



Maritime &
Coastguard
Agency

Consultation Report:
The Merchant Shipping (Cargo Ship) (Bilge
Alarm) Regulations 2021

March 2021

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Section 1: Introduction

This consultation sought views on the proposed Regulations: The Merchant Shipping (Cargo Ship) (Bilge Alarm) Regulations 2021, the accompanying De Minimis Assessment (DMA) and the proposed Marine Guidance Note (MGN). The proposal introduces legislation that will require the installation of bilge water level detectors and alarms on cargo ships that are 24 metres or more in length and which are of less than 500GT.

The overarching rationale for the new regulation is safety, particularly the safety of passengers and crew onboard those vessels that fall within scope. Currently, vessels which are under 500GT and 24 metre or more in length fall outside of the requirements of the International Convention for the Safety of Life at Sea (SOLAS) and existing Work Boat and Fishing Vessels codes. The lack of regulations for these vessels has led to some notable accidents, including the sinking of the Abigail H. The investigation into this resulted in a Marine Accident Investigation Branch (MAIB) recommendation (recommendation 2009/141) that such vessels, which are not currently obligated to do so, be required to have bilge water detectors and alarms fitted in engine rooms and other substantial compartments where bilge water is likely to accumulate, and which could threaten the vessel's buoyancy and stability if flooded. The Regulations require that the alarms (i) sound at the control position and in all accommodation spaces when the central control station is unmanned, (ii) in addition to functioning in the vessel's normal operational modes, should be capable of operating when the main power supplies are shut down and (iii) be capable of waking sleeping crew in enough time for them to react appropriately. To maximise the mitigation of such incidents, the proposed Regulations will apply to both existing and new vessels of the above category.

The consultation ran for 10 weeks from 2nd October 2020 until 10th December 2020 and was open to the public. We were particularly interested to hear from owners/ operators who currently have bilge alarms or similar systems in place, and from those that will be required to install the devices. Details of the consultation can be found at:

<https://www.gov.uk/government/consultations/consultation-on-the-proposed-merchant-shipping-cargo-ship-bilge-alarm-regulations-2021>

Consultees were invited to submit any additional evidence or other relevant information on the costs and benefits and the wider impacts of the proposed Regulations in the De Minimus Assessment (DMA). Additional comments were also invited.

Two responses were received. We would like to thank all who took the time to respond to this consultation.

Section 2: Key Findings

It should be noted that not all respondents answered all of the questions posed and additional comments were received.

Having reviewed and considered the consultation responses, no changes to policy were made.

A review of the definitions used resulted in a minor amendment to the definition of 'passenger', which does not impact on the application or scope of the proposed legislation. This change was made to ensure consistency across maritime legislation.

Consideration was given to the cost implications of the proposals as highlighted by one of the respondents and it was determined that the proposal was not overly burdensome to those with more than one vessel.

For clarity, an amendment was made to Schedule 1: Gross Tonnage of the proposed regulation. This was done to ensure the measurement of tonnage, for the purposes of the proposed regulations, is clear and unambiguous.

The supporting Marine Guidance Note was updated and amended to reflect decisions made as a result of the consultation.

Section 3: Summary of Responses

Comment	Response
Definition of “passenger”: this is not the standard definition used in UK legislation.	Definition amended to standardise it with other UK legislation.
Definition of lower size limit – the 24m breakpoint covers vessels greater than code boat size; however to ensure correct alignment – the 150grt breakpoint for vessels built before 1968 should be included.	In order to fulfil the MAIB recommendation and to maximise the safety effect of the measure the 'breakpoint of >24m and <500gt is retained as the Regulation allows for alignment.
Application in categorised waters – I would recommend that the regulations are limited to apply only to seagoing ships. Alternatively, make clear that they only apply in Cat D and C waters.	Current wording is considered appropriate to ensure safety of all relevant vessels within all UK waters and to meet the requirements of the MAIB recommendation.
Upper size limit – the proposal is to limit the application to vessels of up to 500gt in size. Suggest that that there may be instances where SOLAS requirements do not apply to vessels >500gt and that the upper size limit is removed.	The upper size limit is considered appropriate to address the issues highlighted by the Abigail H incident and targets those vessels most at risk from similar incidents.
Operational Criterion – it is inappropriate to put such a subjective requirement as “capable of waking a sleeping person” into the body of statute. This is hugely variable and impossible to demonstrate. I would recommend that you simply require “an efficient bilge alarm”, and then indicate what that means in the MGN.	The proposed alternative is considered to be equally subjective. The original text is considered appropriate and in line with similar alarm phraseology, where the specification has been for an alarm to be ‘audible’ and allow different circumstances to be provided for in context.
Draft MGN (Annex C to Consultation Document) Acceptable standards for Bilge Alarm system: it would be useful to indicate what lesser standard would be acceptable. The MGN also needs to spell out how an operator can demonstrate that they have complied with the requirement for “waking a sleeping person”.	At this stage, when it is foreseen that many operators will have already fitted a bilge alarm system, it is considered counter-productive to introduce a required standard to the systems which may result in complications for those that are already compliant with the proposed regulations. Further, it is not considered that a standard or level will be needed in order to demonstrate that an appropriate alarm has been fitted as the MCA believes a simple

	test of the system will be sufficient in order to assess if the alarm is suitable for its intended purpose.
Cost implications. We consider that the proposal is merited. However, we note the practical implications in particular the potential costs involved, particularly for smaller vessels. We note that the De Minimis Assessment estimates the cost between £1,250 - £3,750 per vessel. This cost could build-up for those operators with multiple vessels.	The costs associated with the measures have been assessed through the DMA and are not considered to be prohibitive to those who have yet to fit bilge alarm systems or to those that may operate multiple vessels. In addition, the MCA has received no communication from operators expressing such concerns.
Implementation Date Noting the ‘install by’ date of one year from implementation of the regulations, and notwithstanding the cost implications, there may be practical issues where operators do not have the opportunity of installing the bilge alarm systems due to the continued employment of the vessel(s). Suggest to implement the requirement in a similar manner to changes to International Convention for the Safety of Life at Sea (SOLAS) requirements, i.e. not later than the first survey of the vessel on or after 31 March 2022. This would give owners at least 12 months to implement the regime and would enable multi-ship owners to stagger costs if required. Depending on the frequency of surveys, a ‘stop’ date could also be included.	Full consideration was given to the implementation timescales when the Regulations were developed. As the proposed regulations have been in development, in consultation with industry, over a number of years, it is considered that the one year provided to meet the requirements of the proposal is ample. Any further delay in implementing the requirement increases the risk to the vessels involved and their crews. As such Government believes that one year is an appropriate timeframe for implementing the required changes.
New build implementation. We note that the draft MGN states that new vessels must comply with the Regulations from the date that the Regulations come into force. Given the timing involved, we suggest that it would be more appropriate to require bilge alarms to be fitted to any new vessel with a keel laid date (or similar stage of construction) on or after 31 March 2022.	As above, Government considers that industry has had ample foreknowledge of this requirement and as such the implementation dates are considered appropriate.

Section 4: MCA Response

The MCA would like to thank the respondents for taking the time to respond to the consultation.

The consultation exercise has reiterated the need to ensure there is consistency across regulatory initiatives; with new definitions only being introduced when the existing, established terms are not adequate. This will help to improve understanding of requirements across industry and facilitate greater compliance.

The process has also resulted in minor and editorial amendments to both the Statutory Instrument and to the accompanying Marine Guidance Note, resulting in clearer and better regulation and guidance for industry.

The amendments have not resulted in a change in policy or materially impacted the actions being taken, as such the DeMinimis Assessment (DMA) for the proposal has only been amended for the purpose of updating the information contained therein.

Section 5: Who Responded

The following individuals and organisations submitted a response to the consultation:

- Mr S Milne, Marine Surveyor
- The Law Society of Scotland

Section 6: Next Steps

The Government will finalise the Regulations with a view to bringing them into force in June 2021.