

PART B

CHAPTER 1

GENERAL

1.1 General

1.1.1 There are numerous sets of regulations which require statutory surveys to be conducted and certificates issued. In addition there have been significant changes in survey and certification procedure, with the adoption of the 'Harmonised System of Survey and Certification' (HSSC) and the Alternative Compliance Scheme (ACS), which are reviewed in Part B Chapter 2 of these instructions. Moreover there are many publications - Merchant Shipping Notices (MSNs), Marine Information Notes (MINs), Marine Guidance Notes (MGNs), Codes of Practice, Instructions to Surveyors, etc., which are directly associated with these regulations and changes in survey and certification procedure. Some contain statutory requirements, whilst others give detailed advice on the application and interpretation of the various regulations, including guidance on survey procedure.

1.1.2 In view of the number and variety of these publications, it was decided to provide surveyors with a short review of the fundamental requirements of survey and certification. This review is intended to enable surveyors to become quickly conversant with these regulations and their associated publications, and also to pin point where the legal authority to undertake the various duties lie. The reviews are not, however, intended to replace the need to study the contents of any of the named publications, all of which contain a wealth of information on survey and certification.

1.1.3 It should be noted that many of the regulations which deal with survey and certification have been amended since their introduction. The amended text of regulations should be available via the Survey & Certification Management System (SCMS) library. The accuracy of any amendments cannot be guaranteed absolutely and in contentious cases a careful check of the principal regulations and relevant amendments should be made from the un-amended documents listed on the Master List of Documents (MLD). At all times the MLD must be considered to hold the controlled copy of any document as there can be a delay of up to 2 weeks before SCMS library is updated with new or revised documents. A decisions database and Technical Interpretation Presentation System (TIPS) are also available on the SCMS which list various policy decisions and interpretations of contentious issues.

1.1.4 There are certain statutory requirements which are not covered by the mandatory issue of a certificate of survey or where certification is not mandatory such as:

- Requirements for ships of less than convention size
- Crew accommodation
- Health and safety aspects.

In all cases reference should be made to the applicable regulations, Merchant Shipping Notices, Marine Information Notes, Marine Guidance Notes and Instructions to Surveyors.

1.1.5 Enforcement of regulatory requirements for vessels which do not have to be surveyed, such as life saving and fire appliances on pleasure vessels greater than 13.7m in length and the MS (Distress Signals and Prevention of Collisions) Regulations 1996 is addressed by the Instructions for Surveyors on Inspection Policy. The time spent is to be booked towards the inspection.

1.1.6 MCA surveyors should also be aware of the relevant MCA Quality Management System (QMS) procedures and work instructions before starting any associated activity. The relevant documents are on the MLD.

1.1.7 MCA laser marked paper is to be used for the printing of certificates for vessels and for the Letters of Appointment to classification society surveyors acting on behalf of the MCA. The purpose of the laser marked paper is to identify the certificates as genuine MCA issued certificates.

1.2 Appointment of non MCA surveyors

Authority to carry out many of the surveys required by ships has been fully delegated to 'Recognised Organisations' as described in **MSN 1672 as amended**. Where authority has not been fully delegated to a Recognised Organisation, Survey Operations Branch may appoint a named surveyor to carry out a particular survey in accordance with procedure MCA 320 on a case by case basis.

1.3 Unified interpretations of survey terms

1.3.1 Distinctive Numbers or Letters

1.3.1.1 The use of official numbers in the "Distinctive Number or Letters" field of forms has lead to problems with ships changing to or from Part IV (bareboat charter ships) of the UK Register as the official number changes when the primary register changes, leaving the certificate inaccurate. The call sign however remains the same during the change.

1.3.1.2 Where SOLAS or other certificates have a field for "Distinctive Number or Letters" the ship's Call Sign should be used, not its Official Number.

1.3.1.3 Agreement at the IMO has clarified the interpretation of certain terms referred to in SOLAS, and UK regulations may be interpreted accordingly.

1.3.2 Unforeseen Delay in Delivery

1.3.2.1 For the purpose of defining the category of a ship under SOLAS regulation II-1/3-2, a ship for which the building contract (or keel laying) occurred, and scheduled delivery date was, before the dates specified in this

regulation, but where the delivery has been subject to delay beyond the specific date due to unforeseen circumstances beyond the control of the builder and the owner, may be accepted by the Administration as a ship delivered before the date of delivery specified in this regulation. The treatment of such ships should be considered by the Administration on a case by case basis, bearing in mind the particular circumstances.

1.3.2.2 It is important that ships accepted by the Administration under the provisions of the paragraph above should also be accepted as such by port States. In order to ensure this, the following practice is recommended to Administrations when considering an application for such a ship:

.1 the Administration should thoroughly consider applications on a case by case basis, bearing in mind the particular circumstances. In doing so in the case of a ship built in a foreign country, the Administration may require a formal report from the authorities of the country in which the ship was built, stating that the delay was due to unforeseen circumstances beyond the control of the builder and the owner;

.2 when a ship is accepted by the Administration under the provisions of the paragraph above, the delivery date annotated on the Passenger Ship Safety Certificate, Cargo Ship Safety Construction Certificate or Cargo Ship Safety Certificate should be footnoted to indicate that the ship is accepted by the Administration under the unforeseen delay in delivery provisions of this interpretation; and

*.3 the Administration should report to the Organization on the identity of the ship and the grounds on which the ship has been accepted under the unforeseen delay in delivery provisions of this interpretation.
(MSC Circular 1247)*

1.3.3 Contract Date/ Keel Date/ Delivery Date

1.3.3.1 Under certain provisions of the SOLAS and MARPOL Conventions, the application of regulations to a ship is governed by the dates:

.1 for which the building contract is placed on or after dd/mm/yyyy; or

.2 in the absence of a building contract, the keel of which is laid or which is at a similar stage of construction on or after dd/mm/yyyy; or

.3 the delivery of which is on or after dd/mm/yyyy.

1.3.3.2 For the application of such provisions, the date on which the building contract is placed for optional ships should be interpreted to be the date on which the original building contract to construct the series of ships is signed between the shipowner and the shipbuilder provided:

.1 the option for construction of the optional ship(s) is ultimately exercised within the period of one year after the date of the original building contract for the series of ships; and

.2 the optional ships are of the same design plans and constructed by the same shipbuilder as that for the series of ships.

1.3.3.3 The application of regulations governed as described in paragraph 1, above, is to be applied as follows:

.1 if a building contract signing date occurs on or after the contract date specified for a particular set of regulation amendments, then, that set of regulation amendments applies;

.2 only in the absence of a building contract does the keel laying date criteria apply and, if a ship's keel laying date occurs on or after the keel laying date specified for a particular set of regulation amendments, then, that set of regulation amendments applies; and

*.3 regardless of the building contract signing date or keel laying date, if a ship's delivery date occurs on or after the delivery date specified for a particular set of regulation amendments, then, that set of regulation amendments applies except in the case where the Administration has accepted that the delivery of the ships was delayed due to unforeseen circumstances beyond the control of the shipbuilder and the owner. **The delivery date means the completion date (day, month and year) of the survey on which the certificate is based (i.e. the initial survey before the ship is put into service and certificate issued for the first time) as entered on the relevant statutory certificates.***

(MSC-MEPC 5/Circ 8)

1.3.4 First Survey

1.3.4.1 Unless indicated otherwise, when the term "first survey" is referenced by a regulation in the 1974 SOLAS Convention, as amended, it means the first annual survey, the first periodical survey or the first renewal survey whichever is due first after the date specified in the relevant regulation or any other survey if the Administration deems it to be reasonable and practicable, taking into account the extent of repairs and alterations being undertaken.

For a ship under construction, where the keel is laid before, but the ship is delivered after, the date specified in the relevant regulation, the initial survey is the "first survey".

(MSC Circular 1290)

1.3.5 Re-issue of certificates which have not expired

The IMO has produced guidance in MSC-MEPC.5/Circ.6 with regard to the replacement of existing certificates by new format certificates which are specified in amendments to any IMO instruments. A strict implementation of

the IMO guidance by MCA would result in increased costs for UK ship owners, as a fee would be charged for each re-issue of a certificate. In recent years this has included the introduction of AIS, VDR, LRIT and BNWAS – all with differing implementation dates. An increased workload would also be placed on the Marine Offices. Consequently, the following policy should be applied:

1. In cases where the ship does not have to comply with new requirements, the certificate (and its attachment, if any) is not reissued until its expiry;

2. In cases where a ship has to comply with new requirements which need to be recorded on the certificate (or attachment), at the opportunity of the first survey occurring after the date of compliance with the new requirements, the certificate (and its attachment, if any) should either:
 1. Be amended by hand, in accordance with the relevant new IMO template, if the amendments will fit neatly and clearly onto the existing certificate, or;
 2. If the amendments are lengthy, will not fit on the existing certificate or will not be clear if amended by hand, be re-issued with the latest revision of the certificate showing all amendments;
 3. Where a ship is subjected to a modification or conversion which involves an additional survey, the certificate (and its attachment, if any) is re-issued.

The same policy should be adopted for UK or EU certificate formats.

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