



Maritime &
Coastguard
Agency

BIT NON-QUALIFYING REGULATORY PROVISIONS SUMMARY



June 2017

Non-qualifying Regulatory Provisions Summary Reporting

Regulator: Maritime and Coastguard Agency

Business Impact Target Reporting Period Covered: 26 May 2016 to 8 June 2017

Excluded Category*	Summary of measure(s), including any impact data where available**
A – EU and International	<p>The Maritime and Coastguard Agency has implemented 12 EU/International obligations:</p> <p>The Merchant Shipping (Marine Equipment) Regulations 2016 implementing EU Directive 2014/90/EU on marine equipment which provides for the uniform application of international standards for equipment placed on ships registered in the EU and the enforcement of those standards. This replaces an earlier EU Directive and UK legislation.</p> <p>The Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Electromagnetic Fields) Regulations 2016 implementing Directive 2013/35/EC for the maritime sector, establishing the minimum health and safety requirements for the exposure of workers to electromagnetic fields and a duty on employers to reduce the risk to employees health resulting from exposure at work.</p> <p>Merchant Shipping Act 1995 (Amendment) Order 2016 increases the limits of liability for ship owners and salvors for some maritime claims following an amendment to the IMO Convention on Limitation of Liability for Maritime Claims 1976, as amended.</p> <p>Merchant Shipping and Fishing Vessels (Port Waste Reception Facilities) (amendment) Regulations 2016 implements EU Directive 2015/2087 which amends the existing port waste notification regime to re-align with International Convention, MARPOL Annex V – Garbage.</p> <p>MGN 560 (M) Lifeboats, Rescue Boats, Launching Appliances, Winches and On-load Release Gear - Operational and Test Procedures addressing the 200% static load testing on lifeboat davits and to account for the revision of IMO Circular 1206.</p> <p>MGN 558 (M) Life-Saving Appliances - Marine Evacuation Systems (MES) - Servicing and Deployments clarifies the MCA interpretation of requirements for SOLAS Chapter III/20.8.2: rotational deployments of MES with respect to the roles that different parties should play, and the pass criteria for the deployment.</p>

	<p>MGN 562 (M+F) Radio - Radio Regulations Amendments & GMDSS Radio Equipment Updates reflecting IMO Circulars MSC.1/Circ 1460/Rev1 on the validity of radiocommunication equipment installed and used on ships and MSC.1/Circ 1389 on procedures for updating shipborne navigation and radiocommunication equipment.</p> <p>MGN 566 (M+F) STCW Manila Amendments: Medical Certification, Hours of Work and Alcohol Limits providing guidance on amendments to international requirements for seafarer training and certification, hours of rest and alcohol limits.</p> <p>MGN 417 (M+F): companies offering shore-based maintenance of radio equipment offer a service in accordance with IMO Resolution A.702 (17).</p> <p>MSN 1875: Carriage of Dangerous Goods and Marine Pollutants in Packaged Form incorporating the 38th amendment to the IMDG Code.</p> <p>MGN 556 (M+F) The Merchant Shipping and Fishing Vessels (Safety Signs and Signals) Regulations 2001 specifies the requirements for health and safety signs and signals at work arising from the implementation in the United Kingdom of European Commission Directive 92/58/EEC.</p> <p>MGN 567 (M) Life-Saving Appliances - Marine Evacuation Systems, Survival Craft and Launching Appliances - Risk Mitigation for Single Point of Failure explains the process to be applied by international ship operators to demonstrate the assessment and mitigation of the risk of a single point of failure leading to reduced abandonment capacity.</p> <p>These guidance documents reflect international requirements, do not gold plate and do not place additional burdens on business beyond those required under international legislation.</p>
B – Economic Regulation	Following consideration of the exclusion category there are no measures for the reporting period that qualify for the exclusion.
C – Price Control	Following consideration of the exclusion category there are no measures for the reporting period that qualify for the exclusion.
D - Civil Emergencies	Following consideration of the exclusion category there are no measures for the reporting period that qualify for the exclusion.
E – Fines and Penalties	Following consideration of the exclusion category there are no measures for the reporting period that qualify for the exclusion.

F – Pro-Competition	Following consideration of the exclusion category there are no measures for the reporting period that qualify for the exclusion.
G – Large Infrastructure projects	Following consideration of the exclusion category there are no measures for the reporting period that qualify for the exclusion.
H – Misuse of Drugs/National Minimum Wage	Following consideration of the exclusion category there are no measures for the reporting period that qualify for the exclusion.
I – Systemic Financial Risk	Following consideration of the exclusion category there are no measures for the reporting period that qualify for the exclusion.
K – Industry Codes	Following consideration of the exclusion category there are no measures for the reporting period that qualify for the exclusion.
L1 – Casework	<p>From current available data, we have undertaken 1114 Port State Control inspections of which 38 resulted in detaining the ship. We have undertaken 5358 Flag State Control inspections/surveys of which 8 resulted in detaining the ship. We have issued 130 Prohibition and Improvement Notices. All detentions, prohibition and improvement notices relate to non-compliant ships. Improvements notices are issued to allow ships to continue trading whilst improving deficiencies. Ships are only detained in port, or prohibited from operation, when deficiencies are sufficiently serious to merit a Port State Control Officer having to return to a ship to be satisfied the deficiencies have been rectified before the ships sails.</p> <p>We conducted 17 prosecutions within the period. This is slightly higher than the number of prosecutions in 2015; prosecutions will be dependent on the number of maritime accidents in any one reporting period.</p> <p>We have undertaken 154 training course approvals, examined 5060 seafarers and boatmasters for competency and conducted 76 sight tests.</p> <p>We have conducted 237 audits.”</p> <p>No activities within this exemption represent a change in the burden of regulation placed on business, except where there result from a separate qualifying regulatory provision which that has been assessed.</p>
L2 – Education, communications and promotion	<p>We published over 70 documents providing the UK maritime sector with general information in the following areas:</p> <ul style="list-style-type: none"> • Approved doctors, medical referees and health seminar presentations

	<ul style="list-style-type: none"> • Approved radio surveyors, MARPOL surveyors and Certifying Authorities • Approved service stations • Recruitment and placement agencies • Marine safety bulletins, safety information and Scientific, Technical and Operational Advice Notes • Training materials for counter pollution training courses • National Contingency Planning and Search and Rescue Cooperation Plans • Categorisation of Waters • Companies offering maintenance of radio equipment • Local fuel oil suppliers register • Human element guidance for maritime safety <p>Our Coastguard volunteers attend numerous local shows and events to promote coastal safety for pleasure users. MCA surveyors and policy teams are actively involved in, the Southampton Boatshow, Seaworks, Skipper Expo International in Aberdeen and Bournemouth providing advice and guidance on maritime legislation.</p> <p>Attendance at educational and promotional events is not compulsory and none of the material produced creates a new regulatory standard that businesses will be expected to follow. Any new regulatory standards will follow the regulatory process and their impacts assessed as part of this process.</p>
<p>L3 – Activity related to policy development</p>	<p>The Maritime and Coastguard Agency has launched 20 consultations in this second reporting period. In addition to consultation of the legislation in Exclusion A, the following consultations have taken place:</p> <ul style="list-style-type: none"> • Proposed amendments to bridge visibility requirements for small passenger ships. • Guidance on single point of failure • Guidance on fishing vessels operating in submarine exercise areas • Proposed Merchant Shipping (Prevention of Pollution from Noxious Liquid Substances in Bulk) Regulations • Proposed amendments to Merchant Shipping Notice (MSN) 1823 – Safety Code for Passenger Ships Operating Solely in UK Categorised Waters • Proposed Merchant Shipping (Working Time: Inland Waterways) (Amendment) Regulations • Consolidation of the Merchant Shipping (Hours of Work) Regulations 2002 and amendments • Proposed Fishing Vessels (Codes of Practice) Regulations • Implementation of the 2014 Amendments to the Maritime Labour Convention, 2006

	<ul style="list-style-type: none"> • Guidance on inflatable non-SOLAS lifesaving appliances • Proposed Small Seagoing Passenger Ship Code • Proposed MCA Fees amendments • Proposed information on the issue of annual certificates for passenger ships • Post Implementation Review of the Merchant Shipping (Safety of Navigation) (Amendment) Regulations 2011 • Changes to MCA survey and certification • Post Implementation Review of the Merchant Shipping (Vessel Traffic Monitoring and Reporting Requirements) (Amendment) Regulations 2011
L4 – Changes to management of regulator	Following consideration of the exclusion category there are no measures for the reporting period that qualify for the exclusion.