



Notice of General Exemption for workboats built before 21st July 1968 which are 24 meters or more in length and less than 150 gross tons

Notice to all Shipowners, Masters, Surveyors and Certifying Authorities of workboats built before 21 July 1968

This notice should be read with The Safety of Small Workboats and Pilot Boats - A Code of Practice, MGN 280, and the Workboat Code Edition 2.

This MIN expires 1 December 2025

Summary

The MCA has become aware of an administrative irregularity concerning the certification of a small number of workboats which were built before 21 July 1968 and that are 24 meters or more in length and less than 150 gross tons.

The MCA has issued a General Exemption to remedy the position for those vessels affected as explained in this Marine Information Notice (MIN).

1. Introduction

- 1.1 In 1998, the MCA published “The Safety of Small Workboats and Pilot Boats – A Code of Practice” (also known the Brown Code and now referred to as Workboat Code Edition 1) under the provisions of regulation 3 of the Merchant Shipping (Small Workboats and Pilot Boats) Regulations 1998 (‘the 1998 Regulations’).¹
- 1.2 In 2018, the MCA published “The Safety of Small Workboats and Pilot Boats – A Code of Practice, Edition 2” as an updated standard to replace Workboat Code Edition 1 and its equivalent standard published in the Technical Annex to Marine Guidance Note MGN 280 (M)² (as far as that document applies to small workboats and pilot boats).
- 1.3 Under the 1998 Regulations, a vessel which has been certificated under a relevant Code of Practice does not need to comply with various specified merchant shipping regulations.

¹ S.I. 1998 No 1609, as amend.

² MGN 280 Small Vessels in Commercial Use for Sport or Pleasure, Workboats and Pilot Boats – Alternative Construction Standards.



2. Need for General Exemption.

- 2.1 The statutory certification scheme established by the 1998 Regulations, as far as it relates to small workboats, applies to small vessels which are less than 24 metres in load line length.
- 2.2 The Workboat Code Edition 2 and the Technical Annex to MGN 280 incorrectly purported to expand the scope of the definition of a small vessel to also include “*a vessel the keel of which was laid or which was at a similar stage of construction before 21st July 1968, less than 150 tons*”.
- 2.3 As a result, a small number of vessels that were built prior to 21 July 1968 and 24 meters or more in length but less than 150 tons have been incorrectly issued with a workboat certificates; these vessels fall outside of the scope of the 1998 Regulations.
- 2.4 The MCA has issued the General Exemption in the Annex 1 to this Notice to remedy the position and facilitate regulatory compliance for affected vessels.

3. Compliance

- 3.1 Vessels which are 24 meters or more in length and less than 150 gross tons and issued with workboat certificates purporting to be in accordance with the 1998 Regulations will now operate under the terms of the General Exemption published in Annex 1 to this Notice.
- 3.2 Any such vessel must comply with the conditions set out in the General Exemption to benefit from the terms of those exemptions.
- 3.3 It is noted that the General Exemption is granted on the basis that affected vessels fall outside of scope of the 1966 International Load Line Convention (as amended), which is implemented in the UK by The Merchant Shipping (International Load Line Convention) (Amendment) Regulations 2018.³

4. Long Term Direction

- 4.1 The MCA presently considers the General Exemption published in Annex 1 to this Notice to be a temporary solution whilst work is being undertaken to bring affected vessels within the scope of the statutory certification scheme.
- 4.2 Certifying Authorities must ensure that owner/operators of affected vessels are aware of the need to comply fully with the terms of the General Exemption.

³ S.I. 2018 No 155



More Information

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GENERAL EXEMPTION

The Secretary of State, in exercise of powers conferred by Section 294(1) of the Merchant Shipping Act 1995, hereby exempts:

Vessels built prior to 21st July 1968 which are 24 metres or more in length and less than 150 tons ('the Vessels') and which meet conditions (a), (b) and (c) stated below

from the following requirements (to the extent that they apply):

- The Merchant Shipping (Crew Accommodation) Regulations 1997 (S.I. 1997/1508);
- The Merchant Shipping (Fire Protection: Small Ships) Regulations 1998 (S.I. 1998/1011);
- The Merchant Shipping (Marine Equipment) Regulations 2016 (S.I. 2016/1025);
- The Merchant Shipping (Safety of Navigation) Regulations 2002 (S.I. 2002/1473);
- The Merchant Shipping (Standards of Training, Certification and Watchkeeping) Regulations 2015 (S.I. 2015/782); and
- The Merchant Shipping (Life Saving Appliances and Arrangement) Regulations 2020 (S.I. 2020/501)

and is satisfied that:

- (1) compliance with the above stated requirements is unnecessary provided the conditions of this exemption are met; and
- (2) the provision made in the conditions to this exemption are as effective as, or more effective than, actual compliance with the above stated requirements.

Further, the Secretary of State, in exercise of powers contained within them, exempts the Vessels which meet conditions (a), (b) and (c) stated below from the requirements of the following Regulations (to the extent that they apply):

- The Merchant Shipping (Load Line) Regulations 1998 (S.I. 1998/2241)⁴;
- The Merchant Shipping (Fire Protection) Regulations 2003 (S.I. 2003/2950)⁵; and
- The Merchant Shipping (Survey and Certification) Regulations 2015 (S.I. 2015/508)⁶.

⁴ In exercise of the power conferred by Regulation 5 The Merchant Shipping (Load Line) Regulations 1998 (S.I. 1998/2241).

⁵ In exercise of the power conferred by Regulation 6 of The Merchant Shipping (Fire Protection) Regulations 2003 (S.I. 2003/2950) and being satisfied that compliance with those requirements is either impractical or unreasonable in the circumstances and subject to meeting the requirements of conditions (a), (b), and (c), which the Secretary of State considers provide a level of safety which is at least equivalent to that provided by the provisions from which this exemption is granted.

⁶ In exercise of the power conferred by regulation 5(3) of The Merchant Shipping (Survey and Certification) Regulations 2015 (S.I. 2015/508).



Conditions

These exemptions are subject to the following conditions:

- (a) that the vessel has been surveyed and a Certifying Authority has determined that, but for it not being a “small vessel” within the meaning of the Merchant Shipping (Small Workboats and Pilot Boats) Regulations 1998 (“S.I. 1998/1609”), it would otherwise meet all of the requirements necessary to be issued with a workboat certificate in accordance with S.I. 1998/1609;
- (b) that, but for it not being a “small vessel”, the vessel continues to comply with the requirements that would be necessary to maintain the validity of a certificate in accordance with the S.I. 1998/1609; and
- (c) that the vessel is operated and manned in accordance with any limitations or conditions specified in writing by a Certifying Authority which has made a determination of the kind referred to in condition (a) in respect of that vessel.

Validity

These exemptions shall have immediate effect for vessels which meet conditions (a), (b) and (c) and remain effective to the extent that:

- conditions (a), (b) and (c) continue to be met; and
- each and any of the regulations listed above remain in force, or the exemptions are amended or revoked.

Dated: 21/12/2020



Katy Ware
Director of UK Maritime Services, for the Secretary of State

