

PART B

CHAPTER 10

GOVERNMENT SHIPS

10.1 Scope

10.1.1 This guidance applies to Ministry of Defence (MOD) and other Government ships and also commercially owned, commercially operated (COCO) ships when undertaking duties which are outside the scope of normal merchant ship operation on behalf of a Government organisation.

10.2 Definitions

10.2.1 "Government ships" means ships not forming part of Her Majesty's Navy but which belong to Her Majesty, or are held by any person on behalf of or for the benefit of the Crown. These ships may be registered under Part II of the Merchant Shipping Act 1995.

10.3 General Policy

10.3.1 There is an MOU between MCA, MOD and MAIB which details the responsibilities of each organisation and the survey services which MCA provide to MOD.

10.3.2 The general criteria to be satisfied before certification showing compliance with merchant ship standards will be granted by the MCA to those ships submitted by MOD for survey is as follows:

10.3.2.1 ships fully comply with international, European Community and national regulations as are appropriate; or

10.3.2.2 compliance is achieved through equivalent or alternative arrangements, including operational arrangements, that are agreed by the MCA to be equivalent to the appropriate international, European Community or national regulations, to the extent that would be allowed for a commercial ship; or

10.3.2.3 in cases where compliance through .1 or .2 cannot be achieved, the specific aspect may be addressed through an MOD risk assessment documented within a 'safety case'. In this instance the MOD takes responsibility for authorising the proposed arrangement, on behalf of the Secretary of State for Defence, and MCA take no responsibility to receive, review or assess the 'safety case', only to record that such a 'safety case' has been declared to the MOD's satisfaction.

10.4 Background

10.4.1 Where MOD shipping activities are not subject to merchant shipping or health and safety legislation, the Secretary of State for Defence requires safety and environmental protection standards and management arrangements that are, so far as reasonably practicable, at least as good as those required by UK commercial shipping legislation.

10.4.2 To satisfy this requirement the MOD manages the safety of its shipping activities using the MOD Joint Services Publication. However, the MOD recognises the benefits to certain shipping activities of application of elements of the Merchant Shipping Acts and relevant EU legislation. Consequently, the Merchant Shipping (Ministry of Defence Ships) Order 1989 prescribes those sections of the Merchant Shipping Acts that will be applied to MOD (Government) ships on non-commercial service (see MOU between MCA/MOD/MAIB). In doing so the MOD benefits from UK and EU regulation through independent assurance of its safety management systems. In addition crews are afforded the benefits of UK terms and conditions.

10.4.3 The relevant Government ships fall into three main branches:

- Royal Fleet Auxiliaries (RFA)
- Marine Service Craft, formerly RMAS
- Minor Warships and Boats (MWAB)

Each has an MCA CSM.

10.5 Certification

10.5.1 Government ships are issued with MCA-modified versions of convention certificates which confirm compliance with the relevant convention but recognise that the ship is not required to comply. So for example a Government Cargo Ship Safety Equipment Certificate is issued to RFA tankers. Convention certificates issued by Class are similarly modified.

10.6 Applicable Survey Standard for Government Ships

10.6.1 Where an MCA surveyor is asked to survey a Government ship, they should establish and agree the applicable standard (usually based on type and class).

10.6.2 Should the requested standard be different from that which the surveyor considers to be the applicable “merchant ship” standard, the Government organisation should be made aware of the appropriate standard and asked to confirm in writing that they will ensure that any variation or deficiency in the level of safety is addressed by a ‘safety case’. A copy of the letter from the Government organisation should be placed on the file.

10.7 Classification of Non-Compliances (hardware)

10.7.1 All items accepted as based on an MOD 'safety case' should be clearly identified from those accepted as "equivalent" in accordance with normal MCA practice. In cases of doubt surveyors should liaise with the CSM. The CSM reviews equivalents to ensure that any true non-compliance is covered by a 'safety case'.

10.7.2 The RFA CSM maintains a database of equivalents granted to their ships. Surveyors should consult with the CSM where necessary to help ensure consistency particularly where Government-supplied equipment is being considered.

10.7.3 Operational arrangements are not normally accepted as providing equivalence to hardware required by regulations. In cases where the Government organisation consider an operational arrangement is appropriate this would have to be considered by MCA and if there is no alternative, the non-compliant item would have to be addressed by a 'safety case'.

10.7.4 Non-compliances may be dealt with as follows:

Category	Action Required	File or Certificate
Equipment supplied complies with alternative standard, and from information available can be accepted as equivalent to relevant Merchant Shipping standard.	Accept as equivalent.	Note in relevant file
Equipment which, from information available, cannot be verified as in compliance with relevant Merchant Shipping standards, but for which the Government organisation is satisfied with the standard.	Government Organisation confirms in writing that its alternative equipment provides equivalent performance. Submit evidence to support.	File letter in relevant file. Note on Annex to certificate "Accepted on the basis of compliance with [Government Organisation] own equivalent standard.
Structural items which, from information available, can be accepted as "equivalent".	Accept as equivalent.	Note in relevant file.
Structural item, which from information available, cannot be verified as in compliance	To be addressed in 'safety case' and/or operational history. Letter from Government organisation confirming	File letter in relevant file. Note on Annex to certificate "Accepted on the basis of compliance with [Government

with relevant Merchant Shipping standards.	that the arrangements for the item provide adequate safety.	Organisation] 'safety Case'.
Other item which, from information available, cannot be verified as in compliance with relevant Merchant Shipping regulation.	To be addressed in the 'safety case'. Letter from Government organisation confirming that the arrangements for the item provide adequate safety.	File letter in relevant file. Note on Annex to certificate "Accepted on the basis of compliance with [Government Organisation] "safety case".
Operations outside of normal merchant shipping activity	To be addressed as an 'affected service'. Letter from Government organisation confirming that the arrangements are covered as an 'affected service' based on its 'safety case'.	(see paragraph 10.8 below).

10.7.5 Non-compliances and the associated category must be recorded and attached to a copy of the first associated certificate in the relevant survey file (33/01 for passenger ships and 15/01 for cargo ships). Files must be forwarded to the relevant policy sections in MCA HQ for approval. Any subsequent significant changes shall be referred to HQ for consideration and approval.

10.8 Operations outside the scope of Merchant Shipping Regulations

10.8.1 Due to their role, some Government Ships and commercial ships under contract to MOD may conduct operations which would not be accepted on a merchant ship. These activities are known as 'affected services'. Examples of this include: opening bow and stern doors at sea; transport of larger numbers of personnel than normally permitted; transfer of personnel at speed; carriage of ammunition and carriage of 'AV' Gas for use by aircraft. If in doubt about a particular operation which is not already covered as an 'affected service' surveyors should consult the CSM or Survey Operations Branch.

10.8.2 It is the responsibility of the owners to ensure that their ships comply with specified requirements (either Merchant Ship or Government) and that all risks have been identified and taken into account as part of their 'safety case'.

10.8.3 Where such operations are proposed, the safety of such features is regulated by the government organisation under its own rules and survey of

the vessel should be restricted to application of the relevant Merchant Shipping Regulations. For example:

10.8.3.1 A vessel which may open bow and stern doors at sea should be able to comply with requirements for installation and operation of such doors in the intact state and for downflooding etc in the damaged state, where applicable. No specific arrangements should be required for or examined by the MCA for the purpose of enabling the opening of such doors at sea, as these operations will be assessed by the government organisation as an 'affected service'.

10.8.3.2 Where a vessel normally carries up to 12 passengers MCA may survey the vessel as a cargo ship (e.g. Class VII). However, when in exceptional circumstances the vessel is required to carry in excess of that number, that is the government organisation's responsibility and it should ensure that it has been addressed as an 'affected service'. For one off voyages, the MCA may issue exemptions (similar to that for vessels undergoing sea trials with excess number of persons onboard, where additional equipment may be required).

10.8.3.3 Weapon magazines on MOD vessels are fully internally regulated by the MOD and would not require MCA involvement, and there should be no implied acceptance of such a space for the proposed purpose.

10.9 Plan Approval

10.9.1 Noting the general principle adopted above for the survey of Government owned vessels, where structural items are non-compliant against the applicable regulations and for which no equivalent arrangement is provided, these items should also be added to the list of equivalencies on the basis of compliance with the 'safety case'.

10.9.2 Consequently, where plan approval is sought for modifications to existing vessels or construction of new vessels, contractors should be advised where a proposed system or arrangement does not meet the applicable regulations and requested to make necessary modifications to bring it into line with minimum requirements.

10.9.3 However, the contractor should also be advised that, should it wish to retain the non-compliant arrangement for operational or other reasons including Government requirements, then this would require to be dealt with in the Government organisation's own 'safety case'. Before a certificate could be issued the Government organisation responsible for the vessel will have to confirm, in writing, that the non-compliant arrangement has been dealt with by its 'safety case'. It shall then be for the contractor to notify the sponsoring organisation within Government of the surveyor's findings. The Government organisation will be responsible for advising the contractor whether the system or arrangement may be retained and the deficiency addressed in the safety case and the MCA advised accordingly.

10.10 Manning

10.10.1 For ships issued with other statutory certificates, all officers and crew must satisfy international (e.g. STCW 78/95) or UK requirements as appropriate to the area of operation. Where personnel hold the Government Organisation's own certificates of competency and it is desired to obtain equivalent Merchant Shipping Certificates of Competency, MCA HQ will consider each case on its merits on equivalency basis.

10.11 Liaison

10.11.1 Where difficulties with application of the guidance arise the relevant CSM or Survey Operations Branch should be consulted. Where builders have been contracted for the design or building of Government ships, they should contact the responsible person in the relevant Government organisation to ensure that the standards are acceptable to all parties. All equivalents on the basis of 'safety cases' can only be agreed between the Government organisation and MCA.

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