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To those on the attached consultation list

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Your ref:
Our ref: **MS 7/8/1760**

29 April 2013

Dear Colleague

Merchant Shipping (Weighing of Goods Vehicles and other Cargo) Regulations 1988 (SI 1988/1275) as amended by:

**Merchant Shipping (Weighing of Goods Vehicles and other Cargo) (Amendment) Regulations 1989 (SI 1989/270); and,
Merchant Shipping (Weighing of Goods Vehicles and other Cargo) (Application to non-UK Ships) Regulations 1989 (SI 1989/568)**

What is this Consultation about?

This consultation letter seeks your views concerning the proposed revocation of the Merchant Shipping (Weighing of Goods Vehicles and other Cargo) Regulations 1988, as amended.

Background

These regulations were introduced in response to the sinking of the passenger ferry *Herald of Free Enterprise* off Zeebrugge in March 1987 when the bow doors of the vessel were inadvertently left open as the vessel set sail from the port, allowing the entry and movement of water on the car deck which caused the vessel to capsize.

The regulations place a requirement on port operators to weigh goods vehicles of over 7.5 tonnes (ie using a weighbridge) when they are loaded onto passenger ro-ro ferries leaving from United Kingdom ports. There are no reciprocal international requirements which require the weighing of vehicles on those same vessels when they sail to the United Kingdom from foreign ports. Shippers were already required to declare cargo weights, but the additional requirement brought in by the above-named regulations was intended to address possible under-reporting.

Discussion

Subsequent to the entry into force of the above regulations, legislation is now in place which addresses the correct weighing and declaration of cargo weights, plus operational requirements regarding the opening and closing of bow doors, and enhanced standards for vessel stability. These more modern regulations provide much more stringent requirements and have led to a situation where it is considered that the safety objective is achieved as effectively as the Merchant Shipping (Weighing of Goods Vehicles and other Cargo) Regulations with less disruption to ship operations. These regulations are outlined below:

The Merchant Shipping (Carriage of Cargoes) Regulations 1999 (SI 1999/336) apply to sea-going United Kingdom ships wherever they may be, and sea-going non-United Kingdom ships while they are in United Kingdom waters, when loaded or intended to be loaded with any cargo. Regulation 4 of the Carriage of Cargoes Regulations places a requirement on the shipper to ensure that the master has sufficient information in advance of loading to ensure that the cargo can be safely stowed and secured on board under all expected conditions for the voyage. In support of this, the gross mass of the cargo or cargo units should be supplied in accordance with the gross mass declared on the shipping documents.

The Merchant Shipping (Passenger Ship Construction: Ships of Classes I, II and II(A)) (SI 1998/2514); and the Merchant Shipping (Passenger Ship Construction: Ships of Classes III to IV(A)) (SI 1998/2515) provide requirements concerning enhanced watertight subdivision to SOLAS 90 standard, opening and closing of watertight doors (including bow doors), and calculation of vessel stability.

Finally, the Merchant Shipping (Ro-Ro Passenger Ships) (Stability) Regulations 2004 (SI 2004/2884) implement EU Directive 2003/25/EC. These regulations extend the application of a Regional Agreement, known as the Stockholm Agreement, to Member States throughout Europe to ensure a common high level of safety. The original Regional Agreement (of which the United Kingdom was already a Party) aimed to improve the specific stability standards of ro-ro passenger ships by taking into account the effect of water accumulation on the vehicle deck after damage. More detailed information can be found in Merchant Shipping Notice 1790(M).

Revoking the Merchant Shipping (Weighing of Goods Vehicles and other Cargo) Regulations would not prevent ports or ship operators from continuing to operate weighbridges for their own operational benefit for ship loading, or to demonstrate compliance with the Carriage of Cargoes Regulations. To do so, would be a commercial matter for individual port and ship operators to consider.

Action requested of Consultees

To enable an assessment of the impact of this proposal, consultees are requested to consider and to provide information on any of the following issues:

- Costs arising for port and ship operators under the current legislative regime.
- Future cost implications should the Merchant Shipping (Weighing of Goods Vehicles and other Cargo) Regulations be revoked.

- Impact on operational activity in port areas should the Merchant Shipping (Weighing of Goods Vehicles and other Cargo) Regulations be revoked.
- Benefits of retaining/updating the Merchant Shipping (Weighing of Goods Vehicles and other Cargo) Regulations.
- Any comments regarding the safety standards brought in as a result of the Stockholm Agreement.
- Are there any other issues which you would like to raise concerning the revocation or retention of the Merchant Shipping (Weighing of Goods Vehicles and other Cargo) Regulations?

How to respond

The MCA welcomes responses to this consultation which will run for a period of 8 weeks commencing on 29 April until 21 June 2013. Please tell us your views on the issues which you wish to comment on. If you would like further copies of this consultation document, please refer to www.dft.gov.uk/mca under "Current Consultations" in the Ships and Cargoes section of the website.

Please send responses to:

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Please tell us:

Are you responding as an individual or representing the views of an organisation or business?

If the response is on behalf others, then:

- Who do you represent?
- What type and size of organisation or business it is?
- How were your views gathered?
- What types of operations does your organisation or business undertake?
- Are you a company or sole operator and if employing others, then how many?

A list of consultees has been provided to you separately. If you know of others who may wish to be consulted on this proposal, please forward a copy of this letter to them or refer them to the MCA website address given above. You may be our only

contact in your organisation so please ensure that the consultation is circulated to the relevant individuals in your organisation.

Freedom of Information Act

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes, primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004.

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your own IT system will not, of itself, be regarded as binding on the Department.

The Department will process your personal data in accordance with the DPA and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

Consultation Criteria

This consultation has been conducted in accordance with the Cabinet Office Consultation Principles Guidance.

Feedback

If you have any comments regarding the conduct of this consultation please contact the Consultation Co-ordinator at consultation.coordinator@mcga.gov.uk. We are continually trying to improve the way in which we conduct consultations and appreciate your views, so we would also be grateful if you could complete and return the attached feedback form. These should be submitted to the Consultation Co-ordinator and are not affected by the deadline for this consultation.