption takes effect.
- 3.2 The General Exemption annexed to this MGN enables ships less than 24m in length constructed of steel or equivalent to comply with the SSPS Code rather than the UK Regulations (which implemented the Directive).
- 3.3 Eligible ships that comply with the SSPS Code will also be covered by a separate General Exemption specific to that Code, which exempts such vessels from full compliance with the requirements for Class II(A) vessels. This further General Exemption is explained in the annex to Marine Guidance Note (MGN) 535.
- 3.4 SSPS Code section 3.1.3 is no longer applicable.
- 3.5 The SSPS Code and MGN 535 are available via the following respective links.

<https://www.gov.uk/government/publications/small-seagoing-passenger-ship-code>

<https://www.gov.uk/government/publications/mgn-535-m-small-seagoing-passenger-ship-code>

4. Regulations Applicable to Vessels of Class III, VI & VI(A)

- 4.1 The General Exemption annexed to this MGN enables ships less than 24m in length constructed of steel or equivalent to fully comply with the regulations applicable to Class III, VI and VI(A) rather than the UK Regulations (which implemented the Directive).
- 4.2 Seasonal restrictions do affect operation under these regulations

5. Continued application of the UK regulations (SI 2000/2687) which implemented the EC Directive 2009/45 EC (as amended)

- 5.1 Vessels of under 24m in length may continue to apply the UK regulations (SI 2000/2687) and be certified under an amended certificate issued by MCA.

6. Vessels currently in operation

- 6.1 Existing certs will remain valid until expiry.
- 6.2 Unless the MCA is notified otherwise, prior to the expiry to their existing certificate and before making arrangements for renewal survey, MCA will assume the continued application of the UK regulations (2000/2687) to the vessel, then survey and certificate accordingly.

More Information

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GENERAL EXEMPTION

in relation to Seagoing Domestic Passenger Ships operating in UK waters

The Secretary of State, in exercise of his powers under regulation 8 of the Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000¹ as amended ("the Regulations"), exempts

seagoing domestic passenger ships of less than 24 metres in length

from the requirements of the regulations listed in Column 3 of the Schedule to this exemption, in so far as they would be applicable to such ships.

This exemption is granted on the basis that the Secretary of State is satisfied, pursuant to regulation 8, that vessels that comply with either:-

- (a) the Small Seagoing Passenger Ships Code (SSPS Code)¹;
- Or,
- (b) the regulations applicable to vessels of class III, VI or VI(A);

achieve and provide an equivalent level of safety to that laid down in the UK Regulations listed in Column 3 of the Schedule.

This exemption has effect from 21 December 2019, and, subject to consultation and reasonable notice, remains effective until amended or revoked.

Issued at Southampton

Dated 18th December 2019

Katy Ware

Director of Maritime Safety and Standards
For the Secretary of State

¹ S.I. 2000/2687



SCHEDULE to the General Exemption in relation to Seagoing Domestic Passenger Ships, dated 18th December 2019

Column 1 Name of Regulations	Column 2 Power to Exempt	Column 3 Regulations Exempted
The Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000 {SI 2000/2687}	Regulation 8	Regulations 3, 4(1) (a) & (b) in so far as they apply to under 24m vessels, 6, 7A and 7B.

