

Consultee Comments	MCA Response
<p>X welcomes the opportunity to comment on the draft MGN on single point of failure of MES.</p> <p>X objects to both the tone and nature of the consultation document in that the safety of passengers and seafarers appears secondary to the monetary considerations of carriage of additional LSA. If monetary consideration is the prime driver this fails to recognise the provisions of the protocol to the Athens Convention with respect to strict liability payments in the event of the loss of life of passengers. In addition, there are the payments for loss of seafarer life. Regardless of any financial loss, is the tragedy of loss of human life.</p> <p>While accepting the necessity for alternative systems such as davit launched life-rafts and MES, they are no substitute for lifeboats where their carriage is possible. However, they are suitable for supplementing LSA capacity, particularly where boats can only be lowered on one side of the vessel.</p> <p>X draws attention to the high failure rate of MES and the difficulty in deployment in adverse weather conditions including high wind speed; it may not be possible to successfully deploy an MES on one side of the vessel.</p> <p>X wishes to express grave concern over the reliance on alternative systems where the consequence of failure may result in significant loss of life on both smaller and larger vessels where</p>	<p>The MCA is grateful to X for the comprehensive response that’s provided to this consultation.</p> <p>Firstly may I assure X that, while the impressions has been given that economics has been placed above safety, the intention is to assess whether proportionate and achievable measures are applied. In order to achieve this, the MCA is required to consider the commercial and economic impact of any proposed publications, even if these may be based upon existing regulatory provisions (such is the axe with this Notice). I’d be happy to discuss this further if needed but please be assured that the intention is not to place economics above safety – the aim is to achieve proportionality.</p> <p>No comment.</p> <p>The MCA would be interested to learn of the source of this information about MES failures. The MCA is aware of deployment and launching issues (and benefits) associated with all forms of abandonment and these must be taken in the context of the number of ships, seafarers and survival craft in existence. Nevertheless, this doesn’t mean we’re complacent and we have a keen eye on any cases involving unsuccessful abandonment, so that we may continue to maintain a strong voice at the IMO and to assist in determining UK policy.</p> <p>The MCA acknowledges the comments being made about the use of “alternative systems” including MES and would be interested in speaking with X to discuss in more detail the concerns that have been raised.</p>

there is insufficient excess capacity. The consequences of such failure will vary depending upon the size and type of vessel.

It is disappointing that only three weeks has been afforded for consultation given that all legislative requirements have been in place for a considerable time.

Referring to section 3.1, the wording:

“Operators of UK ships certificated (or due to be certificated) by the MCA are invited to voluntarily complete a risk assessment of their operation“

Should be amended to read:

“Operators of UK Ships certificated (or due to be certificated) by the MCA should complete a risk assessment of their operation“

All M-notices are by definition guidance and not mandatory. However there is guidance and then there is guidance. By so specifically stating that the risk assessment is voluntary the strength of the guidance is weakened.

Referring to section 3.3, the non – exhaustive list fails to take account of the design and construction of the vessel including residual stability.

In this context attention is drawn the respective differences in SOLAS 1990 plus Stockholm Agreement and SOLAS 2009 vessels. In addition X believes that the survivability factor ‘S’ equals 0.8 is inadequate and should be 0.9.

The MCA is sorry to learn of the disappointment at the length of time of the consultation. Generally, for MGN’s the typical consultation period is between 2 and 4 weeks depending on the length and complexity of the notice. 3 weeks was chosen to provide what was seen as a reasonably long time to consider a short notice but we take on-board your comments.

The comment is noted, the use of the language to emphasise the voluntary nature was chosen in response to a number of enquiries from ship operators about the status of the draft notice. X’s comments have been taken into account for the latest draft so that para 3.1 reads “Operators of UK Ships certificated (or due to be certificated) by the MCA or a UK authorised RO should complete a risk assessment of their operation with regard to the ability to successfully disembark passengers in the event of a single point of failure”.

Comment noted and draft MGN amended to include the design and construction of the vessel, including residual stability.

As is widely appreciated, there are developments at the IMO on passenger ship damage stability and work is ongoing to determine the extent to which this may or may not influence future EC and UK policy on passenger ship stability. We shall consider your comments on survivability factor as part of those policy considerations and we would welcome further 1:1 comment from X on this subject.

Referring to Section 3.4, X is of the opinion that any equipment that is identified as at significant risk of single point of failure of either the whole system or any component is not fit for purpose. It should therefore be replaced or modified to reduce the risk.

X believes that the practice of towing life-rafts from one side of a ship to the other would be compromised in adverse weather or other circumstances in particular when a vessel is subject to rapid sinking and/or capsize.

Referring to 3.5 and 3.6, in the interests of safety of life at sea and transparency, the information provided by the operator with respect to any risk assessment, should be made publically available as should any additional mitigation factors determined by the MCA.

The MCA understand the intent behind this comment. Where equipment is permitted to be carried by existing regulatory provisions it would not be appropriate to mandate the removal of that product due to a calculated risk of single point of failure. Any system could be susceptible to a single point of failure depending on the level of analysis that went into system based design but the existing prescriptive regulatory measures internationally and UK domestically simply set a requirement for a particular piece of equipment to be provided. This doesn't negate the need for sound engineering practice. Instead of mandating the removal of such equipment, we ask that the risks are evaluated to a reasonable degree and then appropriate risk mitigation measures adopted as part of a ship safety management system. With the development of more goal-based regulations much more emphasis will be placed on system design requirements to ensure compatibility and redundancy. This is certainly the ambition of the UK in its contributions to the IMO discussions on the new functional requirements for SOLAS Chapter III and is taken partly in response to MAIB recommendations following the Tombarra incident.

Indeed, the MCA also recognises this and would expect the feasibility of transferring rafts to be considered as part of the risk assessment.

We feel that it would be wrong to publicise the details of any technical assessment which has led to the approval of a particular arrangement. Any ship-specific operational and procedural matters which need to be brought to the attention of the public to achieve successful abandonment would be made available by the ship operator to their customers, as appropriate. Publicising risk mitigation measures for each ship would be unnecessary if the ship is compliant and is fully certificated.

<p>We would respectfully point out that if the wording of 3.1 remains the same then points 3.5 and 3.6 are effectively redundant as the operator can simply state that they have not “volunteered” to undertake the risk assessment.</p> <p>Referring to section 4, whilst there is merit in the statements made, this is undermined by the weak nature of the guidance in section 3.</p>	<p>Comment addressed in the revised version of the draft.</p> <p>Comment noted.</p>
<p>Thank you for the inclusion of X on the consultation for a new Marine Guidance Note (MGN) setting out MCA expectations of how the risks of a single point of failure are mitigated and recorded in the safety management systems of UK Passenger Ships.</p> <p>We note that the scope of the new Marine Guidance Note (MGN) setting out MCA expectations of how the risks of a single point of failure is limited to Marine Evacuation System and Davit Launched Raft arrangements.</p> <p>In light of recent well publicised incidents with LSA equipment we are of the firm opinion that the scope of this MGN should be broadened to include equipment such as lifeboats and LSA davits (used for rescue boats, lifeboats as well as liferafts). A lifeboat and a lifting appliance generally has no ‘redundancy’– so a single failure is enough to cause a major accident</p>	<p>Noted.</p> <p>The risks of single point of failure brought to the attention in the MGN are mostly seen in ship types where the size of ship and type of operation mean that reliance is more likely to be placed on a small number of MES or large davit launched rafts to abandon. That being said, it could equally be the case that a lifeboat is used as the survival craft. To account for your comment we have changed the terms used to refer to survival craft, launching appliances and liferafts – each having their usual IMO meaning. The need to refer to the term liferaft is that there are specific points to note with regard liferafts.</p> <p>Noted, and addressed, noting that a rescue boat is intended for rescue rather than survival so is not included.</p>
<p>Just one question regarding paragraph 3.5: Should this include a reference to SOLAS Chapter III and the UK Regulations, as applicable to the vessel, in addition to the EU Directive which</p>	<p>Comment addressed with a revision to be clear that the MCA will only check that a risk assessment has been undertaken and that the</p>

<p>does not apply to “vessels constructed in material other than steel or equivalent”.</p>	<p>company owns that assessment and has undertaken the mitigation measures they identified.</p>
<p>Thank you for the opportunity to comment. X fully supports the principle that, where the failure of a single MES or DLR severely reduces a vessel’s capacity to abandon, the risk should be mitigated and the safety management system updated accordingly.</p> <p>That said, the text in the draft MGN is confusing and it is unclear what the point being made is. A redraft is needed with the case being set out in a few simple paragraphs.</p>	<p>Comment noted, thank-you.</p> <p>Comment noted, the document was drafted over many months of careful consideration of the issue from an engineering perspective and accounting for the very many different scenarios that could exist in practice, which is very different to get across in a Note which sets out the issue, what we expect to be done, and how we expect it to be done. We have reviewed the text and made some editorial changes to simplify the text, which we hope will be found to be easier to read.</p>
<p>Thank you for including us in this consultation although we feel that the questionnaire is more directed at the Company rather than X.</p> <p>With regard to the draft MGN we are of the opinion that it is a useful tool, however, we would like to see the inclusion of guidance on how a risk assessment should be conducted.</p>	<p>Thank-you.</p> <p>The development of the risk assessment is very much dependent on the type of operation and the extent of risks posed. The MCA would prefer not to prescribe the format of the risk assessment at least at this stage of the document. We shall monitor progress on the application of this guidance and consider best practice before considering whether to develop a template form for the risk assessment.</p>
<p>I refer to the consultation period request on the Draft MGN for Single Point of Failure. You will appreciate my expertise is of a broad nature, so my comments are general. In essence I think the proposed MGN is appropriate and should be acceptable to the industry. By way of comment, I think reference to SMS is sound and should assist in on board understanding.</p>	<p>Thank-you.</p>
<p>We would prefer for the MGN to be drastically simplified with a clearer explanation that the intent is for the operator to</p>	<p>Multiple simplifications have been undertaken throughout.</p>

complete and then own their own risk assessment and that the MCA will not be checking or approving the risk assessment.