



Maritime & Coastguard Agency

Consultation on amendments to Merchant Shipping Notice (MSN) 1823 – Safety Code for Passenger Ships Operating Solely in UK Categorised Waters

Purpose of this consultation

1. This consultation concerns proposed changes to MSN 1823, which was introduced in 2010. These changes are the result of:-

- discussions between the MCA and the domestic passenger ship industry over the past few years, including an initial, informal consultation in early 2014; and
- consideration and evaluation of MSN 1823 within MCA, following input by its ship surveyors.

2. The changes to MSN 1823 are incorporated in draft MSN 1823 Edition 2 (“the revised Code”), included as Annex 1 of this letter. There are also a number of questions annexed to this letter, on which we would greatly appreciate your input.

Background

3. The introduction of MSN 1823 in 2010 marked a step forward in regulation and statutory guidance being more risk-based and goal-based as well as more user-friendly and manageable. Many of the requirements that were previously spread over some 11 different sets of regulations and their associated guidance documents, now appeared within a single publication.

4. Since its introduction in 2010, a number of areas have come to light where there is scope for some improvement. In a few instances, the safety requirements laid down in the Code were not sufficiently robust to address the level of risk involved. In the majority of others, the requirements were either unworkable for the type of ship, or area of operation in question, or disproportionate to the level of risk

involved. A number of other modifications to the text of the revised Code simplify, clarify or make more explicit, existing safety policy and requirements.

5. As MSN 1823 is a statutory document, given legal effect by a Statutory Instrument, any amendments to it must be undertaken on a formal basis, with Edition 2 reissued as a revised MSN.

6. The MCA considers that the revised Code will be better for operators to work and comply with, and will still underpin a robust safety regime for the travelling public. The Code will continue the undoubted benefits of having the principal statutory requirements concerning the construction, equipment and operation of UK passenger ships operating on categorised waters, in one comprehensive document.

7. The revised Code will continue to apply only to “new” ships, and its amended requirements will not be retrospective.

8. The proposed amendments to MSN 1823 reflect the principle of periodic review and revision of legislation and statutory guidance. They are also in line with its development as a “living” document that evolves in the light of experience and changing conditions, rather than a static set of rules that takes no account of those vital factors.

9. The MCA believes that the amended standards in the revised Code will achieve the following objectives:-

- establish robust but proportionate and appropriate safety standards for the next generation of new passenger ships on UK categorised waters; and,
- support and help facilitate this sector of the UK shipping industry, with its associated contribution to the wellbeing of local economies through tourism and related employment.

10. It is expected that the changed requirements in the revised Code will apply to ships constructed, or first certificated, on or after 1 March 2017.

Structure and Principles of the Code

11. There are no fundamental changes to the structure and order of topics used in MSN 1823. There is more developed use of risk-based approaches in the revised Code, with appropriate and proportionate easements for ships that operate in lower risk environments, such as categories A and B.

Impact of the Code on the UK Domestic Passenger Ship Industry

12. A spreadsheet showing a breakdown of the changes in the revised Code is provided at Annex 3 of this letter. It includes the reason/s for each change, and indications of the possible savings or costs expected to arise.

13. The costs and savings figures used in the spreadsheet, many of which are based on an average between several prices obtained by the MCA, are intended to provide a fair and realistic indication of the Code’s economic effects. We consider the revised Code to be the product of regular dialogue between the MCA and industry,

who have either been involved in, or kept apprised through their representatives, during the revised Code's development.

Consultation questions

14. A list of five questions is reproduced at Annex 2 of this letter, to help gather evidence of the impacts of the revised Code, both positive and negative. We would be grateful for your responses to these questions, which will be used in finalising both the revised Code, and the Impact Assessment that will be published prior to its publication.

How to Respond

15. A six-week consultation will be held between 08 November 2016 and 20 December 2016. The consultation is available on the Gov.UK website [link]; hard copies are available on request.

Please send your responses to this consultation, marked for the attention of Joanna Dormon / Richard Bone.

to consultationsdmss@mcga.gov.uk or

to Vessel Standards Branch
Bay 2/30, Spring Place
105 Commercial Road
Southampton
SO15 1EG

By 20 December 2016

About this consultation

This consultation document is issued by the Maritime and Coastguard Agency (MCA) in compliance with its duty to consult under section 86 of the Merchant Shipping Act 1995.

The MCA tries to make its consultation procedures as thorough and open as possible. Responses to this consultation document will be published on www.gov.uk/government/consultations/consultation-on-amendments-to-merchant-shipping-notice-msn-1823-safety-code-for-passenger-ships-operating-solely-in-uk-categorised-waters after the close of the consultation period where they can be inspected by members of the public.

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004 (EIR)).

If you want us to treat any of the information you provide, including personal information, as confidential, it would be helpful if you could explain to us in your response why you regard the information as confidential. If we receive a request under FOIA for disclosure of the information you have provided, we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances as the statutory obligations will prevail. An automatic confidentiality disclaimer generated by your IT system will not, of itself be regarded as binding on the Department.

The MCA will process all personal data in accordance with the DPA and in the majority of circumstances, this will mean that personal data will not normally be disclosed to third parties.

Code of Practice on Consultation

This consultation is conducted in accordance with the Cabinet Officer Consultation Principles Guidance.

Feedback

If you have any feedback about the way the consultation has been conducted, please address them to:

The Consultation Co-ordinator
Office of the Chief Executive
MCA
Bay 3/29, Spring Place
105 Commercial Rd
Southampton
SO15 1EG

Consultation.coordinator@mcga.gov.uk

We are continually trying to improve the way in which we conduct consultations and appreciate your views, so we would also be grateful if you would complete and return the attached feedback form. These should be returned to the consultation co-ordinator and are not affected by the deadline for this consultation.

Annex 1: - Draft Revised Code

Draft "Edition 2" of MSN 1823 – Safety Code for Passenger Ships Operating Solely on UK Categorised Waters

Annex 2: – List of questions to help establish the impacts

Your responses to these five questions will be used to inform and refine the cost/benefit analysis, and assumptions, in the final Impact Assessment for the revised Code.

Annex 3:– Old-New Changes and Comparison Spreadsheet

This spreadsheet sets out all of the changes, and estimated savings or/and costs associated with each one.