



Maritime and Coastguard Agency

Merchant Shipping (Life Saving Appliances) (Amendment) Regulations 2001

Notice to Shipowners, Certifying Authorities, Shipbuilders, Shiprepairers, Ship masters and Surveyors.

This notice should be read in conjunction with Merchant Shipping (Life Saving Appliances for Ships of Classes III to VI(A)) Regulations 1999 SI 2732, as amended, and with Merchant Shipping Notice 1676(M), and comes into force on 14 August 2001.

Summary

The purpose of this Marine Guidance Note is to alert owners and operators to the publication of the Merchant Shipping (Life Saving Appliances (Amendment) Regulations 2001

Introduction

The Merchant Shipping (Life Saving Appliances (Amendment) Regulations 2001 come into force on 14 August 2001.

The amending regulations implement recommendation 27.38 of the Thames Safety Inquiry Interim report.

They also provide some flexibility in respect of emergency communications and general emergency alarms – MSN 1757(M) gives details.

Removal of “grandfather clause”

Regulation 4(2) of the 1999 regulations allows existing ships to carry LSA which complies with the standards specified in the schedules of the Merchant Shipping (Life Saving Appliances) Regulations 1980.

The amending regulations remove that provision, so that all ships must carry LSA which complies with the standards required by the 1999 regulations (see regulation 10) and specified in MSN 1676(M), MSN 1734(M) or MSN 1735(M), as appropriate.

However, the existing provision for equivalents remains:

Equivalents

“Regulation 23(1): Where these regulations require that a particular fitting, material, appliance, or apparatus, or type thereof, shall be fitted or carried in a ship, or that any particular provision shall be made, the Secretary of State may permit any other fitting, material, appliance or apparatus or type thereof to be fitted or carried, or any other provision to be made in that ship if he is satisfied by trial thereof or otherwise that such other fitting, material, appliance or apparatus, or type thereof, or provision is at least as effective as that required by these Regulations.”

Amendment to power of exemption

The 1999 regulations included an open-ended power of exemption. MCA’s policy is that an exemption should only be issued from a statutory requirement where the owner/operator can demonstrate that, under the exemption, an equivalent level of safety is achieved as if the requirement had been met.

Regulation 4(3) has therefore been amended to make this explicit in the power to grant exemptions. See below for the text of the amended regulation 4(3).

“4(3) The Secretary of State may exempt any ship or description of ships from all or any of the provisions of these Regulations (as may be specified in the exemption) if he is satisfied that:

(a) compliance with such provision is either impracticable or unreasonable in the case of that ship or description of ships, and

(b) the exemption is subject to such conditions and limitations as will provide a level of safety equivalent to that provided by the provision or provisions from which exemption is being granted.

(4) The Secretary of State may, on giving reasonable notice, alter or cancel any exemption granted under paragraph (3) above.”

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