

PART A

CHAPTER 29

FITNESS FOR PURPOSE (FFP) CERTIFICATE

29.1 The Fitness For Purpose Scheme (FFP)

29.1.1 The FFP Scheme was developed from 2003 to 2006, as part of the then proposed UK National Standards for inland waterway non-passenger vessels. FFP was developed as a means of allowing older freight vessels, that were currently operating without known safety problems, to continue doing so, instead of having to obtain National Standards certification.

29.1.2 FFP is not a statutory scheme nationally, and has never been underpinned by national legislation. Because it has no legal foundation, the use of FFP imports liability directly into MCA over and above that intended by Ministers and Parliament.

29.1.3 The only areas where FFP has any legal force are those controlled by Navigation Authorities such as the Canal & River Trust (CRT) (formerly British Waterways), and the Port of London Authority (PLA), where it was adopted under those organisations' respective legal powers. On CRT waters, FFP inspections are carried out by appropriate CA's. On the tidal Thames, they have been carried out by PLA's own surveyors.

29.1.4 The only nationally enforceable technical requirements for non-passenger vessels on inland waterways are those for the carriage of Life Saving Appliances, and fire protection, in the rules for Class IX(A) and IX(A)(T) vessels, laid down in:-

- The Merchant Shipping (Life Saving Appliances for ships other than ships of Classes III to VI(A)) Regulations 1999 (SI 1999/2721); and,
- The Merchant Shipping (Fire Protection: Small Ships) Regulations 1998 (SI 1998/1011)

29.1.5 In addition, such vessels are covered by Merchant Shipping general health and safety legislation, including:-

- The Merchant Shipping and Fishing Vessels (Health and Safety at Work) Regulations 1997;
- The Merchant Shipping (Means of Access) Regulations 1988;
- The Merchant Shipping (Code of Safe Working Practices for Merchant Seamen) Regulations 1998; and,
- The Merchant Shipping (Working Time: Inland Waterways) Regulations 2003.

29.1.6 Whilst FFP has served a useful purpose therefore, its continued use is unsustainable and not in accordance with current principles of MCA's

governance and risk. It is also contrary to the Government's Reducing Regulations agenda, and the vision of a "Big Society". FFP is therefore withdrawn as an MCA service, from 1 October 2011.

29.1.7 Inland Navigation Authorities are of course free to continue to operate vessel inspection schemes under their own powers but no reference to the MCA is to be placed on the certificate as inspections are not undertaken on behalf of the MCA or under the MCA's delegated authority.

29.1.8 The transitional period for MCA conducted FFP inspections (until 31 March 2012) to allow for the establishment of alternative arrangements by the CRT has now passed. Therefore no FFP inspections are to be conducted by the MCA past this date.

29.1.9 The FFP inspection and associated certificate is a system that CRT have adopted under their own powers as a condition of their own freight licensing scheme.

29.2. UK National Standards

29.2.1 The full National Standards (NS) were largely developed from 2003 to 2006, though never completed. They were intended for new build vessels, and largely based on the EC requirements in former Directive 82/714/EEC¹.

29.2.2 The NS have been reviewed in the light of current better regulation principles, and the economic climate, with the following conclusions:-

- there is no evidence that significant safety problems exist generally within the UK inland waterway non-passenger industry, sufficient to justify statutory measures; and,

- completion and introduction of the NS on a statutory basis, and the resulting compliance costs to industry would therefore be disproportionate and inappropriate for the prevalent level of risk from IW non-passenger operations in the great majority of areas.

29.2.3 In view of that, there will be no further development of the National Standards as a mandatory regime by MCA.

29.3. Future treatment of inland waterway non-passenger vessels

29.3.1 From 1 October 2011, where considered necessary, inland waterway non-passenger vessels should be inspected in accordance with the regulations mentioned in paragraphs 1.4 and 1.5.

¹ Directive 82/714/EEC laying down technical requirements for inland waterway vessels. This was replaced and repealed by Directive 2006/87/EC (as amended) which does not affect vessels that operate only within the UK.

29.3.2 MCA Surveyors' existing powers to inspect, and prevent from operating, a vessel they believe to be **dangerously** unsafe are unaffected.

29.3.3 No FFP certificates may be issued by MCA after 30 September 2011. Vessels that hold FFP certificates issued by MCA on or before that date can continue to operate on that basis until **the expiry of the last FFP certificates issued by MCA, or until 30 September 2012, whichever is sooner**. The General Exemption, provided at Annex 3 of OAN 418 **is no longer in force**.

29.3.4 The FFP standards for Life Saving Appliances and Fire Fighting Equipment are however being retained as "Alternative MCA Standards", which may be used instead of the Class IX(A) rules. For some vessels, these alternative standards are considered more appropriate and practicable than the Class IX(A) ones, which have not been revised for many years. The alternative standards are reproduced at Annex 2. **They are covered by a General Exemption which is reproduced at Annex 3.**

29.3.5 Where surveyors have cause to inspect vessels that are, or have been, operating under an FFP certificate, and do not comply with Class IX(A) requirements, they may allow such vessels a reasonable period in which to comply with the Class IX(A) requirements.

29.4. OANs 418 and 333

29.4.1 OAN 418 "Inland Waterway Vessels – Fitness For Purpose Scheme" is cancelled and withdrawn, as is OAN 333 "National Standards for Inland Waterways Vessels Class IX(A) transitional Inspection".

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ANNEX 1

Class IX(A) requirements for Life Saving Appliances and Fire Fighting Equipment

1. Life Saving Appliances (LSA)

Equipment	Cat ABC			Cat D		
	<12.2m	12.2m to <21.3m	21.3m and over	<12.2m	12.2m to <21.3m	21.3m and over
Vessels constructed pre 1 st July '86						
Liferaft or boat	-	1	1	-	1	1
Lifebuoy	persons on board/2 ¹	persons on board/2 ^{1&2} (min 2)	persons on board/2 ³ (min 4)	-	2	4
Life Jacket	-	1 per persons on board	1 per persons on board	-	1 per persons on board	1 per persons on board
Rocket flares	6	6	6	6	6	6
Vessels constructed on or after 1 July '86 and pre 1 July '98						
Liferaft	-	-	-	-	1 ⁵	1 ⁵
Lifebuoy	persons on board/2 ¹ & ² (min 2)	persons on board/2 ² (min 2)	persons on board/2 ³ (min 4)	persons on board/2 ² (min 2)	2 ²	4 ³
Lifejacket 32kg +	-	1 per persons on board	1 per persons on board	-	1 per persons on board	1 per persons on board
Lifejacket <32kg	-	1 per persons on board	1 per persons on board	-	1 per persons on board	1 per persons on board
Rocket flares	-	-	-	6	6	6
Vessel constructed on or after 1 st July '98						
Liferaft	-	-	-	-	1 ⁵	1 ⁵
Lifebuoy	persons on board/2 ¹ & ² (min 2)	persons on board/2 ² (min 2)	persons on board/2 ³ (min 4)	persons on board/2 ² (min 2)	2 ²	4 ³
Lifejacket ⁴ 32kg +	-	1 per persons on board	1 per persons on board	-	1 per persons on board	1 per persons on board
Lifejacket ⁴ <32kg	-	1 per persons on board	1 per persons on board	-	1 per persons on board	1 per persons on board
Rocket flares	-	-	-	6	6	6

Notes

In addition to the above, every tug and tender shall carry buoyant apparatus sufficient to support the total of persons on board.

1. Unless non SOLAS type used then one per persons on board member.
2. One with buoyant line (18m) and one with smoke signal and light (on tankers light to be battery type).
3. Two with buoyant line (18m) and two with smoke signal and light (on tankers light to be battery type); one of each on each side.
4. With light.
5. With associated lighting, posters and training manual.

2. Fire Fighting Equipment

Equipment	<150gt		≥ 150gt and < 500gt
	< 21.34 m	≥ 21.34 m	
Fire Pump (power)		yes ⁵	yes
Fire Main – to provide a jet of water anywhere	-	yes	yes
Fire pump – outside engine room	Yes ⁷	yes ¹	yes ¹
Hoses and nozzles	Yes ⁸	3	3
Portable fire extinguisher – accommodation & service spaces	2 ⁹	3 ⁹	3
Fireman's Outfit and BA	-	-	Yes ³
Fireman's axe	-	yes	See note 3
Boiler room (& room with oil fuel installation):			
Fixed system	See note 10	See note 10	Yes
Portable fire extinguisher	-	-	2 ²
Sand box	-	-	1 ⁶
Engine room:			
Portable fire extinguisher (suitable for oil fires)	1 (< 6 m) or 2 (≥ 6m)	2	1 per 74.6 kW ⁴ or 2 plus a 45 litre foam (or 16kg CO ₂)

Notes

1. Can be manually operated.
2. Two in each space containing any part of any oil fuel installation.
3. As per reg.37 i.e. including fire axe, torch etc.
4. Up to a max of seven.
5. Power may be off main engine.
6. Alternatively an additional portable extinguisher suitable for oil fires.
7. May be power or hand operated.
8. Able to produce a jet 6m of water which can be directed at any part of the ship, with a 10mm and spray nozzle. Although in any ship <9m and any open ship less <21.34m this requirement may be substituted with two fire buckets, one of which must have a lanyard. These fire buckets need not be additional to those mentioned in note 9.
- 9 May be substituted with buckets, one of which must have a lanyard.
10. With regard to wooden boats see Regulation 20(5) of SI 1998/1011 - The Merchant Shipping (Fire Protection: Small Ships) Regulations 1998.

ANNEX 2

Alternative MCA standards (previously FFP)

1. Life Saving Appliances (LSA)

1.1 Lifebuoys, life jackets and liferafts

1. There shall be at least two lifebuoys on vessels of less than 24m in length and four lifebuoys on vessels of 24m or more in length, at least one of which shall be located by the wheelhouse.

2. Lifebuoys and holders shall comply with harmonized standards BS EN 14144:2003 'Lifebuoys Requirements & tests' and BS 14145:2003 'Holders for Lifebuoys'. For category C and D waters, at least one of the lifebuoys shall be fitted with a buoyant line and one with a battery powered light which will not be extinguished in water.

3. Quoits may be used as an alternative to lifebuoys on category A and B waters.

4. In category B, C and D water there shall be one life jacket per persons on board member plus one spare; this requirement is recommended for category A waters. These may be inflatable lifejackets providing they are not orally inflatable. Lifejackets shall comply with BS EN 396 and shall be maintained in accordance with manufacturer's instructions.

5. Vessels operating in Category D waters shall have a liferaft (open reversible inflatable type (ORIL)). Recommended also for category C waters.

1.2 Other equipment

1. The following shall be on board:

- (a) A heaving line;
- (b) A radar reflector, for non-metallic hulls on category B, C and D waters.
- (c) A first aid kit
- (d) Two red hand flares and two smoke signals shall be provided for operation on category C & D waters; rocket flares are recommended for category D waters and may be required on the advice of the navigation authority.

2. Fire Fighting Equipment

2.1 Fire extinguishers

1. There shall be on board at least:

- | | | |
|-----|--|-------------------------------|
| (a) | In the wheelhouse: | 1 portable fire extinguisher; |
| (b) | Close to each means of access to the deck and accommodation; | 1 portable fire extinguisher; |
| (c) | Close to each means of access to service premises that are not accessible from the accommodation, and which contain heating, cooking or refrigeration equipment using solid or liquid fuels: | 1 portable fire extinguisher; |
| (d) | At each entrance to the engine room and boiler rooms: | 1 portable fire extinguisher; |
| (e) | At suitable points in engine rooms and boiler rooms such that no position in the space is more than 10 metres away from an extinguisher, unless this provision is met by (d). | 1 portable fire extinguisher; |
| (f) | By the galley | 1 fire blanket. |

2. Portable fire extinguishers shall meet the following conditions:

(a) Portable fire extinguishers required by section 1 shall be of an approved type meeting the requirements of BS EN3 Series: 1996 and have a rating of at least 13a/113b.

(b) The extinguishing substance used in the portable fire extinguishers required by section 1 shall be suitable for at least the fire category that is most likely to occur within the area for which the extinguishers is intended.

The extinguishing substance on board vessels whose electrical systems have a service voltage of more than 50 V shall also be suitable for fighting electrical fires. The instructions for use shall be clearly set out on each portable extinguisher.

(c) The extinguishing substance may be neither halon nor contain a product which is likely to release toxic gases during use, such as carbon tetrachloride. Portable fire extinguishers using CO₂ may only be used to fight fires at specific locations such as control panels, kitchens; the quantity of CO₂ should not constitute a health hazard.

(d) Extinguishers that are sensitive to freezing or to heat shall be installed or protected in such a way that their proper functioning is always guaranteed.

3. Fire extinguishers shall be serviced at the manufacturer's recommended service intervals by an approved service agent.

4. If extinguishers are installed in such a way that they are out of sight the panel covering them shall be identified by an appropriate symbol accordance with MSN 1763 (M+F).

3. Fuel Tank Shut offs

1. Directly at tank outlets the pipe work for the distribution of liquid fuels shall be fitted with a shutoff device that can be operated from the deck. This requirement shall not apply to tanks mounted directly on the engine.

ANNEX 3



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GENERAL EXEMPTION

The Secretary of State, in exercise of his powers under Section 85(6) of the Merchant Shipping Act 1995 together with the exemption powers² in each of the appropriate regulations hereby exempts:

Ships of Class **IX(A)**

from the requirements of such regulations as applicable to it being a ship of Class IX(A). This exemption shall have immediate effect and only until such time as the appropriate parts of the regulations³ are revoked, or this exemption is either amended or revoked.

This is on condition that:

(a) the vessel does not proceed to sea⁴

AND

(b) the vessel meets the requirements for carriage of life saving appliances and fire fighting equipment, as laid down in:-

- the MCA Alternative Standard;
- the Thames Freight Standard; or
- another appropriate and suitable industry standard that is approved by MCA.

AND

(c) when required by the relevant waterway authority, the vessel has been issued with an appropriate Certificate of Inspection pertaining to such an approved standard.

Dated this 14 day of September 2011

A handwritten signature in blue ink, appearing to read 'Philip Naylor', is written over a circular stamp.

Philip Naylor

Director of Maritime Services
for the Secretary of State

² SI 1999 No. 2721 – The Merchant Shipping (Life Saving Appliances For Ships other than Ships of Classes III to VI(A)) Regulations 1999, Regulation 85;

SI 1998 No. 1011 – The Merchant Shipping (Fire Protection: Small Ships) Regulations 1998: Regulation 47

³ SI 1999 No. 2721; Regulations 1, 2, 3, 4, 5, 18, 40, 46, 62, 67.

SI 1998 No. 1011; Regulations 1, 2, 21.

⁴ Beyond the boundaries of Categorised Waters as defined and listed in Merchant Shipping Notice MSN 1827 (M), as amended.