

PART A

CHAPTER 2

PASSENGER SHIPS ON DOMESTIC VOYAGES (EU CLASS A/B/C/D, UK CLASS III-VI(A) & MSN 1823)

2.1 Legal Requirements

2.1.1 A summary of the requirements for each ship type is contained in Table 1 at Annex 1. More detailed requirements are laid out below.

2.1.2 New and existing passenger ships that proceed to sea, and existing passenger ships operating solely in UK categorised waters

2.1.2.1 For new and existing passenger ships that proceed to sea, and existing passenger ships operating solely on UK categorised waters, the requirement to be surveyed and certificated is contained in:

- Merchant Shipping (Survey and Certification) Regulations 1995 - SI 1995/1210, as amended, and supplemented by:
 - MSN 1613(M+F)
 - MSN 1751(M+F)

2.1.2.2 For new passenger ships, and existing passenger ships of more than 24 metres in length, of steel or equivalent material that proceed to sea, the standards to be met are primarily contained in:

- Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000 – SI 2000/2687, as amended. See Regulation 4 for application. These regulations implement EU Directive 2009/45/EC¹, as amended by Directive 2010/36/EU, the requirements of which are broadly equivalent to SOLAS.

Note that all dates to which the phase-in requirements for existing ships refer have now passed.

2.1.2.3 For new and existing passenger ships not constructed of steel or equivalent material, and existing passenger ships of less than 24 metres in length of steel or equivalent material, which proceed to sea, and existing passenger

¹ The Merchant Shipping (Passenger Ships on Domestic Voyages)(Amendment) Regulations 2012, SI 2012/2636, implement Directive 2009/45/EC (as amended by Directive 2010/36/EC), which codified and re-cast Directive 98/18/EC. Refer MGN 459(M).

ships operating solely on UK categorised waters, the standards to be met are primarily contained in:

- Merchant Shipping (Passenger Ship Construction of Classes III – VI(A)) Regulations 1998 - SI 1998/2515, as amended;
- Merchant Shipping (Fire Protection - Small Ships) Regulations 1998 – SI 1998/1011, as amended, or Merchant Shipping (Fire Protection - Large Ships) Regulations 1998 – SI 1998/1012, as amended;
- Merchant Shipping (Life-Saving Appliances for Passenger Ships of Classes III to VI(A)) Regulations 1999 – SI 1999/2723, as amended.

2.1.2.4 Vessels complying with EU Classes do not cease to be UK Classes. (In the same way as a Passenger Ship engaged on Short International voyages is still a UK Class II, an EU B is still either a Class II(A) or III). The EU regulations only apply to construction and equipment aspects of vessels, unless specific EU regulations apply (e.g. Hours of Work), which means that other relevant Merchant Shipping regulations apply to vessels regardless of what EU Class they may be. For example, the operational requirements for Domestic Passenger Safety Management Code, Passenger Counting, Search and Rescue Plans, Boat Master Licences etc all apply to the relevant Classes.

2.1.3 New passenger ships operating solely in UK categorised waters

2.1.3.1 For new ships operating solely in UK Categorised Waters, the requirement to be surveyed and certificated and the standards to be met are contained in:

- Merchant Shipping (Passenger Ships)(Safety Code for UK Categorised Waters) Regulations 2010 – SI 2010/680, as amended, and supplemented by:
- MSN 1823(M)

2.1.3.2 The Merchant Shipping (Technical Requirements for Inland Waterway Vessels) Regulations 2010 – SI 2010/1075 apply to all passenger ships on UK Categorised Waters, however MSN 1824(M) derogates the requirements of these regulations for passenger ships complying with the Safety Code for Passenger Ships Operating Solely in UK Categorised Waters or all of the existing III to VI(A) regulations. Reference should also be made to MSN 1824(M) for passenger ships holding a Union Inland Navigation Certificate², Rhine Navigation Certificate or supplementary Union Inland Navigation Certificate.

2.1.4 Approved standards

² Previously “Community Inland Navigation Certificate”

2.1.4.1 Each of the regulations relating to construction listed above require that Class standards, or an agreed alternative, must be used as set out in MSN 1672 and MGN 322 for all passenger ships on domestic voyages. Surveyors' attention is drawn to the guidance in Part B Chapter 11 of these instructions, and in particular to the guidance on Class Notations. For certain vessels of less than 24 metres the standards of SEAFISH may be accepted as recognised standards for GRP or wooden vessels.

2.2 Definitions

2.2.1 Definitions of terms relating to domestic passenger ships and surveys related to the issuance of a passenger certificate are described in the statutory instruments listed at section 2.1 of this chapter.

2.2.2 'Domestic' should be interpreted as ships that do not proceed on international voyages but depart and return to a single EU country, not necessarily the UK.

2.2.3 'New' or 'Existing'?

2.2.3.1 Unless specifically stated otherwise in the applicable regulations, the following applies.

2.2.3.2 For vessels to be considered as existing vessels it is important that they complied with the regulations which would have formerly applied and had been issued with the appropriate 'existing vessel' certificate. This provides the known baseline standard from which to build, noting that some modifications are not considered practical on existing ships, but the premise is that it complied with the original standards. For example, a UK ship previously issued with a UK Class IIA certificate could be considered as an 'existing' ship for application of the EU B standards. Conversely, a Class III or VI may not be considered as an existing EU B (without restriction) unless it previously complied with the standards appropriate to that EU Class.

2.2.3.3 A vessel to which SI 2000/2687 (regulation 4) applies which is modified by lengthening, or any change that substantially alters the passenger carrying capacity or any change that substantially increases the ship's life should be considered as modifications of a 'major character' and treated as new.

2.2.3.4 A ship converting from cargo to passenger is also to be treated as new, as this is a change of use.

2.2.3.5 Advice may be sought from Vessel Policy Branch in cases of doubt.

2.2.4 'Steel or equivalent material' - aluminium is the only common construction material which may be considered equivalent to steel.

2.2.5 'Combined certificate' – a certificate valid for a maximum period of 5 years, which combines both the Passenger Certificate and Domestic Safety Management Certificate.

2.2.6 'Anniversary date' – the day and month of each year corresponding to the date of expiry of the certificate. The date of expiry of the certificate should be based on the date of completion of the initial survey, though consideration should be given to the period of time between the inspection of the outside of the ships bottom and completion of the initial survey, in cases where these are conducted several months apart.

2.2.7 The Passenger Vessel Code of 2010 (MSN 1823 & SI2010/680) makes provision for the application of the new regulations to existing vessels with a keel date prior to 6th April 2010 and have been un-certificated for more than five years. Such cases are likely to be rare and surveyors are advised to check with Vessel Policy Branch before advising owners. The MCA policy is that any passenger un-certificated for over five years should meet the latest relevant requirements, however the current regulations will need to be amended if this arrangement is to continue beyond 6th April 2015 and to apply this to other classes of passenger vessel.

2.3 Responsibility

2.3.1 The MCA (on behalf of the Secretary of State) remains ultimately responsible for the issue of the relevant passenger certificate. Although Class are authorised to carry out hull and machinery surveys and are responsible for the work they carry out, it is also the responsibility of MCA to be satisfied that all aspects of the survey have been completed satisfactorily. This is normally achieved by close co-operation between the Class and MCA surveyors, dividing the survey items between them (see Part A Chapter 1.8 of these instructions). MCA surveyors are expected to exercise due diligence in following MCA procedures, guidance and instructions and likewise the classification society is responsible for the work undertaken by their surveyors. In exceptional circumstances, should the MCA have evidence that the survey items have not been completed satisfactorily or where Class are unable to comply with MCA requirements, the MCA reserve the right to carry out appropriate corrective measures or even carry out the entire survey.

2.3.2 The MS (Survey and Certification) Regulations 1995 and the MS (Passenger Ships)(Safety Code for UK Categorised Waters) Regulations 2010 set out the entities who are permitted to carry out surveys. For Ro-Ro passenger

ships the 1995 regulations specify survey by a surveyor of the MCA, except for radio installations. For non Ro-Ro passenger ships the involvement of one of the approved classification societies is also permitted. For vessels under the Safety Code, SEAFISH are authorised to undertake construction surveys in some cases.

2.3.3 In practice, hull and machinery surveys on classed passenger ships are carried out in order to maintain the validity of both their statutory certification and Class status. In order to avoid any duplication of survey items between Class and MCA, Class surveyors have been authorised to conduct hull and machinery surveys on all ships on MCA's behalf. The attending MCA surveyor is thus allowed to focus their attention closely on the more critical aspects of passenger ship safety. In general the UK has authorised the UK approved classification societies, to survey hull, machinery, electrical and control systems, while MCA deal with survey of Fire and Safety Equipment, Navigation, Safe Manning and Safety Management Audits.

2.3.4 MCA will need to conduct all aspects of the survey on unclassified ships.

2.4 Surveys Required

2.4.1 New and existing passenger ships that proceed to sea, and existing passenger ships operating solely in UK categorised waters

2.4.1.1 The MS (Survey and Certification) Regulations 1995 and MSN 1751 apply the Harmonised System of Survey and Certification (HSSC) (see also IMO Resolution A.1053(27), as amended for amplification of HSSC terms). As a consequence passenger ships to which the 1995 regulations apply are required, by regulation 4, to be subjected to the following surveys:

- **Initial Survey,**
- **Renewal Survey,**
- **Inspection of the Ship's Bottom,** (this inspection is required annually, in conjunction with (and usually prior to) the renewal survey. When the inspection is not conducted with the ship out of the water (e.g. on a slip or in dry-dock) then an in-water inspection of the bottom shall be carried out in accordance with MGN 217. At least two inspections of the ship's bottom shall be conducted with the ship out of the water in any 5 year period – such inspections to be at intervals not exceeding 36 months.)

2.4.1.2 The survey window for the renewal survey and the inspection of the ship's bottom is from 3 months prior to the expiry of the certificate.

2.4.1.3 Surveys for combined certificates

2.4.1.3.1 The same system applies for passenger ships with a combined certificate valid for 5-years; the 'annual' survey for endorsement of the certificate should be to the same extent as a renewal survey for other passenger ships, even though the certificate does not need to be re-issued. The survey window is also the same, i.e. up to 3 months prior to the anniversary date. All parts of the annual survey including bottom survey must be completed within the window.

2.4.1.3.2 When carrying out the 'annual' passenger ship survey, the annual audit for the Domestic Safety Management (DSM) part of the certificate must also be carried out prior to issuing/ endorsing the combined certificate.

2.4.1.4 Bottom inspection waiver – passenger ships operating in categorised waters

2.4.1.4.1 The owner may apply for a waiver up until 4 weeks before the survey. The surveyor may agree in principle 'subject to satisfactory annual survey'. Following satisfactory internal examination the surveyor may agree that the full outside of the bottom inspection can be 'waived' (i.e. not carried out). When the surveyor completes the 'annual survey' endorsement they must also endorse for the bottom inspection as either waived, in-water or inspected out of water. It is not acceptable to endorse for annual survey with the bottom inspection section not completed. See MGN 217.

2.4.2 New passenger ships operating solely in UK categorised waters

2.4.2.1 Regulations 6, 7 and 10 of the MS (Passenger Ships)(Safety Code for UK Categorised Waters) Regulations 2010 and Section 24 of the Safety Code detail the surveys required. This follows a similar system to that used on existing passenger ships with a combined certificate.

2.4.2.2 Section 24.5 of the Safety Code refers to bottom inspection waiver.

2.5 Pre-survey Actions

2.5.1 The following items shall be checked prior to commencing the survey:

- SIAS
- MCA Survey Files
- Exemption Certificates
- New Legislative requirements
- Class Survey Status (via password protected websites), if applicable.

Remarks from previous surveys and outstanding deficiencies must be resolved to the satisfaction of the surveyor before the issue of the Passenger Certificate. Any overdue or postponed conditions of class must be followed up with the attending

class surveyor or in the absence of a class surveyor discussed with Survey Operations Branch.

2.5.2 The surveyor should ensure that sufficient time will be available for the survey and should liaise with owners beforehand, noting that various options may be available such as more time in port, sailing with the ship for suitable short voyages, providing more than one surveyor.

2.5.3 Surveys should only be commenced on receipt of a completed “Application for Survey” form (MSF 5100) and after sufficient fees have been received. Further guidance on fees is described in Part C, Chapter 2 of these instructions.

2.5.4 The relevant Business Support Unit administration team processes the application. CERS/SVD must be interrogated to ensure that the correct ship is on the system; if the vessel is not yet on the system (e.g. newbuild, flag-in), the Administrator (TST) should be contacted, who will check the details and arrange for the vessel to be added to the Single Vessel Database (SVD) if appropriate. A “job control sheet” (MSF 5108) is produced which is then tracked for charter standard purposes. This is then passed to the Manager, or other person nominated by them, who then appoints the Lead Surveyor (LS) for the survey.

2.6 Items to be surveyed

2.6.1 The survey is to be carried out using the relevant instructions, guidance notes and HQ advice, which may be found on MLD/SCMS. Surveyors should be mindful of their own health and safety during surveys and take account of all guidance provided by MCA as well as their professional judgement in relation to the prevailing circumstances.

2.6.2 The survey is to ensure that the hull structure, main and auxiliary machinery, boilers and other pressure vessels, the electrical system, radio installations, the fire protection arrangements, LSA, navigational equipment, nautical publications, pilot’s boarding and embarkation arrangements, navigation lights & signals and the stability data (intact and damaged, as applicable) are in compliance with regulations and are in all respects, satisfactory.

2.6.3 The following aide memoire’s are available on the MLD and SCMS:

- MSF 5561 – Domestic Passenger Ship (Class VI and VIA) Renewal Survey
- MSF 5565 – EU Class B Domestic Passenger Ship Renewal Survey

For surveys of EU Class A ships, reference can also be made to aide memoire MSF 5506 (Passenger Ship (Class I and II) Renewal Survey), as the requirements are essentially the same.

The Record of Equipment, issued with the certificate, may also be used as a guide to surveyable items.

A Survey Record (MSF 1262) should be completed for un-classed vessels (See Annex 4).

2.7 Post Survey Actions

2.7.1. Deficiencies

2.7.1.1 The lead surveyor is responsible for recording and closing out any deficiencies found during the survey/s in the SIAS database, in accordance with the requirements of Part C Chapter 4 of these instructions.

2.7.2 Declaration and Certificates

2.7.2.1 On completion of a survey, the lead surveyor prepares the certificate, following the guidance in Part C Chapter 3 of these instructions.

2.7.2.2 New and existing passenger ships that proceed to sea, and existing passenger ships operating solely in UK categorised waters

2.7.2.2.1 The requirements relating to the issue of certificates, i.e. type, format, extension, cancellation, issuing authority etc., are given in the Merchant Shipping (Survey and Certification) Regulations 1995, as amended.

2.7.2.2.2 On satisfactory completion of an initial or renewal survey, one of the following certificates should be issued:

- **EU Passenger Ship Safety Certificate** (MSF 1224) for new passenger ships, and existing (phase-in) passenger ships of more than 24 metres in length, of steel or equivalent material that proceed to sea. The certificate is, like SOLAS passenger certificates, valid for a year.

For existing (phase-in) ships that have taken advantage of the UK agreement with the EU and continue to comply with UK standards and ply only in the UK (see 2.10.1), then section 4.2 of the declaration must be completed and the **Operational Limits** page of the **EU Passenger Ship Safety Certificate** should be endorsed with the plying limits which were applied when a UK passenger certificate was issued. Certificates for existing Class III and VI passenger vessels should have their validity further limited to the restricted period (1 April – 31 October). The equivalency arrangements agreed with the EU for phase in vessels do however allow for general exemption at the beginning of the season, in

line with normal MCA practice for UK Class III, VI and VI(A) vessels, see 2.10.9, but not for exemptions beyond 31 October.

- **Passenger Certificate and Domestic Safety Management Certificate** (MSF 1240) (combined certificate) for new and existing passenger ships not constructed of steel or equivalent material, and existing passenger ships of less than 24 metres in length of steel or equivalent material, that proceed to sea, and existing passenger ships operating solely on UK categorised waters. Such vessels will be limited to UK waters only (noting the comment about plying limits in 2.10.3.2).

A general exemption has been issued to permit Class III–VI(A) ships to be issued with a combined Passenger Certificate and Domestic Safety Management Certificate with a validity of 5 years, instead of the 1 year for other passenger certificates (see Survey Operations Branch microsite). The combined certificate may remain in force for the full 5 years, however for ships of Class III and VI operation as a passenger ship will only be legal during the “restricted period” laid down in the regulations (1 April to 31 October each year) or when a separate general exemption is issued to permit an Easter extension to this period (see 2.10.9).

There may be circumstances where the surveyor feels that the issue of a five year certificate is inappropriate. Where certificates are issued for periods of less than five years the boxes for inappropriate annual endorsements shall be marked as 'Not Applicable'.

2.7.2.2.3 Existing ships to which the Directive requirements apply wishing to remain ‘multi-classed’ will be issued with a UK Passenger Certificate (MSF 1240) for Class IV or V operation and an EC Passenger Ship Safety Certificate (MSF 1224) with restrictions, if appropriate, 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 Classes.

2.7.2.3 New passenger ships operating solely in UK categorised waters

2.7.2.3.1 The requirements relating to the issue of certificates, i.e. type, format, extension, cancellation, issuing authority etc., are given in regulations 8, 9, 12, 13, 14, 16 and 20 of the Merchant Shipping (Passenger Ships)(Safety Code for UK Categorised Waters) Regulations 2010, as amended, and section 24 of the Safety Code for Passenger Ships Operating Solely on UK Categorised Waters.

2.7.2.3.2 On satisfactory completion of an initial or renewal survey, the following certificate should be issued:

- **Passenger Ship Safety Certificate for Ships Operating Solely in UK Categorised Waters** (MSF 1255), valid for a period not exceeding 5 years.

2.7.2.3.3 There may be circumstances where the surveyor feels that the issue of a five year certificate is inappropriate. Where certificates are issued for periods of less than five years the boxes for inappropriate annual endorsements shall be marked as 'Not Applicable'.

2.7.2.4 Annual Endorsement

2.7.2.4.1 For vessels with a certificate valid for 5 years, on completion of any of the surveys required to maintain the validity of the certificate, the certificate should be endorsed accordingly.

2.7.2.4.2 Any endorsements made to the owner's copy of the certificate should also be recorded on the file copy of the certificate (or by adding a photocopy of the endorsement page to the file), and on the electronic version of the form, on return to the office.

2.7.2.5 General

2.7.2.5.1 For ships with a Supplementary Record of Equipment, this should be updated as appropriate, with any modifications noted in the Document Control section. New pages may be issued when necessary for clarity.

2.7.2.5.2 Where vessels operate in different modes and also change the amount of safety equipment on board it will be necessary to fill the Approved Variations of Equipment section with details of differences. It is hoped however that in general operators will always maintain equipment for the most stringent requirements.

2.7.2.5.3 Where a Survey Record (MSF 1262) has been completed this should be placed on the local network drive as well as on file (See Annex 4)

2.7.3 Review of Exemptions

2.7.3.1 Any exemption or equivalents must be reviewed to ensure they are still current and that the qualifying conditions are complied with. Guidance on exemptions and equivalents are described in Part B Chapter 4 of these instructions.

2.7.3.2 Where existing ships have phased-in to the EU arrangements on a restricted certificate (i.e. continued compliance with existing UK standards) and MCA has agreed to the continuation of any exemptions (relating to construction, equipment, fire, stability etc) issued from UK regulations in the existing survey regime, the vessel must be issued with a UK certificate (MSF 1240) to which the

exemptions would be attached, in addition to the EU certificate (MSF 1224). In effect the vessel would have an EC certificate with restrictions **and** a UK certificate with exemptions. It is to be noted that this is not a preferred option and owners should be advised to ensure that their vessel complies without exemptions, whenever this is practicable.

2.7.3.3 See 2.10.1.4 below regarding exemptions from Directive 2009/45/EC, as amended.

2.7.4 Documentation and Records

The table below describes the minimum documents to be completed and filed following a survey.

Item	Record
Record on SIAS?	Yes MSF 1602/3 survey & inspection deficiencies
Place copy on registered file, CM.../33/01	Yes Passenger Ship Safety Certificate Operational Limits Complete/ Partial MCA Declaration Class Declaration(s) Radio Declaration (if appropriate) MSF 1602/3 Survey Record Form (MSF 1262) Annual endorsement Relevant test reports/ results Drawings Photographs Exemptions
Minute required on registered file?	Yes
Report Class Related deficiency to Survey Operations Branch?	Yes MSF1923

2.8 Fees

2.8.1 The Job Control Sheet must be closed out and sent to the relevant Business Unit so that fee accounts may be balanced and relevant refunds made to the customer.

2.9. Flow Chart

None.

2.10 Special Instructions and Guidance

2.10.1 Directive 2009/45/EC¹

2.10.1.1 Owners of existing passenger ships of steel or equivalent material, 24 metres in length and over, that proceed to sea, may opt to have their ships surveyed to the EU regulations should they wish to ply from another EU state, however the EU requirements are generally more onerous than the Class III - VI(A) ones, even for existing ships. The UK has secured agreement with the EU that UK passenger ship standards current when the 1998 Directive was enacted are equivalent to those required by the Directive for existing ships, but only for use in the UK. Owners who wish to continue operating ships only in the UK may continue to comply with the relevant UK construction standards but will be issued with a restricted EU Domestic Passenger Certificate, see 2.7.2.2.2.

2.10.1.2 Directive 2009/45/EC, as amended, does allow for equivalent national safety standards on ships of less than 24 metres in length. The Directive also incorporates the revised Chapter II-2 of SOLAS, which allows for equivalence under the same principles as Part F (Regulation 17) of the amended SOLAS Chapter II-2. At present there is no guidance available for application of this equivalence and Marine Technology and Vessel Policy Branches would need to be consulted, but it is not thought to be economically viable for small operators to present a case for such equivalence.

2.10.1.3 There are also aspects of the Directive which do not lend themselves to application on small vessels (say under 24 metres), particularly those on very restricted UK plying limits. For example the provision of more than one liferaft, or providing redundancy on small vessels can be problematic. However, there is much to commend in the Directive which implements better standards than those presently in force on older vessels and therefore there is concern at the widening gap between the standard of new build passenger vessels and the standard for the pre-1992 existing fleet. There is some concern about discrepancies between passenger vessels and Code of Practice vessels, where some standards are higher on Code vessels than on passenger vessels. It is possible that in the future a new 'Code of Practice' for 'small domestic passenger vessels' will be developed to address these concerns.

2.10.1.4 Where any exemptions from Directive 2009/45/EC are envisaged, the procedure laid out in Article 9(4) would need to be followed and is not within the powers of MCA to agree to these unless confirmed by the Commission. There may be a six-month wait for confirmation before they can be formalised and owners should be informed if this is the case. **No exemption is permitted for an individual ship**, but must be either a general exemption or an amendment to national regulations which are seen as acceptable by the EU. (i.e. such standards must be applied consistently for any vessel operating under the same

conditions). All such proposed exemptions must first be submitted through the relevant Branch of HQ, as per Part B Chapter 4 of these instructions.

2.10.2 Persons with reduced mobility

2.10.2.1 Passenger ships to which Directive 2009/45/EC, as amended, applies, including those under 'restricted' operation (see 2.10.1.1), must meet the requirements of Annex 3 of the Directive on persons with reduced mobility.

2.10.1.2 Operators of passenger ships to which the Directive does not apply should be encouraged to consider access for persons with reduced mobility. Guidance is contained in MGN 306 and section 5 (non-mandatory) of the Safety Code for Passenger Ships Operating Solely in UK Categorised Waters.

2.10.3 GRP and wooden vessels

2.10.3.1 Hulls constructed of materials other than steel or equivalent e.g. GRP or wood, will need to comply with the UK Class III – VI(A) regulations or the Safety Code for Passenger Ships Operating Solely in UK Categorised Waters, as appropriate, noting that *Instructions for the Guidance of Surveyors on Fire Protection Arrangements* Para. 13.17 states that GRP or wood will not normally be accepted for Classes II(A), III and IV³ service either.

2.10.3.2 In respect of GRP and wooden sea-going passenger ships, although compliance may only be enforced to the Class III-VI(A) standards at present, builders should be encouraged to adopt best possible compliance with Directive 2009/45/EC, as amended. Surveyors should note that construction standards (i.e. MSN 1672) are the same regardless of material and in this respect surveyors must ensure vessels meet Class rules. With the exception of construction **material**, it is envisaged that all other arrangements and equipment requirements will eventually be harmonised. Builders and operators should be warned that if they build to lower than Directive standards, such vessels are likely to require retro-fitting or may be phased out sooner than compliant vessels. To encourage vessels to be built to the higher standards of the Directive (in all respects (e.g. subdivision etc) apart from construction **material**) owners will be given the advantage of being able to operate within the appropriate EU operating areas (e.g. EU Class A to D (UK Waters Only) rather than III to VI(A) limits). In such cases a Class VI certificate (MSF 1240) with appropriate EU limits should be issued. In addition, an exemption will be required from the Class VI limits on the condition that the vessel complies with Directive 2009/45/EC, as amended, in all respects with the exception of construction material.

³ Applies to existing Class IV vessels only

2.10.4 Bridge Visibility

2.10.4.1 Particular attention should be given to bridge visibility, the Merchant Shipping (Bridge Visibility) (Small Passenger Ships) Regulations 2005 or Section 19 of the Safety Code for Passenger Ships Operating Solely in UK Categorised Waters. Note that the (Bridge Visibility) (Small Passenger Ships) Regulations only apply in tidal waters and to ships of less than 45 metres in length. The requirements of Regulation 22 of SOLAS Chapter V, apply to vessels of 55m or more in overall length built on or after 1st July 1998. It is anticipated that the application of the (Bridge Visibility) (Small Passenger Ships) Regulations will be increased to ships of less than 55m in overall length in due course.

2.10.5 Radio Equipment – ships proceeding to sea

2.10.5.1 Directive 2009/45/EC (Article 6(1)(b)), as amended, and present UK Radio Regulations require all passenger vessels going to sea to comply with the requirements of GMDSS.

2.10.5.2 UK Class VI and VI(A) vessels have a general exemption from UK Radio Regulations that specifies an equivalent level of safety – see Survey Operations Branch microsite on the MNet. For EU Classes C and D, MCA expects to propose to the Commission that the UK Class VI(A) level of equipment is acceptable, and where restrictions are imposed on such vessels, equivalent to those on UK Class VI (i.e. restricted periods, summer, daylight and favourable weather), then a UK Class VI level of equipment is acceptable.

2.10.5.3 Before MCA can grant a formal exemption from the Directive for EU Classes C and D vessels it must be agreed by the Commission. Therefore, until this time, **surveyors should request full compliance**, but may accept the level of equipment for Class VI(A) and VI on a temporary basis, and only on the proviso that operators are advised in writing of any deficiency according to the Directive which may have to be rectified to comply with EU requirements. (i.e. Code 99 – Exemption applied for, but can only be granted if agreed by the EC under Article 9(4)). Operators that intend to operate in another EU Member State should be advised to comply in full.

2.10.6 Radio Equipment - Class IV and V

2.10.6.1 While VHF is the preferred equipment for communication with the HMCG and other vessels, the current coast station infrastructure is coastal and directed seaward and not inland. Thus, the majority of Class IV & V vessels may not be within coverage of a DSC (Digital Selective Calling) Coast Station. Marine VHF may not be effective in estuaries and remote lakes. There may be other inland areas which have good VHF coverage.

2.10.6.2 With this in mind, it is required that owners/ masters should be able to demonstrate to the satisfaction of an MCA surveyor that their ship can initiate and receive a distress call/ alert by at least one means at all times in all locations. Therefore, means other than marine VHF may be needed in addition to VHF. Two VHF's are required also for ship to ship and liferaft to ship communication. Owners to demonstrate they can perform required tasks.

2.10.6.3 Means by which the distress call is made should be applicable to the type and operation of the ship. This may be:

- VHF (with DSC) – Minimum Class D
- 406 MHz EPIRB
- Satellite phone
- Mobile Telephone

In all cases, ships should provide equipment with suitable weatherproofing and charging facilities.

2.10.6.4 Radio performance standards for equipment:

- Transceiver (Fixed) Facility – ETS 300 162 Second Edition or EN 301 025
- DSC Facility – ETS 300 338 or EN 301 025
- Watchkeeping facility – EN 301 033 (or as incorporated in the DSC facility)
- Survival Craft Two Way VHF – ETS 300 225 Third Edition
- Float Free 406 MHz EPIRB – ETS 300 066 Second Edition

2.10.6.5 The GMDSS radio equipment should be under the control of an operator with GMDSS Short Range Certificate (SRC).

2.10.6.6 Exemptions will not normally be given for Class IV and V passenger vessels in accordance with the amended life saving appliances regulations.

2.10.6.7 Reference should be made to Section 12.4 of the Safety Code for Passenger Ships Operating Solely on UK Categorised Waters for ships to which the Code applies.

2.10.7 Radio Survey Requirements

2.10.7.1 It is recommended that initial inspections of radio installations are carried out by an MCA authorised person who will issue a declaration before the Passenger Certificate is issued (see MGN 392). Where the installation is very simple (i.e. according to the exemption (see 2.10.5.2), the surveyor may carry out a functional radio check without a special radio survey. For more complicated

new installations of vessels (e.g. complying with full GMDSS for Area A1), surveys should be carried out by an authorised person for radio, with costs to the owners account. Initial survey of the radio installation by an MCA authorised person is mandatory under the Safety Code for Passenger Ships Operating Solely on UK Categorised Waters.

2.10.7.2 Requests for exemption from the Radio Regulations or radio requirements of the Life Saving Appliance Regulations should be submitted to Survey Operations Branch.

2.10.8 Navigation Equipment

2.10.8.1 The requirements of Annex 11 (new ships) and Annex 12 (existing ships) of the safety of navigation – SOLAS V publication should be applied, except for ships certificated under the Safety Code for Passenger Ships Operating Solely on UK Categorised Waters in which case reference should be made to Section 19 of that Code.

2.10.8.2 AIS has been required on all **seagoing** passenger ships irrespective of size from 1 July 2002 for 'new' ships and not later than 1 July 2008 for 'existing' ships (SI 2002 No. 1473, Reg 4(7) and SOLAS V/19.2.4.3 refer). (Note: AIS, in this context, only applies to seagoing ships because in The Merchant Shipping (Vessel Traffic Monitoring and Reporting Requirements) Regulations 2004 (SI 2004 No. 2110) which apply the VTM Directive 2002/59/EC within the UK, 'ship' is defined as seagoing vessel or craft). MCA AIS guidance is given in Annex 17 of the Safety of Navigation (Implementing SOLAS Chapter V 2002) publication.

2.10.8.3 Directive 1999/35/EC requires a Voyage Data Recorder (VDR) to be fitted on EU Class A, Ro-Ro's and High Speed Craft on regular ferry services. In addition, EU Class A ships of 300GT and upwards are required by Directive 2002/59/EC to be fitted with a VDR, however a General Exemption has been issued for EU Class B, C and D (and UK Class III and VI) ships (available on the Survey Operations Branch microsite). There is no VDR requirement for other passenger ships. MCA VDR guidance is given in Annex 10 of the Safety of Navigation (Implementing SOLAS Chapter V 2002) publication.

2.10.8.4 It is MCA policy that all domestic passenger ships under 500GT are excepted from the amendments to SOLAS Chapter V regarding Bridge Navigation Watch Alarm Systems (BNWAS) through SOLAS V/1.4.2. Those ships of 500GT and over will require an exemption, subject to suitable weather related conditions being satisfied; owners should apply through their local Marine Office using the Record of Assessment in Part B Chapter 4 of these instructions. Note that there is no BNWAS carriage requirement for ships constructed before 1 July 2002. Navigation Safety and Vessel Policy Branches should be contacted for further guidance.

2.10.8.5 Navigation equipment on ships below 150 GT need not be of an approved type (Regulation 4(3) of the Merchant Shipping (Safety of Navigation) Regulations refers).

2.10.9 Easter exemption

2.10.9.1 Current policy is for Survey Operations Branch to issue a general exemption for passenger ships operating during restricted periods to allow operation during the two weeks before Good Friday if any part of this period falls before 31 March, with an earliest possible date of 17 March (which covers the earliest possible date for Easter), so as to allow operators to provide a service to the public over the Easter school holiday period.

2.10.9.2 The policy on extension of limits beyond 15 miles and the restricted period beyond 31 October has not changed and no such exemptions are to be issued (however see 2.10.14 below for application of restricted period to UK ships on domestic voyages in a host state). If the owners want extended limits then they should consider EC certification if applicable.

2.10.10 Foreign flag vessels operating in UK waters

See Annex 2.

2.10.11 UK vessels on occasional domestic passenger voyages

See Annex 2.

2.10.12 Licensing Act 2003

2.10.12.1 The Licensing Act 2003 for the first time extends the licensing regime for alcohol and public entertainment to vessels. It also transfers the licensing function from magistrates to local authorities. (The Act applies only to vessels operating between points in England and Wales; Scotland has separate licensing laws, which are currently under review, but no proposals have yet been published).

2.10.12.2 An applicant for a premises licence is required to copy that application to certain specified authorities (HSE, the Fire Authorities, the Police, and for vessels the navigation authority and the MCA). This provides the authorities with the opportunity to make objections to, or propose conditions on, the licence for that premises.

2.10.12.3 Objections to, or proposed conditions on, the licence must relate to one or more of the four licensing objectives:

- Public safety
- Prevention of crime and disorder
- Prevention of public nuisance
- Protection of children from harm

2.10.12.4 MCA's passenger safety regime is concerned only with the objective of public safety. MCA should not therefore comment on any aspect of the application other than public safety. Marine offices should also avoid being drawn into discussions on objections from local residents on any grounds other than safety.

Action to take:

2.10.12.5 If a vessel has a current passenger certificate and DSM certificate, MCA should support the application by sending a standard letter confirming that the vessel meets the relevant national standards for passenger ship safety.

2.10.12.6 If the operator has included an alcohol policy in the DSM Code for the vessel, this could be checked for conformity with the operating plan submitted with the Premises Licence Application, and, if complying, the letter could also confirm that the operator has a safety management system in place for the proposed licensed activities.

2.10.12.7 If a vessel falls outside the passenger ship regime (e.g. carrying no more than 12 passengers), any comment on the application is at the discretion of the Marine Office, but a 'nil return' may be sent.

2.10.12.8 A standard form of words for letters from MCA to the Licensing Authority are attached at Annex 3.

Views of other safety authorities

2.10.12.9 In the advice note for Licensing Authorities, MCA has stressed that other safety authorities should not be inspecting vessels for the purposes of this Act.

2.10.12.10 Fire Authorities carry out fire safety inspections under the Fire Safety: Workplace Regulations (currently under review), but these regulations do not apply to vessels where Merchant Shipping legislation applies.

2.10.12.11 HSE Headquarters have confirmed that they will advise local offices to follow the demarcation in the Memorandum of Understanding between MCA

and HSE, and not to carry out inspections on vessels for licensing purposes, unless they first consult MCA.

2.10.12.12 If, in exceptional circumstances, concerns are raised, other authorities should contact the local Marine Office of MCA to arrange a joint inspection.

2.10.12.13 The police may inspect vessels, and propose conditions, in respect of other licensing objectives. Licensing Authorities have been requested to notify MCA at an early stage of any such conditions which may relate to, or impact on safety, so that any conflict with MCA requirements can be resolved.

Conflicts of interest

2.10.12.14 Vessel Policy Branch should be contacted if there are any conflicts between Licensing Authorities, or other consultees under the Licensing regime, and MCA.

2.10.13 Annual endorsement of Class III-VI(A) Combined Certificates

2.10.13.1 Request for postponement of Annual surveys are occasionally received by Marine Offices. There may also be instances where surveys were not completed within the permitted range dates, but on or before expiry of the range dates the vessel was taken out of service (having reached the end of their normal operating season or start of their annual maintenance period).

Postponement of surveys

2.10.13.2 Requests should be made by the operator before expiry of the range dates. For assessing the request the MO should be guided by the following:

- Postponement may only be accepted when it is proper and justifiable to do so; postponement may not be agreed for purely financial reasons or if neglect/lack of adequate planning by the operator is evident;
- A general inspection should be carried out;
- The condition of the ship found by the above inspection should be considered in determining the duration and operational restrictions that may need to be imposed;
- The period of extension may not exceed more than 1 month from the expiry of the range dates;
- As the full term certificate onboard ceases to be valid on expiry of the range date, a short term certificate must be issued to the vessel for the period of agreed extension.

2.10.13.3 Following full survey including bottom survey (in water or out of water, as appropriate), a new full term certificate with the same date of expiry as the

original lapsed certificate should be issued. This will ensure that the Anniversary date remains unaltered.

Survey of vessels which are out of service (having reached the end of their normal operating season or the start of their annual maintenance period)

2.10.13.4 If the survey is not completed within the range dates, the certificate remains invalid until such time as the survey is completed, even if the survey is commenced within the range dates (i.e. before the ship was removed from service). If the ship is out of service undergoing repairs/annual maintenance/surveys, then on completion of the annual survey a new full term certificate with the same date of expiry as the original lapsed certificate should be issued, thus maintaining the Anniversary date.

Amendments to certificates which have not expired

2.10.13.5 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:

- 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;
- 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.

2.10.13.6 If the new requirements to which the amendments to the certificate relate do not apply to the ship, the new format certificate does not need to be issued until the expiry of the existing certificate, unless the ship undergoes major modification.

General

2.10.13.7 Where surveys have been requested after the required period, Surveyors should refer to HQ Survey Operations Branch for advice on further action (e.g. Enforcement) and/or the enhanced level of survey required. In cases where the ship has ISM or DSM certification the raising of a major non conformity might be appropriate. As the certificate will become invalid if the required survey is not completed within the range dates, a new certificate must be issued with the same expiry date as the original lapsed certificate on completion of all required surveys. This will make it clear that the vessel had no valid certificate during the period where the required surveys had not been undertaken.

2.10.13.8 When renewal surveys are held within 3 months before expiry of the existing certificate or any date after expiry date of the existing certificate, the new

full term certificate should be issued valid for a period not exceeding 5 years from the date of expiry of the existing full term certificate. If the Renewal survey is completed more than 3 months before the expiry of the existing full term certificate, then the new full term certificate should be made valid for 5 years from the date of completion of the survey.

2.10.13.9 A one-off change to the anniversary date can be permitted based on a written request from the owner to suit the operation and subject to additional surveys, if appropriate. For guidance on this, refer Part B Chapter 2 of these instructions.

2.10.13.10 For laid-up ships, the scope of reactivation surveys are to be specially considered and agreed with Survey Operations Branch (note also 2.2.3.4).

2.10.14 Seasonal operating limits and required certification for vessels operating on domestic voyages in a host state

2.10.14.1 The “restricted period” of 1 April to 31 October defined in various Merchant Shipping Regulations is based upon the Load Line Convention Summer period of the Winter Seasonal Zone 1 around the UK. For UK passenger ships operating on domestic voyages in a host state the seasonal operating limits should be altered according to the relevant Zone in which they are operating, i.e. a vessel operating in the Southern Winter Seasonal Zone would have a restricted period of 16 October to 15 April as per that Zone’s Summer period. For operating areas with year-round Summer Zone status, there would be no limiting dates for operation (but daylight-only limits would remain).

2.10.14.2 A UK vessel MUST be certificated by the host state for passenger operations within that host state, AND by the MCA for passenger operations to confirm that it also meets our requirements. The only alternative is to have full SOLAS (which is internationally recognised) or EU Domestic Passenger Ship Directive 2009/45 certificates. Our national domestic certificates (ie Class III-VIA) have no validity abroad but they do demonstrate that the vessel meets the standards we would deem appropriate for UK operation. In Spain, France and Portugal there are examples where the local harbour master has been happy to accept the UK certificates in lieu of, or as evidence for, compliance with their national standards and then they have issued local host state certificates on the back of ours. A host state may require additional or alternative LSA, and will usually want a local skipper with a local boatmaster's licence.

2.11 References

2.11.1 Further advice can be found in the various Instructions for the Guidance of Surveyors, relating to:

- 'Passenger Ship Construction – Classes III to VI(A)',
- 'Survey of LSA',
- 'Fire Protection Arrangements',
- 'Survey of Lights and Signalling Equipment',

and in the MCA's Statutory Publications:

- 'Safety of Navigation, Implementing SOLAS Chapter V'
- 'Construction - Fire Protection, Fire Detection and Fire Extinction Implementing SOLAS Chapter II-2'

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Annex 1

Summary of Ship Type vs Standards

Regulation Ship Type (Domestic)	MS (Survey & Certification) Regs 1995	MS (Passenger Ships on Domestic Voyages) Regs 2000 (EU)	Existing UK Class III to VI(A) Regs	Safety Code for Passenger Ships Operating Solely in UK Categorized Waters
New sea-going steel*	◆	◆		
New sea-going non-steel*	◆		◆	
Existing sea-going steel >24m*	◆	◆		
Existing sea-going steel <24m*	◆		◆	
Existing sea-going non-steel >24m*	◆		◆	
Existing sea-going non-steel <24m*	◆		◆	
New cat waters only				◆
Existing cat waters only*	◆		◆	

Table 1

* Must also comply with other applicable regs, including:

- Merchant Shipping (Emergency Information for Passengers) Regulations 1990 – SI 1990/660, as amended
- Merchant Shipping (Code of Safe Working Practices for Merchant Seamen) Regulations 1998 – SI 1998/1838, as amended
- Merchant Shipping (Counting and Registration of Persons on Board Passenger Ships) Regulations 1999 – SI 1999/1869, as amended
- Merchant Shipping (Domestic Passenger Ships)(Safety Management Code) Regulations 2001 – SI 2001/3209, as amended
- Merchant Shipping (Safety of Navigation) Regulations 2002 – SI 2002/1473, as amended
- Merchant Shipping (Bridge Visibility)(Small Passenger Ships) Regulations 2005 – SI 2005/2286, as amended

Reference can also be made to the detailed list at Annex 6 of MSN 1823.

Annex 2

Passenger Vessels - Standards For Domestic Passenger Voyages

Introduction

1. This Annex is intended to clarify the MCA procedures for dealing with passenger vessels whose owners wish to trade occasionally on domestic voyages in the UK, and should also be used to assess pleasure vessels occasionally carrying more than 12 passengers. Examples of occasional voyages may be several one day voyages throughout the year, or a single week of voyages at a specific time during the year. This annex deals with both UK and foreign flagged vessels.
2. The Survey and Certification regulations SI 1995/1210 require the Secretary of State to issue an appropriate Passenger Certificate to any passenger ship not engaged on international voyages. For vessels where the UK recognises the certification issued by another Flag State, the UK will issue a Certificate of UK Inspection (MSF 1253) in lieu of a Passenger Certificate.
3. UK vessels will require an appropriate Passenger Certificate to be issued by MCA, which may be one of the following:
 - i. An EC Passenger Ship Safety Certificate if Directive 2009/45/EC, as amended, applies;
 - ii. An appropriate Class III-VI(A) Passenger Certificate; or
 - iii. A Passenger Ship Safety Certificate for Ships Operating Solely in UK Categorised Waters.

There should be no more favourable treatment given to any operator wishing to carry more than 12 passengers on an occasional basis than those regularly carrying more than 12 passengers.

Vessels with a valid EC Passenger Ship Safety Certificate issued by another Member State in accordance with the provisions of Directive 2009/45/EC, as amended (the recast version of 98/18/EC, as amended)

4. Article 5 of the Directive requires a host state to recognise the Passenger Ship Safety Certificate issued by another Member State. Article 5 also permits a host state to inspect a passenger ship to audit its documentation. The surveyor should verify the vessel's certification and may undertake an initial inspection to verify compliance with the standards of 2009/45/EC, as amended.
5. Any deficiencies against the published technical standards should be rectified. In the event of major non-conformities, Inspection Branch should be notified and asked to seek clarification from the relevant branch in

- headquarters and clarification will be sought from the Member State that issued the initial certification.
6. Additionally, any passenger vessel operating from the UK on non-international voyages must comply with UK legislation regarding Safety Management Systems, passenger counting, navigation and communications equipment (including wheelhouse visibility), pollution prevention, health and safety, ILO and SAR plan requirements. Foreign vessels may not have these requirements according to their National Legislation.
 7. Provided the vessel is found to be compliant it shall be issued with a Certificate of UK Inspection (MSF 1253) with respect to the requirements of the directive and additional UK national requirements. This certificate shall be valid for a period not exceeding 1 year or to the expiry date of the EC certificate, whichever is sooner.
 8. Any operational restrictions applied to the vessel by the Flag State will continue to apply. The vessel must operate within the designated EC sea areas applicable to its Class as set out in MSN 1747.
 9. Passenger ships, of under 80 net tons with a valid Passenger Certificate operating as a passenger ship within the limits specified on the certificate, are not required to have a valid Load Line Certificate. All other passenger ships will require a Load Line survey and appropriate Load Line certification. It is emphasised that the limits of EC Class B, C and D Certificates are not considered to be “plying limits” within the meaning of the Load Line Regulations. All ships with unrestricted EC Passenger Ship Safety Certificates (see paragraph 14) shall have a Load Line Certificate.
 10. Passenger ships not requiring a valid Load Line Certificate when operating as a passenger ship, will require appropriate Load Line certification when relocation voyages are undertaken for commercial purposes between UK operating areas with no passengers onboard.
 11. With regard to paragraphs 9 and 10 of this Annex and the term ‘appropriate load line certification’, a vessel of Convention size i.e. in the case of a ship the keel of which was laid before 21 July 1968, of not less than 150 gross tons, and in the case of a ship the keel of which was laid on or after 21 July 1968, of not less than 24 metres in length; shall be in possession of an International Load Line Certificate (or Exemption Certificate). Non-Convention size vessels shall be issued with a United Kingdom Load Line Certificate (or Exemption Certificate). A non-United Kingdom ship of below Convention size operating in UK waters is required to comply with UK Load Line requirements; and if such a ship does not have any Load Line certification issued by the flag State then, initially, the flag State should be contacted to ascertain what standards the ship complies with.

Vessels with a valid certificate issued by another Member State to show compliance with EC Directive 2009/45/EC, as amended (the recast version

of 98/18/EC, as amended) by equivalent arrangements that have been accepted by the EC

12. Details of the equivalent technical standards should be sought to verify that the vessel is at least of the same standard as would be required for a UK vessel of similar class, age and size. Any documented exemptions or equivalent arrangements should be checked to ensure maintenance of this principle of ensuring the same standard as would be required for a UK vessel of similar class, age and size and it may be appropriate to seek the advice of the relevant branch in headquarters.
13. All decisions taken and equivalences considered should be well documented to ensure consistency if the operator transfers the vessel between UK operating areas.
14. Vessels must comply with the Load Line requirements as detailed in paragraphs 9 and 10 above. Many UK passenger ships that phased into the EC Directive 98/18/EC as EC Class C and D ships will have retained their original plying limits and have a “restricted” EC Passenger Ship Safety Certificate, and do not require Load Line Certificates on voyages within their plying limits.
15. It is important for the application of fair trading principles that all vessels in similar trades comply with similar requirements, especially with regard to safety and pollution prevention.
16. Provided a review of the equivalent technical standards verifies that the vessel is at least of the same standard as would be required for a UK vessel of similar class, age and size, an initial inspection should be undertaken to ensure compliance with the technical standards and the additional UK national requirements (see paragraph 6 above).
17. Any deficiencies against the published technical standards or equivalent standards should be rectified. In the event of major non-conformities, Inspection Branch should be notified and asked to seek clarification from the relevant branch in headquarters and clarification will be sought from the Member State that issued the initial certification.
18. A Certificate of UK Inspection can be issued as detailed in paragraph 7 above.
19. Any operational restrictions applied to the vessel by the other Member State will continue to apply. The vessel must operate within the designated EC sea areas applicable to its Class as set out in MSN 1747.

Vessels to which EC Directive 2009/45/EC, as amended (the recast version of 98/18/EC, as amended) does not apply (for example, vessels of non-steel construction or historical ships)

20. Vessels not covered by the EC Directive 2009/45/EC such as non-steel or equivalent vessels, should be assessed against UK national standards as would be required for a UK vessel of similar class, age and size. UK

- vessels should be issued with an appropriate Passenger Ship Safety Certificate for the voyages they wish to undertake by the MCA.
21. A full survey should be undertaken to verify compliance with all applicable UK national requirements or those of the EC Directive and the additional UK requirements for the intended operation. Unless an internal inspection of the hull and the hull fittings or the available external sighting of the condition of the steering gear indicates otherwise, documentary evidence of a hull survey carried out by a UK Authorised Classification Society or a Flag State, consistent with the timeframes referred to in MGN 217(M) on In-Water Surveys, should be accepted. Otherwise, the vessel should be seen out of the water.
 22. The surveyor should verify that the stability standard is at least equivalent to UK national standards. This may be verified by a letter from the Flag State stating that the vessel complies with their national standards which are at least equivalent to the EC or UK requirements applicable to the vessel. Alternatively, the Flag State may provide stability information presented in a readable format for verification by the MCA.
 23. The operating restrictions relevant to the UK Passenger Ship Class will be applicable to the vessel.
 24. Vessels must comply with the Load Line requirements as detailed in paragraphs 9 and 10 above.
 25. All decisions taken and equivalences considered should be well documented to ensure consistency if the operator transfers the vessel between UK operating areas.
 26. It is important for the application of fair trading principles that all vessels in similar trades comply with similar requirements, especially with regard to safety and pollution prevention.
 27. Provided the vessel is found to be compliant it shall be issued with a UK Passenger Ship Safety Certificate, a Declaration of Survey, a Record of Equipment and an Operational limit list. This certification shall be valid for a period not exceeding 1 year, but specifying the specific dates and voyages on which the vessel may operate as a passenger ship.

Traditional ships holding a document of compliance issued by another Flag State

28. The Memorandum of Understanding on the mutual recognition of certificates for the safe operation of traditional ships in European waters allows foreign flagged vessels to call at UK ports for participation in festivals, parades and races, but it does not permit foreign flagged vessels to trade as passenger ships in UK ports.
29. Upon application, the MoU requires a guest state to issue a permit for short trip day cruises in connection with maritime festivals. The application should be based on the national certificate issued by the Flag State confirming an equivalent safety status to passenger ships in existing legislation. (Note: Register Holland is not the Netherlands Administration,

- therefore Register Holland certification is not accepted) The technical requirements and operational restrictions shall be taken from EC Directive 2009/45/EC, as amended, for passenger vessels in domestic waters, as for vessels in EC category D waters.
30. The MoU permits a host state to inspect a traditional passenger ship to audit its documentation. The surveyor should verify the vessel's certification and may undertake an initial inspection to verify compliance with the standards of 2009/45/EC, as amended, or the Flag State's declared equivalent standards.
 31. Additionally, any passenger vessel operating from the UK on non-international voyages must comply with UK legislation regarding Safety Management Systems (the SMC required under the MoU is recognised as equivalent), passenger counting, navigation and communications equipment (including wheelhouse visibility) , pollution prevention, health and safety, ILO and SAR plan requirements. Foreign vessels may not have these requirements according to their National Legislation (see paragraph 6 above).
 32. Vessels must comply with the Load Line requirements as detailed in paragraphs 9 and 10 above.
 33. Any deficiencies identified should be rectified. In the event of major non-conformities, Inspection Branch should be notified and asked to seek clarification from the relevant branch in headquarters and clarification will be sought from the Member State that issued the initial certification.
 34. A Certificate of UK Inspection can be issued as detailed in paragraph 7 above.
 35. Any operational restrictions applied to the vessel by the other Member State will continue to apply. The vessel must operate within the applicable designated EC sea areas as set out in MSN 1747.
 36. UK traditional or historic ships may apply for Class VI Certification limiting the ships to occasional voyages.

Annex 3

Standard Response To Application For A Premises Licence

The Licensing Authority
[Name of local authority]

Re: [*Reference of application for a premises licence*]

This is to advise that the passenger ship [Vessel Name] operated by [Operator name], which is the subject of the above application for a premises licence under the Licensing Act 2003, holds a current passenger ship certificate of Class [I/V/VI/VIA/EC C/EC D].

[*If checked:* The operator also has in place a Safety Management System which includes a policy for the operating plan included in the above application.]

MCA therefore confirms that this premises meets the public safety objective of the Licensing Act 2003 for the area of operation proposed.

OR

This is to advise that the ship [Vessel Name] operated by [Operator name], which is the subject of the above application for a premises licence under the Licensing Act 2003, does not hold a current passenger ship certificate.

MCA therefore believes that this premises does not meet the public safety objective of the Licensing Act 2003 for the area of operation proposed.

OR

This is to advise that the vessel [Vessel Name] which is the subject of the above application for a premises licence under the Licensing Act 2003 is not required to hold a passenger certificate under the Merchant Shipping Act. MCA therefore has no comment to make on the application.

Annex 4 – Completion of Survey Record (Unclassed)

1 Function of Survey Record (MSF 1262)

The Survey Record is intended to provide a survey by survey positive Record of survey items addressed. Its primary use will be to enable successive surveyors to be aware of what has been surveyed in previous years and indicate any changes in conditions that this may present. Its secondary purpose is to provide understanding of survey activities following an incident. It is intended to be used in conjunction with an agreed survey regime for the vessel in question. The aim of using a report format is to engender consistency of reporting and to take the place of an annual file minute and aide memoire on file. Note that this Record (except for file record) is passed to the operator and kept onboard, as well as stored by MCA electronically and on file.

2 Completion of Survey Record

2.1 The Survey Record should be completed at every survey, where possible using information from previous Records. It is in Word so the boxes can be expanded as required. Data should be added wherever there is a shaded box, adding n/a where items are not applicable.

2.2 As a record of the survey, it is important to say what was done, and what was not, giving reasons when necessary.

The main survey Record form is split into 11 parts:

2.3 General Particulars

- These should be common year on year.
- Add the CM file number for the vessel as a cross reference.
- For UK class give all classes, eg IV, V, EUD.
- Length should be registered length (even if not registered).
- The survey regime is that agreed with the operator particular to the vessel or a standard one used by MCA. Provide a document reference.

2.4 Surveyor's Notes on Hull Survey

- This free text section provides an opportunity to explain any issues that arose during the survey.
- Add any recommendations for future surveys, eg "fore peak not accessible due to deck equipment – to be fully opened up at next survey".

2.5 Hull Survey Record (General)

- This is intended to be completed at the hull survey whether in or out of water.
- The general conditions refer to the circumstances of the survey. Indicate any restrictions on the scope of survey. Eg on slipway clear of the water, access under vessel.
- Give a brief description of any buoyancy or ballast added. Eg “Foam buoyancy in forward voids – see separate Record. No evidence of water ingress. Good condition. Foam not removed.”
- For clearances give units used.
- Add extra rows in the table for additional tanks or valves.

2.6 Hull Survey Record – Steel, Wood, GRP

- Use the appropriate section for the construction material.
- Keep condition descriptions brief.
- Refer to other Records where possible, eg ultrasonic reports

2.7 Finals in water (Sections 4-7, 9-10)

- Add condition data to each item. If there is no text to add, then just add the date completed.
- These sections are separate because it is expected that they will be completed on a different visit from the hull survey.

2.8 Stability (Section 8)

- This section should be checked every year whether re-measurement is required or not.
- Indicate the type of stability test applied to the vessel. Some boxes will not be applicable depending on the stability type. Eg Downflooding points not applicable to buoyancy test or heel test. A heel test vessel may not have draft marks or a stability book.
- The relevant stability test report should be sighted each year as a check of continued compliance – either on the MCA file or onboard the vessel.

2.9 Surveyor’s Notes on Survey (Section 11)

- This free text section provides an opportunity to explain any issues that arose during the final survey in water.
- Add any recommendations for future surveys, eg hand pump showing signs of wear, to be particularly checked at next survey.

The second part of the report is for MCA internal records and would not normally be included in the report to the operator:

2.10 Completion Record (Section 12)

- This provides a record of which reference documents placed on file are relevant to the survey. Eg ultrasonic report, fire appliance service report, load test certificate.

2.11 Review (Section 13)

- This is completed electronically and on file by the AOM/SIC or deputy. This would be done at the same time as validation of the certificate on Eforms.
- This review provides the quality check for the survey and should take place following each survey.
- Ideally this review should take place before a certificate is issued, but circumstances may preclude this, in which case it should be done as close to completion of the survey as practicable.

3 Storage of Survey Reports

3.1 The original survey report with signatures should be placed on the 33/01 file for the vessel as documents, along with copies of the MSF 1602/3 and certificates. Reference documents may also be placed on file. No aide memoire is required. No minute is required unless the file is to be transferred to another office or HQ, or there are some unusual circumstances to explain.

3.2 A folder should be created on an office common drive (currently M drive) specifically for this purpose. The folder title should be:

Passenger Vessel Documents

The folder should have a sub-folder titled with the CM number for each vessel:

Eg - CM53266-33-01

3.3 Within each sub-folder should be a copy of the Survey Report after each survey, with a date identifier (the date being the date which the report is first added to the folder):

Eg – Survey Report 12-3-13

Note that draft versions of the report are NOT required. The only electronic one to be kept each year should be identical to the one on the CM file, except for the signatures.

3.4 Other reference documents can be added to the sub folder using the document number from the paper CM file, if required.

Eg: 23 – fire appliance servicing 2013

4 Survey Regimes

4.1 The report makes reference to a survey regime. Where these have been agreed between the MCA and the operator, a reference should be provided in the report. The regime enables the operator to plan and prepare for survey activities and repairs. These regimes will generally follow a similar pattern to that required for Classed vessels. These regimes may be tailored to the vessel or follow one of the standard patterns given elsewhere in these instructions.