

CHAPTER 1

GENERAL

1.1 Object of Instructions

1.1.1 These Instructions are issued by the Maritime and Coastguard Agency (MCA) for the guidance of surveyors in surveying the crew accommodation of merchant ships for the purposes of the Merchant Shipping Acts and the Merchant Shipping (Crew Accommodation) Regulations Statutory Instrument 1997 No. 1508 and any subsequent Amendments thereto hereafter referred to as the Regulations. They are intended to supplement the Regulations in matters of detail to ensure uniformity of treatment. They also indicate to shipowners, shipbuilders and others the procedures which the MCA adopts for the survey and acceptance of crew accommodation.

1.1.2 The Regulations take account of the provisions of:-

1.1.2.1 the International Labour Convention (No. 92) concerning Crew Accommodation on board ship, the text of which is contained in the Report of the 32nd Session of the International Labour Conference, 1949 (Cmd 7852);

1.1.2.2 the International Labour Convention (No. 133) concerning Crew Accommodation on board ship (Supplementary Provisions), the text of which is contained in the Report of the 55th Session of the International Labour Conference, 1970 (Cmd 4800); and

1.1.2.3 the International Labour Conference Recommendation (No. 140) concerning Air Conditioning of Crew Accommodation and Certain Other Spaces on board ship, the text of which is contained in the Report of the 55th Session of the International Labour Conference, 1970 (Cmd 4800).

1.2 Layout

The practice of repeating the actual wording of the Regulations has only been adopted sparingly. Wherever considered necessary, however, the relevant Regulation number and sub-paragraph is given for ready cross reference, with expressions and terminology interpreted.

1.3 Application of Regulations

See Regulation 3 noting that:

1.3.1 The 1997 Regulations apply to every United Kingdom ship except:-

- (i) fishing vessels;
- (ii) pleasure vessels; and
- (iii) ships belonging to a General Lighthouse Authority.

1.3.2 The expression “or which was at a similar stage of construction” means the stage at which:-

1.3.2.1 construction identifiable with a specific ship begins; and

1.3.2.2 for that ship, assembly has commenced comprising not less than 50 tons or 1 per cent of the estimated mass of all structural material, whichever is the less.

1.3.3 When considering “substantially reconstructed or altered” these terms relate to major pre-planned work, and not to accident or emergency repairs.

1.3.3.1 The term "substantial" should be taken to apply to the ship in general and not only to the crew accommodation. Thus a substantial reconstruction of a ship not involving the crew accommodation, e.g. lengthening the ship, would bring the ship within the scope of the 1997 Regulations.

1.3.3.2 However, a considerable rearrangement of the crew accommodation which did not involve substantial alteration or reconstruction of the ship might not render the ship liable for compliance with the latest Regulations. In this type of case the surveyor should press for compliance with the new Regulations where he considers it to be reasonable and practicable, taking into account the extent of the rearrangement.

1.4 Law Relating to Crew Accommodation

The principal statutory provisions affecting crew accommodation are in Section 43 of the Merchant Shipping Act 1995 and the Merchant Shipping (Crew Accommodation) Regulations 1997 as may be amended.

1.5 Exemptions from the Regulations

1.5.1 It should be noted that the Regulations provide no provisions for exemption from Parts I and II. However, under Section 43(4) of the Merchant Shipping Act 1995 the MCA may grant exemptions from the requirements of the Regulations where it can be shown that an equivalent arrangement is in place.

1.5.2 In considering exemption(s) from the Regulations the MCA is obliged to consult not only with the shipowners/shipbuilders but with the trade unions of the crew, in accordance with the Conventions referred to in paragraph 1.1.2.

The MCA Marine Office involved with the vessel should consult with the trade unions at an early stage.

1.5.3 In the case of small ships of the order of 200 gross tons or less where the granting of specific exemption(s) would be clearly impracticable, it may be agreed in consultation with MCA Headquarters that the vessel should be the subject of an overall exemption, provided applicable safety and health standards are complied with and that the best practicable degree of compliance with the Regulations is achieved. In such cases an 'as fitted' General Arrangement plan will be required to be submitted in duplicate to Headquarters for approval and stamping on completion, of which one copy is to be sent to the owner together with a document of exemption.

1.5.4 Specific mention of this overall exemption should be made on the CM23/01 file.

1.6 Maintenance and Inspection

See Regulation 35 noting that:

1.6.1 On every occasion when a ship is registered or re-registered, or when it has been substantially altered or reconstructed, the surveyor should inspect the ship and satisfy himself that the crew accommodation complies with the requirements of the Regulations.

1.6.2 On receipt of a complaint by a seafarers' organisation or by a member of the crew of a ship, the surveyor should visit the ship. If on inspection the crew accommodation is found not to comply with the Regulations, he should notify the defects to the owner, owner's agent or master as the case may be. The surveyor should also instigate follow-up action to ensure compliance with the requirements of the Regulations.

1.6.3 Surveyors should also carry out ad hoc inspections of crew accommodation when possible.

1.7 Other References Relevant to Matters Covered by the Crew Accommodation Regulations

Further information may be available on subjects which are relevant to matters covered by these Regulations. Suggested areas for further information are as follows, and it is recommended that reference is made to the latest indices:

Statutory Instruments

MSN's, MGN's and MIN's

British Standards

International Maritime Organisation Publications

World Health Organisation Publications