

MSN 1811 (M)

The Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000

Council Directive 98/18/EC – Phase-in of Existing UK Class III, VI and VI(A) Ships

Notice to all Shipowners, Operators, Managers and Masters

PLEASE NOTE:-

Where this document provides guidance on the law it should not be regarded as definitive. The way the law applies to any particular case can vary according to circumstances - for example, from vessel to vessel and you should consider seeking independent legal advice if you are unsure of your own legal position.

Summary

This statutory Merchant Shipping Notice sets out the standards and conditions applicable to United Kingdom Class III, VI and VI(A) steel or equivalent ships built before 1 July 1998 to phase-in to the requirements of Annex I of Council Directive 98/18/EC on Safety Rules and Standards for Passenger Ships.

Key Points

- The notice augments The Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000 (SI 2000/ 2687).
- Domestic Passenger Ships built before 1 July 1998 which comply with the equivalence provisions and conditions set out in this MSN -
 - will be considered to comply with the equivalent provisions allowed by Article 7(2) of Council Directive 98/18/EC,
 - will be issued with a Passenger Ship Safety Certificate under the Merchant Shipping (Survey and Certification) Regulations 1995 (SI 1995/1210), and
 - will be able to continue to operate on domestic voyages in the UK.

Ships which make use of these equivalent provisions may be excluded from operation in the waters of other EU Member States.

1. Introduction

- 1.1 The Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000 implement Council Directive 98/18/EC on safety rules and standards for domestic passenger ships.

2. Background

- 2.1 All steel or equivalent United Kingdom (UK) seagoing domestic passenger ships built since 1 July 1998 are required to comply with the regulations of Council Directive 98/18/EC, as amended, ('the Directive') and have been issued with a relevant (EC) Passenger Ship Safety Certificate.
- 2.2 From 1 July 2006 the provisions of Annex I of the Directive are being phased-in for existing (i.e. constructed before 1 July 1998) steel or equivalent seagoing domestic passenger ships of 24 metres in length and above, operating in the sea areas of EU Member States. This phase-in began on 1 July 2006 for ships constructed before 1 January 1940. For ships constructed between 1940 and 1998 the phase-in dates are between 1 July 2007 and 1 July 2010.

3. Equivalence

- 3.1 The European Commission has agreed that the UK legislation set out in paragraph 3.2 below, in relation to UK Class III, VI and VI(A) steel or equivalent ships, is equivalent to the provisions of Annex I of the Directive, taking into account the limitations and conditions applicable to those vessels as set out in this Notice.
- 3.2 The Secretary of State hereby approves the statutory requirements relating to hull, machinery, equipment and other provision in the following legislation, as they apply to UK Class III, VI and VI(A) ships, as being at least as effective as the requirements contained in Annex I of the Directive provided that the operating restrictions and limitations set out in paragraph 6 below are complied with:
- The Merchant Shipping (Fire Protection: Small Ships) Regulations 1998, as amended (SI 1998/1011)
(Merchant Shipping Notices (MSN) 1665(M), 1666(M), 1667(M), 1668(M), 1669(M) and 1670(M));
 - The Merchant Shipping (Radio Installations) Regulations 1998, as amended (1998/2070)
(MSN 1714(M+F));
 - The Merchant Shipping (Passenger Ship Construction: Ships of Classes III to VI(A)) Regulations 1998, as amended (SI 1998/2515)
(MSN 1699(M));
 - The Merchant Shipping (Life-Saving Appliances for Passenger Ships of Classes III to VI(A)) Regulations 1999, as amended (SI 1999/2723)
(MSN 1676(M));
 - The Merchant Shipping (Safety of Navigation) Regulations 2002, as amended (SI 2002/1473)
(MCA Safety of Navigation, Implementing SOLAS Chapter V, 2002);
 - The Merchant Shipping (Bridge Visibility)(Small Passenger Ships) Regulations 2005 (SI 2005/2286).

3.3 An existing ship which is in compliance with UK legislation as set out in paragraph 3.2 above, and with the limitations and conditions set out in paragraph 6 below, may be issued with an (EC) Passenger Ship Safety Certificate indicating that compliance with the Directive has been achieved through the adoption of equivalent provisions, in accordance with Article 7 of the Directive.

4. Application

4.1 The Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000 provide phase-in dates across a 4-year period to enable existing steel or equivalent ships to comply with the requirements of the Directive.

4.2 Ships built before 1 January 1940 will need a new (EC) Passenger Ship Safety Certificate by 1 July 2006, in order to comply with the requirements of the Directive and the approval of equivalent provisions. The remaining ships that are required to be phased-in will be issued with a new (EC) Passenger Ship Safety Certificate at the renewal or annual survey which precedes their phase-in date.

4.3 Compliance with the Directive by this approval of equivalent provisions can be applied only to existing ships to which the Directive applies. The existing limitations and conditions of operation of those ships will remain unchanged, as set out in paragraph 6 below. Other EU Member States may exclude ships certified by this equivalence approval from operation in their waters.

4.4 This approval of equivalent provisions does not apply to Annex III (Guidelines for Safety Requirements for Passenger Ships and High-Speed Craft for Persons with Reduced Mobility) of the Directive. Guidance on the requirements for persons of reduced mobility is contained in Merchant Shipping Notice 1789(M).

5. Fees

5.1 No additional fee will be charged for ships built before 1 January 1940 that are required to be provided with an (EC) Passenger Ship Safety Certificate by 1 July 2006, when this is provided as a replacement to an existing UK Passenger Certificate. The subsequent issue of (EC) Passenger Ship Safety Certificates will be subject to standard survey and certification fees.

6. Classification Structure

6.1 The table below illustrates the EC Classes that the current UK Class III, VI and VI(A) ships will become:

UK Class	Description of limitations and conditions	EC Class
III	Ships engaged only on voyages in the course of which they are at no time more than 70 miles by sea from their point of departure and not more than 18 miles from the coast of the United Kingdom, and which are at sea only in favourable weather* and during restricted periods**;	B (<i>restricted</i>)
VI	Ships engaged only on voyages with not more than 250 passengers on board, to sea, or on categorised internal waters, in all cases in favourable weather and during restricted periods, in the course of which the ships are at no time more than 15 miles, exclusive of any categorised internal waters, from their point of departure nor more than 3 miles from land;	C (<i>restricted</i>)
VI(A)	Ships carrying not more than 50 passengers for a distance of not more than 6 miles on voyages to or from isolated communities on the islands or coast of the United Kingdom, and which do not proceed for a distance of more than 3 miles from land; subject to any conditions which the Secretary of State may impose.	D (<i>restricted</i>)

* Favourable weather means fine clear settled weather with a sea state such as to cause only moderate rolling and/or pitching

** Restricted period means a period falling wholly within the following limits:-

- from 1st April to 31st October, both dates inclusive; and
- between one hour before sunrise and one hour after sunset in the case of ships fitted with navigation lights conforming to the Collision Regulations and between sunrise and sunset in the case of any other ships.

6.2 All ships operating under this equivalency approval are EC “restricted” and are subject to the limitations and conditions that are associated with UK Class III, VI and VI(A) operation, under which this equivalency approval is granted as respects that ship by the Secretary of State. It should be noted that these limitations and conditions differ from the limitations and conditions associated with the EC Class B, C and D classifications identified within the Directive.

7. Certificates

7.1 For existing ships that comply with the Directive under the equivalency approval, as outlined in Section 3, an (EC) Passenger Ship Safety Certificate will be issued to replace the current UK Passenger Certificate. The new certificate will explain the basis under which the ship complies with the Directive, and specify the conditions (i.e. the Class III, VI or VI(A) classification) in accordance with which the ship must operate.

7.2 The new (EC) Passenger Ship Safety Certificates are **valid for one year only**, in line with the requirements of the Directive.

8. Multi-classed Ships

8.1 Existing ships wishing to remain ‘multi-classed’ will be issued with a UK Passenger Certificate for Class IV or V operation and an (EC) Passenger Ship Safety Certificate for equivalent III, VI or VI(A) operation. Only one survey will be required, as per the current arrangements. A ship cannot have multiple EC Class.

More Information

Shipping Safety Branch
Maritime and Coastguard Agency
Bay 2/11
Spring Place
105 Commercial Road
Southampton
SO15 1EG

Tel : +44 (0) 23 8032 9118
Fax : +44 (0) 23 8032 9251
e-mail: shipping.safety@mcga.gov.uk

General Inquiries: 24 Hour Infoline
infoline@mcga.gov.uk
0870 600 6505

MCA Website Address: www.mcga.gov.uk

File Ref: MS 194/2/1

Published: December 2006

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*An executive agency of the
Department for
Transport*