

Consultation Document: **Draft MGN**

Title **DAMAGE STABILITY - ALTERNATIVE VERIFICATION METHOD FOR TANKERS - UK INTERPRETATIONS AND PROCEDURES**

October 2018

Rev. 2

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# **Section 1: Overview of this consultation**

## Aim

1.1. This consultation seeks your views on a proposed new Marine Guidance Notice (MGN) which seeks to clarify areas of responsibility and UK procedures when applying the 2014 amendments to MARPOL Annex 1 chapter 1 regulation 3(6) and chapter 4 regulation 28(6) concerning the fitting of stability instruments on oil tankers, as amplified in IMO MSC.1/Circ.1461 “*Guidelines for Verification of Damage Stability Requirements for Tankers*”. Similar requirements to fit stability instruments on gas carriers, chemical tankers and ships carrying noxious liquid substances (NLS) are contained in Codes such as IBO, BCH or EGC, IGC and GC, and are also covered in this MGN.

## Views sought

1.2. Your views are sought on the general layout, content and usefulness of the MGN in your area of expertise and responsibility in the tanker industry. Your suggestions would be most welcome on further improvements, such as topics which may have been omitted or areas where there is too much detail or repetition of information which may be readily available elsewhere. Comments on policy guidance, such as the use of Type 3 software on stability instruments or issuing waivers whereby installation of new instruments on existing tankers may be avoided, are also invited. Your views are also sought as to whether the proposed changes will have any significant cost implications for your business, both savings and additional costs.

1.3. A full list of consultation questions is contained in Section 5 of this consultation.

## Deadline for responses

1.4. The closing date for this consultation is December 21st, 2018

# **Section 2: Areas for consideration**

##

## 2.1 Background

Experience gained in applying the IMO Guidelines (MSC.1/Circ.1461) on tanker damage stability since they came into force on 8th July 2013 indicates that there are still some matters requiring clarification and/or interpretation, for example the issuance of waivers from using a stability instrument and the appropriate methods of demonstrating compliance with the required damage stability regulations when such an instrument is not employed either on board or via links to a shore support station.

The aim of this notice is to improve understanding and consistency of application of the amended tanker regulations and associated IMO Guidelines and to re-emphasize that the MCA’s expectation is that all UK tankers should be fitting IACS URL5 – Type 3 stability instruments capable of verifying damage stability by direct calculation on the hull form and compartments rather than through use of tables or limiting KG/GM curves.

You will note that the draft MGN contains areas of text which are highlighted in yellow. These show changes made since the previous draft in response to comments received from MCA staff, the RO’s and certain sectors of industry during a preliminary consultation period held earlier this year. We are grateful for all the comments and suggestions received to date, the large majority of which have been incorporated into this latest draft and which have also resulted in a whole new section of questions and answers (see Annex B, Section 1.9) which we hope you may find helpful.

2.2 Proposed Changes

This MGN does not propose any changes to existing regulations or guidelines but seeks only to clarify, explain and expand upon the MCA’s policies and procedures. It is not anticipated that this document will result in any cost impact over and above those that the regulations and guidelines already require in terms of fitting stability instruments to new and existing tankers etc.

**Section 3: Responding to this consultation**

3.1. There are specific questions highlighted in section 5 of this document and information on how to respond to this consultation document.

## Consultees

3.2. Anyone may respond to this consultation and consideration will be given to all responses. We are most anxious to consult as widely as possible on this subject and so we would be most grateful if you could either forward the consultation package to anyone else whom you think may wish to contribute or alternatively to send us their contact details, so we may contact them directly.

We will be particularly interested to hear from: -

* Shipyards/Designers/Naval Architects/Consultants responsible for producing stability information booklets for tanker
* Software and hardware engineers producing stability instruments
* Those involved with issuing waivers
* RO’s authorised to act on behalf of the MCA
* Those on board ship or at shore-based stations undertaking stability verification
* MCA Surveyors and Port State Control Officers (PSCO’s)

## Duration

3.3. This consultation is open for 8 weeks from October 26th, 2018. The deadline for responses is December 21st, 2018.

## Submitting your response

3.4. Consultation responses should be emailed to andrew.scott@mcga.gov.uk. Any questions should also be sent to this email address.

3.5. When responding, representative groups are asked to give a summary of the people and organisations they represent, and where relevant who else they have consulted in reaching their conclusions.

## Freedom of Information

3.6. Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the Freedom of Information Act 2000 (FOIA) or the Environmental Information Regulations 2004.

3.7. If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

3.8. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department/MCA.

3.9. The MCA will process your personal data in accordance with the data protection framework and, in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

Data Protection

3.10. The MCA is carrying out this consultation to gather evidence. The consultation is being carried out in the public interest to inform the development of policy.

3.11. The MCA will use your contact details to send you information about the consultation, for example if we need to ask follow-up questions, as part of its functions as a government department. Your information will be kept secure and will not be used for any other purpose without your permission.

3.12. To find out more about how the MCA looks after personal data, your rights, and how to contact our data protection officer, please go to:

 <https://www.gov.uk/government/organisations/maritime-and-coastguard-agency/about/personal-information-charter>

If you do not wish to remain on this list, please reply and let us know.

# **Section 4: Outline of plans beyond this consultation**

4.1. Once this consultation closes we will review all responses. In considering the responses we will apply appropriate weight to those from organisations and individuals with specialist knowledge of the subject area.

4.2. We will be analysing the responses during January 2019. Our aim is to publish an overview of the responses and the MCA’s comments by January 31st, 2019, which will be available from: [www.gov.uk/government/publications](http://www.gov.uk/government/publications)

4.3. Where appropriate the draft MGN will be revised to take into consideration the consultation responses.

4.4. Our aim is for the MGN to be published during March 2019 and it will be published on [www. gov.uk](http://www.legislation.gov.uk)

# **Section 5: Response form**

|  |  |
| --- | --- |
| What is your name?  |  |
| What is your email address? |  |
| What is your job title? |  |

|  |
| --- |
| **When responding please state whether you are responding as an individual or representing the views of an organisation:** |
|  |
|[ ]  I am responding as an individual |  |
|[ ]  I am responding on behalf of an organisation |  |
|  |  (name of organisation) |  |

**Please check the box that best describes you as a respondent and the size of your organisation:**

|  |  |
| --- | --- |
| Respondent Type | Size of Organisation |
|[ ]  Classification Society |[ ]  Large business (over 250 staff) |
|[ ]  Government Agency/Department |[ ]  Medium business (50 to 250 staff) |
|[ ]  Individual |[ ]  Micro business (up to 9 staff) |
|[ ]  Legal representative |[ ]  Small business (10 to 49 staff) |
|[ ]  Protection & Indemnity  |  |  |
|[ ]  Seafarer |  |  |
|[ ]  Ship Operator |  |  |
|[ ]  Ship Owner |  |  |
|[ ]  Trade Union  |  |  |
|[ ]  Other |  |  |
|  | (please describe) |  |

**Section 5.1 Consultation Questions**

Please ask questions or add comments/suggestions under each section of the MGN below,

as appropriate. Alternatively, please use the comment feature in the editor to highlight and

comment upon specific areas of text in the draft MGN itself: -

1. Introduction

2. Background to IMO Circular MSC.1/Circ.1461

3. Actions to Take - Shipyard/Designer/Naval Architect/Consultant responsible

 for producing the Stability Information Booklet for a Specific Tanker

4. Actions to Take - Software and Hardware Engineers Producing Stability Instruments

5. Responsibility for issuing a Waiver

6. Actions to Take - RO’s Authorised to act on behalf of the MCA

7. Actions to Take - Ship or Shore-based Stations Carrying out Stability Verification

8. Actions to Take – MCA Surveyors and Port State Control Officers (PSCO’s)

9. Summary and Conclusions

ANNEX A – Amendments to MARPOL and the tanker Codes

ANNEX B – Background and Supplementary Notes

1. Introduction

2. Characteristics of Approved Loading Computer Systems

3. Flow Chart to assess the suitability of existing tankers for issue of a waiver

4. Waivers – who can issue them and under what circumstances?

5. Demonstration of Compliance with the Damage Stability Requirements

6. What to look out for when assessing compliance with the Guidelines

7. Historical Background

8. Considerations for RO’s approving waivers

9. Some final questions

**Section 5.2**

Do you have any additional comments to add to the response?

**Please return completed response forms to** **andrew.scott@mcga.gov.uk**

# **Section 6: Conduct of this consultation**

6.1. This consultation has been conducted in accordance with the Cabinet Office Consultation Principles.

## Consultation principles

6.2. The Cabinet Office Consultation Principles can be found at:

<https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/492132/20160111_Consultation_principles_final.pdf>

## Feedback on conduct of consultation

6.3. If you have any comments regarding the conduct of this consultation, please contact the Consultation Co-ordinator at consultation.coordinator@mcga.gov.uk.

6.4. We are continually trying to improve the way in which we conduct consultations and appreciate your views. We would be grateful if you could complete and return the attached feedback form. These should be submitted to the Consultation Co-ordinator and are not affected by the deadline for this consultation.

6.5 If you require this consultation in an alternative format, please contact either the Consultation Co-ordinator or the named official conducting this consultation.

**MCA CONSULTATION FEEDBACK FORM**

1. Please indicate on which Consultation you are providing feedback:

***……………………………………………………………………………***

|  |  |
| --- | --- |
| 2a. | Please indicate whether you are responding on behalf of: |
|  |[ ]  Yourself as an Individual |
|  |[ ]  A Trade Association |
|  |[ ]  A Company |
|  |[ ]  A Government Organisation |
|  |[ ]  A Trade Union |
|  |[ ]  Other(please specify) |  |

|  |  |
| --- | --- |
| 2a. | Please indicate whether you accessed this consultation package through: |
|  |[ ]  Post |
|  |[ ]  Email |
|  |[ ]  Website |

|  |  |
| --- | --- |
| 3. | Please rate the quality of this consultation regarding accuracy, good English and spelling: |
|  |[ ]  Very good |
|  |[ ]  Good |
|  |[ ]  Average |
|  |[ ]  Poor |
|  |[ ]  Very Poor |

|  |  |
| --- | --- |
| 4. | Please rate the format of the consultation presentation (layout, Annexes etc.): |
|  |[ ]  Very good |
|  |[ ]  Good |
|  |[ ]  Average |
|  |[ ]  Poor |
|  |[ ]  Very Poor |

|  |  |
| --- | --- |
| 5. | Please rate the consultation in terms of how clear and concise you felt it was: |
|  |[ ]  Very good |
|  |[ ]  Good |
|  |[ ]  Average |
|  |[ ]  Poor |
|  |[ ]  Very Poor |

|  |  |
| --- | --- |
| 6. | Did you feel that the consultation was conducted over a sufficient period of time? |
|  |[ ]  Yes |
|  |[ ]  No |

|  |  |
| --- | --- |
| 7. | Were any representative groups, organisations or companies not consulted who you felt should have been? |
|  |[ ]  Yes |
|  |[ ]  No |
|  | If yes, who? |  |

|  |  |
| --- | --- |
| 8. | Please let us have any suggestions for improvement or other comments you wish to make about this consultation below: |
|  |  |

Thank you for your time. Please return this form to:

Consultation Co-ordinator,

Maritime and Coastguard Agency,

Spring Place, Bay 3/26, 105 Commercial Road

Southampton SO15 1EG

Or e-mail it to: consultation.coordinator@mcga.gov.uk

If you are happy to supply your name in case we need to contact you to discuss your views further, please enter it below (this is optional, and your feedback will still be taken into account if you wish to remain anonymous):

|  |  |
| --- | --- |
| Name  |  |
| Tel. No. |  |

**Please note that the deadline for responses to the Consultation itself**

**does not apply to the return of this form.**