

---

---

## Thames Safety Inquiry Recommendation 27.2 Standards for New and Existing Ships

Notice to Ship Owners and Operators, Ship Builders and Marine Surveyors.

---

---

### *Summary*

This note contains MCA's policy statement on the development of standards in new safety regulations for new and existing ships.

### **Introduction**

1. The first recommendation (para 27.2) of Lord Justice Clarke's Interim Report of the Thames Safety Inquiry was that new safety regulations for ships should, as a general rule, be applied equally to both new and existing vessels, subject to a power to grant exemptions. That power should only be exercised where -
  - (a) compliance by an existing vessel with a new safety standard would be unreasonable, whether on grounds of practicability or for some other reason, and
  - (b) the operator can also satisfy the Department that a satisfactory alternative measure will be put in place, which will achieve an equivalent level of safety.
2. This recommendation has been accepted in principle for all new domestic legislation, (i.e. safety legislation initiated and implemented unilaterally by the UK) not just for new legislation arising from the Thames Safety Inquiry.

### **Policy argument**

3. From a strict safety policy perspective, a distinction between new and existing vessels is difficult to justify – since new regulations must, as a matter of Government policy, be justified on a cost/benefit basis, and

so in theory should not be excessive for the risk addressed. However, it is sometimes possible to justify new higher safety standards for a new ship, which would be prohibitively expensive to implement for existing ships. In practice therefore, although new regulations will only lay down a single standard for new and existing ships, in the interests of encouraging continuous improvement of safety standards, it will be necessary to take a pragmatic approach in applying new standards to the existing fleet.

4. A new form of words for exemptions provisions in regulations, which limits the issue of an exemption to circumstances where an equivalent level of safety can be assured, has been agreed (this in part implements another of the Thames Safety Inquiry Recommendations).
5. Where existing ships cannot be modified to comply with new regulations without excessive cost, consideration should be given to issuing an exemption, provided that appropriate limitations and conditions are placed on the operation of the vessel in order to achieve an equivalent level of safety.
6. If an existing passenger vessel is moved from one area of operation to another, the exemptions in force will be reviewed to ensure the vessel's fitness for its intended purpose, in the light of other vessels in the new area and the level of risk.

## Policy statement

7. In principle:
- (a) all future domestic safety legislation proposed by MCA should apply equal safety standards to new and existing vessels;
  - (b) the legislation should include a power of exemption;
  - (c) exemptions will be issued where compliance with a new standard would be unreasonable (whether on grounds of practicability or for some other reason), and where the operator can also satisfy MCA that an equivalent level of safety is achieved by some means other than strict compliance with the regulations' requirements;
  - (d) in negotiations at a European and international level, the UK negotiating position on proposals from the UK or elsewhere should follow the same principles.

## Application of policy

- 8. It is recognised that there may be exceptional cases where applying these principles would be impracticable, or would prevent worthwhile safety benefits being introduced from new technology or other innovations. Such cases will be considered on their merits.
- 9. This policy will not be applied retrospectively – ie existing legislation will not be revised in order to conform to this principle. However, where domestic regulations are being revised for other purposes, the principle of a single set of standards should be taken into account.
- 10. Any questions about this Notice should be referred, in the first instance to Julie Carlton on 023 8032 9228 (e-mail: julie\_carlton@mca.gov.uk).

February 2002  
Maritime and Coastguard Agency  
Spring Place  
Southampton SO15 1EG

Tel: 023 8032 9228  
Fax: 023 8032 9165

File Reference MS 7/8/1420

*Safer Lives, Safer Ships, Cleaner Seas*



*An executive agency of the Department for  
Transport, Local Government and the Regions*