

DSA02-DMR-MOD Shipping Regulations Initial Issue September 2016

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Defence
Safety
Authority

DSA02-DMR – MOD Shipping Regulations for Safety and Environmental Protection

Defence Maritime Regulator

DMR

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PREFACE

Disclaimer: Nothing contained within this Regulatory Framework for MOD Shipping Activity, removes the ultimate responsibility of any person's failures to comply with legislation or other Defence Authority requirements. Any conflicts should be brought to the attention of the Defence Authorities affected. Neither MOD Holding to Account (H2A) nor any absence of Assurance by DMR, by its accredited Duly Authorised Organisations (DAO) or Recognised Organisations (RO) absolves any Duty Holder of their duties to supply suitable and sufficient evidence of compliance, when challenged, that they comply with these Shipping Regulations and with applicable legislation.

Equality and Diversity: This document has been equality and diversity tested in accordance with Departmental policy and no direct discrimination or adverse impact has been identified.

Authority: The Defence Safety Authority DSA-01-1 is the Level 1 Policy document which expands the Secretary of State for Defence's statement. This is a *DSA Level 2 Regulatory Directive*, forming part of the **Defence Safety Regulatory Publications**. The Directive is labelled DSA02-DMR – MOD Shipping Regulations for Safety and Environmental Protection (named **Shipping Regulations** hereafter) applies governance to all Defence Shipping Activity also setting policy where Defence has Disapplication's, Exemptions or Derogations (DED) from statute.

The DSA Charter, authorises these Shipping Regulations to set goals, whose outcomes for Defence Shipping Activity are at least as good as the legislative DEDs. The Shipping Regulations are supported by *DSA Level 3 Defence Codes of Practice (DCOP)* that specify an approved means of compliance with applicable legislation and with associated Defence Regulations. Each DSA03-DMR-Shipping DCOP seeks to guide assurance of safety and environmental protection for MOD Shipping activity. Compliance with this Defence Regulation may be achieved by following Defence Codes of Practice. As with any Approved Means of Compliance (ACOP) sponsored by statutory regulators, other means of compliance can be used by any Duty Holder, but each DCOP is the norm for assurance by DMR.

Glossary: The DSA02-DMR-Shipping Regulations and associated DSA03-DMR-DCOPs use standard terms defined to outline generic roles. The names of the particular posts, created by organisations to carry-out those roles will vary. Common phrases will be placed in a single DMR Master Glossary of terms to compliment a single DSA Glossary of terms across the DSRP. Phrases defined in the DMR Master Glossary are in **bold text** and apply to all DMR DSRP Parts and supporting documents and align with the DSA Master Glossary

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Document Data

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Amendment History

Issue	Amdt	Authority	Date	Key Changes
Initial		DSA-DMR	07 Sept 2016	

Feedback: Document amendment status is at www.nsass.org.uk/ and www.bmtdsl.r.mil.uk/nas/ or the Defence Maritime Regulator can be contacted with comments and queries about this publication addressed to:

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Important Note	<p><i>The term must indicates a legal requirement, and will have the legal provenance referenced.</i></p> <p><i>The term shall indicates a Defence Regulation and the provenance of the rule will be referenced.</i></p> <p><i>The term should within a DCoP describes one or more Risk Control Option (RCO) considered to be a good practice solution that will be considered sufficient to demonstrate compliance with the regulation. Other alternative approaches may be suitable where they produce an outcome to the mutual satisfaction of Duty Holder and Regulator that is at least as good as the means proposed</i></p>
Rationale	<p><i>The Defence Maritime Regulator is authorised under DSA Charter to produce Defence Regulations. These Defence Regulations arise from Disapplication under UNCLOS and are structured according to the four major pillars of UNCLOS (SOLAS, MARPOL, STCW and MLC60). Where possible the provenance of Regulatory clauses is shown in Regulations and in more detailed DCOP. The Secretary for State for Defence requires the DSA to provide audit assurance, to report non-compliance and enforce, proportionate to risk. DMR directly audits Duty Holders, Authorities, Duly Authorised Persons and Recognised Organisations, and samples and Inspects the Organisations that face those parties, and shall enforce according to the DSA common enforcement model (2016DIN06-020)</i></p>

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PART A – INTRODUCTION and REGULATORY PRINCIPLES

Introduction

1. The Defence Maritime Regulator (**DMR**) is a fully independent regulator within the Defence Safety Authority (DSA). Operating under the Secretary of State's Charter (Enclosure 1) to provide Regulation, Assurance and Enforcement in particular over Disapplication's, Exemptions or Derogations (**DED**) from statute.
2. Maritime Regulation evolved as an outcome of the inquiries into the Herald of Free Enterprise (1987), Piper Alpha (1988) and Clapham Junction Rail Crash (1988) accidents. The subsequent Carver Report (1992) to the House of Lords resulting in a series of Defence Regulations. The Pelley Report (1999) reviewed a series of diving accidents and documented procedures, which resulted in Defence Diving Regulation being developed. These events, plus the Haddon Cave Inquiry ultimately moved Maritime Regulation from within DPA and later DE&S to the independent **DMR** in 2012. Maritime Regulation uses a triple lock of effective governance, assurance and regulation across the Domain for Shipping, Diving and Port Operations in the Military Bases, established by regulation of the Maritime Domain through a DCI in 1993 that became JSP 430 in 1996, as the Ship Safety Management System Handbook, updated through five issues lastly in December 2013.
3. DSA has directed that the regulators publications be delivered under a DSA cover and therefore a full review has been conducted. The outcome of which is that JSP 430 Part 1, Part 2 and Part 3 regulations have been captured and moved to this central publication while supporting information and guidance in those three publications has moved to supporting Defence Codes of Practice (DCOP) publications.
4. The highest Level 1 policy of the DSA is DSA-01 which amplifies the Secretary of State for Defence's statement. This publication is a DSA Level 2 Document (DSA02) and is the **DMR** Regulatory Framework for Safety and Environmental Protection for **MOD Shipping** Activity, hereafter called the "**Shipping Regulations**" and *shall* align where practicable to the goals of conventions under statute, with particular attention to achieving outcomes where legislative **DEDs** are recorded

The Regulatory Framework

5. These **Shipping Regulations shall** apply the common definitions arising from legislation that **MOD Shipping must** apply where applicable and otherwise *shall* apply those held within the DSA Glossary¹ and the **DMR** Master Glossary of terms. As such, the **principles, regulations** and norms within these **Shipping Regulations**, the DCOP and their supporting documents are Standing Orders within the meaning of the Armed Forces Act, and *shall* hold primacy over all **MOD-Shipping**-related orders or instructions, whether Top-level Budget (TLB) policy, guidance, process or standards, except insofar as any **Regulation** therein has been amended by a DSA Regulatory notification or statutory notification. Any conflicts should be brought to the attention of **DMR**

¹ DSA01-3 Glossary of Common terms and definitions

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6. These **Shipping Regulations** enable **MOD Shipping** activity to comply and have provenance mapped from the major pillars of UNCLOS (the IMO's SOLAS, MARPOL and STCW) and/or to conclusions and recommendations from **Defence Lessons**.

7. These **Shipping Regulations** are a subset of the suite of Defence Regulations. To aid compliance, a supporting suite of DCOPs define a benchmark for assuring Defence maritime safety and environmental protection activity. The DSA03/DMR/DCOPs complement established codes of practice from statutory regulators and collectively assist compliance with the law, with these **Shipping Regulations** and to achieve compliance as required by the **Shipping Regulations**. They are:

- a. DSA03/DMR/DCOP01 Guidance on Application of Shipping Regs;
- b. DSA03/DMR/DCOP02 Guidance on Risk Control Systems;
- c. DSA03/DMR/DCOP03 Guidance on Management Arrangements;
- d. DSA03/DMR/DCOP04 Organisational Certification (ISM Code);
- e. DSA03/DMR/DCOP05 Naval Authority Rules for Certification;
- g. DSA03/DMR/DCOP06 Guidance on Environmental Protection Certification and Requirements;
- h. DSA03/DMR/DCOP07 Tools, Techniques, Training and Competence;
- i. DSA03/DMR/DCOP08 Guidance on Assurance and Enforcement;
- j. DSA03/DMR/DCOP09 Guidance on Responsibilities;

Leadership Principle

8. To ensure MOD remains an **intelligent customer**, each **Command shall** define a **Duty Holding** construct, supported by **competent authorities**. It **shall** demonstrate leadership by example, commensurate with status, with evidence that a strong and just safety and environmental protection culture exists and is continuously developed.

9. The MOD **must** comply with the duties embodied in Sections 2 to 9 of The Health and Safety at Work Act 1974 within territorial limits, and **should** comply with other international coastal maritime and environmental legislation, relating to the safety of given **activities**, according to **Ship Type** (Reg 2: Application), its Registration² (Reg: 19) and the **Safe Operating Envelope** specified for that ship type or system. Where **DED** exist MOD **shall** have outcomes at least as good as equivalent statute, where reasonably practicable.

10. Whichever case, the Secretary of State for Defence requires that work related fatalities, injuries, ill health and the adverse effects on the environment are minimised and health and safety risks are reduced to as low as reasonably practicable (ALARP). In accordance with the leadership principle and in order to declare **risks** are ALARP, the MOD **must** demonstrate an inherent and appropriate knowledge and understanding of the design and operation of **MOD Shipping**, both as the operator and controller of **MOD Shipping activities**. This wider role includes **Duty Holders**, Authorities (so-called Duty Holder facing) and assurance by **Duly Authorised Persons**.

² The MOD Shipping Register is an articulation of material already held into a central register.

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11. Where any part of MOD's duties is discharged through contractors this **shall** not in any way diminish the ultimate accountability and responsibility of MOD officials to remain as sufficiently **intelligent customers**. The **Duty Holding** construct is a chain of delegation of suitably competent persons in control of the Defence Lines of Development (DLOD) delivering Defence tasks by an organisation. The collation of resources and of staff, including under contract, should be able to demonstrate that the requirement of these **Shipping Regulations** is met.

12. An **intelligent customer shall** include sufficient organisational capability (across Duty Holders, line management and specialist authorities)-to understand and accept the Safety and/or Environmental Case, to authorise the **risks and management of environmental aspects** identified within it, taking account of applicable **objective evidence** from contractors and, obtain appropriate **assurance** from **2nd and 3rd parties** including **Regulators**.

13. The size of an organisations capability will depend on several factors, including the magnitude and severity of the hazards being managed, the complexity of the **equipment, activity, system or platform**, its novelty and the extent to which it might be used to the assessed limits or even beyond the **standard operating limit**.

Principle of Independent Regulatory Authority

14. Only the Defence Maritime Regulator **shall** set **Shipping Regulations** or enforce compliance with its frameworks for **MOD Shipping** activities with the objective to ensure the **Goal** (Regulation 1) is met.

15. The Regulator **shall** have authority to approach any person or organisation pursuant to establishing that the **Goal** is being met. Those challenged **shall** demonstrate, they meet specific **requirements** for safety and environmental protection, conduct assurance and are compliant with established departmental policy, standards and rules. Where appropriate, compliance with other DSA **Regulations** for the management of safety and environmental protection **shall** be demonstrated in the Maritime Domain.

Principle of People Empowered with Delegated Authority

16. Everyone involved in applying these **Shipping Regulations shall** be

- a. suitably resourced,
- b. developed to have the right competencies to discharge their role and,
- c. where appropriate³, authorised through a safety and/or environmental protection delegation.

17. Overall responsibility for safety and environmental protection within the MOD rests with the Secretary of State for Defence who has delegated the Defence Authority (the DSA) the duty of ensuring that effective management arrangements are in place to comply with the policy¹. Therefore Top Level Budget Holders **shall** discharge the authority of the

³ Appropriately delegated and recorded.

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Secretary of State and Permanent Under Secretary by cascading appropriate authority⁴ throughout their organisation and in the case of Duty Holding and duty holder facing responsibilities across organisational boundaries, so that the safety of personnel and protection of the environment will be ensured.

Simplicity Principle

18. When managing safety and environmental protection every opportunity **shall** be taken to simplify and sharpen documentation and advice so that it is proportionate, clear and remains so.

⁴ DSA01, Defence Policy for Health, Safety and Environmental Protection

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PART B – Defence Shipping Regulations

Regulation 1 – The Goal

- 1.1 To ensure that **MOD Shipping activities** are safe and environmentally sound during peace, tension and war, the **Goal** of these **Shipping Regulations** is that the management of all **MOD Shipping activities shall** be shown to achieve outcomes, assessed against the following criteria:
- a. that all ships or equipment operated by, or for, the MOD must comply with applicable legal requirements;
 - b. relevant **safety, environmental** and **combat safety** requirements (Regulation 13) are met;
 - c. that organisations minimise work related fatalities⁵, injuries, ill health and adverse effects on the environment and reduce health and safety risks to tolerable and be as low as reasonably practicable (**ALARP**);
 - d. the environmental aspects of **MOD Shipping** are managed and harm to the environment is minimised;
 - e. **Risk** of loss or damage to property is reduced to tolerable levels;
 - f. residual **risk** is controlled (as per Regulation 3); and
 - g. good practice is used as the baseline when choosing standards and requirements, preparing management arrangements or considering the practicability of **risk** controls.
- 1.2 Where there are exemptions, derogations or dis-applications (**DED**) from either domestic or international law applicable to **MOD Shipping activities**, the **Accountable Person⁶ shall** ensure outcomes that, so far as is reasonably practicable, are at least as good as those required by the legislation. The level of **risk** implied by the standards and management arrangements selected **shall**, so far as is reasonably practicable be equivalent to that implied by law.

The Military Goal – The Defence Imperative

- 1.3 Where exceptional circumstances require the operation of any system or ship outside of the **Safe and/or Environmentally Sound Operating Envelope** margins determined during production of the **Safety or Environmental Case**, such operation **shall**

⁵ Also referred to as Risk to Life

⁶ Accountable Person - Any individual held accountable to the Regulator for reducing risk of harm and, where applicable, complying with Defence Regulations. Either the Operating Authority, their Operational Commander, their Duty Holder or Ship's Commanding Officer responsible for an activity (operate safely); or a duty-holder facing authority (safe to operate) or professional officer considered by any Regulator as responsible or accountable.

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be within the scope defined in that **Ship's Certification** (Regulation 6) and the principles of the Goal).

1.4 When **exceptional circumstances** require delivery of a Defence Task being conducted outside of the operating parameters or the limitations specified in the **Safety and/or Environmental Case**, operations may continue, subject to a **risk** assessment being conducted by the **Ship's Commanding Officer** and reported to the **Delivery Duty Holder** by the fastest practical means and without delay.

1.5 The **risk** assessment is to include a statement that the **Ship's Commanding Officer** is satisfied that **risk** has been reduced as low as reasonably practicable, within the constraints of the **exceptional circumstances**. The **Defence Maritime Regulator, Operating Duty Holder, Platform Authority, Equipment Authority** (where appropriate) and **Naval Authority** *shall* be informed when time permits and provide advice as necessary to manage any **risks** as far as is reasonably practicable, until such exceptional circumstances cease.

1.6 Whenever a ship is directed to conduct activity outwith their organisational control by an **Operational Authority**, the **Operating Duty Holder** *shall* retain authority and responsibility for managing **risks** identified to be outside of the operating parameters by imposing limitations following dynamic review of the **Safety and/or Environmental Case**.

1.7 Even when exceptional circumstances prevail the **risks** associated with the activity *shall* be dynamically reduced As Low As Reasonably Practicable (ALARP). When time and circumstance permits, the activity *shall* be demonstrated to be ALARP and Tolerable and the relevant Duty Holder or Authority consulted. Once the exceptional circumstances cease to exist, the activity *shall* cease, or return to normal parameters. Where an **Accountable Person** advises operation outside of the Safety and/or Environmental Case they *shall* be conscious of their accountability and record their rationale and actions.

Regulation 2 - Application

2.1 These **Shipping Regulations** *shall* apply:

- a. to PEOPLE IN THE SYSTEM; All MOD staff (both service and civilian) and contractors required to serve in or work on-board **MOD Shipping**, and including those who are involved in the **acquisition, operation or disposal** of **MOD Shipping** activities;
- b. to SYSTEM ACTIVITY; All **MOD Shipping** activities (during trials, training, normal operation, maintenance, peacekeeping, tension, transition to war and wartime) that have the potential to cause **harm** affecting; people, the environment and/or property;
- c. to SYSTEM LIFECYCLE: At all stages of the **acquisition cycle**; irrespective of the procurement strategy, support strategy, contractual arrangements, type of owner, or operational arrangements;

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- d. to MANAGEMENT OF THE SYSTEM: Across all **Defence Lines of Development** that affect the safety, environmental aspects or combat safety of **MOD Shipping activity**;
- e. to PHYSICAL SYSTEMS; All MOD **Ship types**, including their subsystems and individual equipment and/or other related equipment operated in the maritime operating environment; and
- f. to SYSTEM LOCATION; All actions and activities affecting **MOD Shipping** within **navigable waters**, whether riverine, UK territorial, other coastal, international waters and foreign territorial waters including the planning or development of such Defence activities, where **risk** and **impact shall** be managed according to the **Goal**.

Regulation 3 - Management Through Risk Control Systems

3.1 All **Duty Holders shall** comply with these **Shipping Regulations** by the implementation of an effective **Management Regime** that meets the **Goal** by providing a framework demonstrating effective compliance through the implementation of the following **Risk Control Systems (RCS)**:

- a. Safety and Environmental Management Systems documented using Organisation Arrangements Statements and Safety and Environmental Management Plans;
- b. Certification and Certification Strategy;
- c. Integration of Safe Design and Construction;
- d. Maintenance of the Ship and Equipment;
- e. Management of Change; Maintenance of Conditions;
- f. Documentation;
- g. Manning Levels, Competence and Training;
- h. Incident Reporting and Analysis;
- i. Emergency Preparedness;
- j. Safe and Environmentally Sound Operating Envelope;
- k. Live Safety and Environmental Cases, Safety and/or Environmental Case Reports, Summaries and Statements;
- l. Requirements Management; and
- m. Verification of Internal Assurance, Internal and External Audit.

Regulation 4 - Management of Safety and Environmental Protection

4.1 Every **Duty Holder shall** develop, implement and maintain a safety and environmental management system by **Organisation and Arrangements** appropriate to their phase of the acquisition cycle, which enables the **Goal** to be met. The **Management Regime** within which it operates and the **Shipping Activities** within their **Area of Responsibility shall** be reflected and specified.

4.2 In accordance with DSA01 the Duty Holders nominated within this regulatory framework **shall** be the **Senior Duty Holder, Operating Duty Holder** and the **Delivery**

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Duty Holder; they *shall* be supported by duty holder facing **Platform, Training and Equipment Authorities** to deliver the **Goal** for the **Ship's Commanding Officer**.

4.3 Delegation according to the **Duty Holder** Principle *shall* not be requested or accepted until the recipient is deemed competent to discharge their delegated responsibilities (Regulation 10). Wherever resources are identified to be insufficient to deliver their delegation, individuals *shall* notify their next higher ranking **Duty Holder** in order that the issue can be mitigated as per the **Goal**.

4.4 At any one time there *shall* only be one **Operating** and **Delivery Duty Holder** and one **Platform Authority** named for each ship. A single person may however be named as a **Duty Holder** or **Authority** for more than one **ship, ship class** or group of **ship types** or equipment.

4.5 Transfer of any level of **Duty Holder** responsibility to another person, or transfer between key authorities internal or external to the MOD *shall* be formally agreed. The Defence Maritime Regulator *shall* be notified in accordance with Regulation 18.

4.6 Everyone who holds a nominated position with safety and environmental management responsibility *shall* have a clear remit and appropriate delegation or authority that specifies the duties, resource and levels of competence required for the post (Part C).

4.7 **Duty Holders** and their Duty Holder facing **Authorities** *shall* be given the resource necessary to meet their safety and environmental protection responsibilities.

4.8 At times when safety and environmental protection **risk** or responsibility may transit between **Duty Holders**, the **Management Regime** is to establish clear documentary protocols and the management arrangements to control the relevant safety and environmental protection responsibilities between each party.

4.9 The **intelligent customer** within a specified **management regime** *shall* include sufficient organisational capability to understand and accept each **Safety and/or Environmental Case**, to authorise the **risks** and hazards identified within it, taking account of applicable objective evidence from contractors and operate a proportionate **Safety and Environmental Management System** that controls **risk** with appropriate assurance from 2nd and 3rd parties including other Regulators.

Regulation 5 - Certification

5.1 **MOD Shipping** *shall* only be operated by an **Operating Duty Holder** holding a **DMR** issued **Document of Compliance (DOC)** or with an Interim **DMR Document of Compliance (iDOC)** in accordance with Regulation 17. A **Document of Compliance** *shall* only be issued to Operating Duty Holders complying with these **Shipping Regulations**.

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5.2 A certificate, called the **Ship Management Certificate (SMC)**, *shall* be issued to the Ships' Commanding Officer by those Duty Holders holding a **DOC** to demonstrate continuing compliance with the **Goal of MOD Shipping** through management of **risk** and in accordance with the licencing conditions in the **DOC**. The assurance of established shipborne safety and environmental management arrangements *shall* be in accordance with Regulations 16 and 17.

5.3 The master copy of each certificate *shall* be held on the register (Regulation 19) and a copy kept on board the ship in order that the **Ship's Commanding Officer** can produce it on request for verification.

Naval Authority Certificates

5.4 In accordance with Regulation 18, the Naval Authority *shall* certify portions of the **Safety and/or Environmental Case arguments**, underpinned by satisfactory **objective evidence**, as agreed in the Certification Strategy, covering design, construction, maintenance, intended operation of **MOD Shipping** in accordance with the **Goal** for the hazard areas listed according to **MOD Ship type**. The Naval Authority *shall* publish rules agreed with **DMR** designed to ensure MOD Shipping meets the **Goal**. The rules *shall* be published as DSA03/DMR/DCOP05 Rules for Naval Authority Certification.

5.5 For surface ship types the minimum certification areas *shall* be:

- a. Stability;
- b. Structure;
- c. Escape, Evacuation and Rescue;
- d. Explosives;
- e. Propulsion, manoeuvring and navigation systems;
- f. Fire safety; and
- g. Aviation⁷.

5.6 For submarines types the minimum certification areas *shall* be:

- a. Stability;
- b. Structure;
- c. *Effective Escape, evacuation and rescue*⁸;
- d. Explosives;
- e. Propulsion, manoeuvring and navigation systems;
- f. Effective Fire safety;
- g. Manoeuvring Control;

⁷ Aviation for aviation capable platforms this means: Loss of control or failure of an aviation system, air weapon, aircraft arrangement or procedure that escalates to a ship level accident

⁸ Under Investigation and Development

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- h. Atmosphere Control; and
- i. Watertight integrity.

5.7 For boat and novel ship types the minimum areas to be certified **shall** be defined in the certification strategy and align at a minimum with those in Regulation 5.5 or 5.6.

Environmental Certification

5.8 **DMR** or a **Duly Authorised Person shall** issue an Environmental Protection Certificate according to **ship type** upon demonstration that each **ship** and its equipment meets the requirements, where reasonably practicable, of Marine Pollution and Environmental Legislation where **MOD Shipping** has exemptions, derogations or dis-applications from statutory legislation⁹.

5.9 A ship **shall** not be operated without valid **Certificates** required by these **Shipping Regulations** unless:

- a. exceptional circumstances exist in accordance with Regulation ; or
- b. no valid certificate is yet held where both the **Platform Authority** and **Operating Duty Holder** agree with the sponsor and **Duly Authorised Person** that it is reasonable in the circumstances to continue without one and a date by which the certificate **shall** be required is specified in a certification strategy; or
- c. the **Platform Authority** agrees with the **Naval Authority** that a hazard area listed at paragraph 5.5 to 5.6 does not exist on that particular ship and informs the **Operating Duty Holder** accordingly (e.g. Propulsion and Manoeuvring Systems on unpowered barges).

Regulation 6 - Integration of Safe Design and Construction

6.1 The design **shall** be accepted by a competent **Platform Authority** which **shall** consider the safety of the ship's design, its construction, future maintenance needs, age, and taking advice from each **Equipment Authority**, the integration of equipment and sub-systems as compliant with agreed standards and acceptance criteria according to the **Goal** (Regulation 1).

Regulation 7 - Maintenance of the Ship and Equipment

7.1 Within an **Accountable Persons'** Organisation and Arrangements it **shall** be specified how the intent of the design (Regulation 6) **shall** be maintained by establishing and implementing a **management regime** (Regulation 3) containing procedures to ensure

⁹ Requirements of the Environmental Protection Certificate will be outlined in DSA-03 DCOP 6.

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that the maintenance of the ship or equipment, including the control of ageing materiel, conforms to the provisions of the relevant standards.

7.2 In meeting the identified standards, **Accountable Persons shall** ensure that **MOD Shipping**:

- a. procedures are assigned to competent personnel;
- b. inspections are held at appropriate intervals;
- c. Non-conformities are reported, with its possible cause if known;
- d. corrective actions are taken;
- e. records of these activities are maintained;
- f. procedures and their outcomes are made available for assurance including by an Independent Safety Auditor and Independent Environmental Auditor; and
- g. complies with Environmental Standards specified according to the **navigable waters** or whilst **alongside**.

7.3 The management of **ageing systems** and time limited equipment, including any concessions against the associated standards, **shall** be controlled through procedures that include assessment, test and certification. The management arrangements **shall** include the regular inspection or testing of stand-by arrangements and equipment or technical systems that are not in continuous use.

7.4 The **Safety and Environmental Management System** in place **shall** enable equipment and systems, the sudden failure of which may result in hazardous situations or non-compliance with appropriate standards and certification to be identified. The Standards that establish specific **risk** control measures aimed at promoting the resilience of such equipment or systems **shall** be applied. Maintenance of the materiel state **shall** reflect the operational need and ensure sufficient spares are provided and maintenance conducted to maintain safety and environmental protection.

Regulation 8 - Maintenance of Conditions and Management of Change

8.1 The overall management regime **shall** be demonstrated to continually improve **risk** controls of the organisational structure, processes and methodologies needed to deliver safe and environmentally sound **MOD Shipping** activities.

8.2 Known changes to a management system, organisation or resource **shall** be planned through an Organisational Safety Assessment (OSA) and appropriate controls put in place so there is no adverse impact on Safety or Environmental protection.

8.3 Known changes to a physical system **shall** be managed as per Regulation 7 and 8 and consider other RCS as applicable to enable appropriate controls to be put in place so there is no adverse impact on Safety or Environmental protection

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Regulation 9 - Documentation

9.1 Each **Accountable Person** *shall* within Organisation and Arrangements establish and maintain procedures to control all relevant documents and data, ensuring that:

- a. safety, environmental protection and combat safety related decisions are appropriately recorded to allow audit and learning from experience;
- b. appropriate documents and data are retained and made available when and where they are needed;
- c. documents are regularly reviewed and updated, with any gaps in information recorded and understood;
- d. obsolete documents and historic data are appropriately archived and stored so as to be available as needed;
- e. the frequency of document review and endorsement is set appropriately for the safety **risk** or environmental aspects being managed and the rate of changes in the system that the document applies to;
- f. changes are reviewed, approved and communicated to all those who need to know; and
- g. configuration control is effective and obsolete documents are promptly removed from use.

9.2 **DMR** *shall* consider any new **hazard, accident sequence** or issue raised for inclusion in these **Shipping Regulations, DCOP** or in an Information Leaflet when raised through stakeholders, stakeholder meetings or editorial review cycle.

Regulation 10 - Manning Levels, Competence and Training

10.1 Everyone involved in applying these **Shipping Regulations** *shall* be suitably resourced, developed to have the right **competencies** to discharge their role and appropriately trained to deliver their duties. Where appropriate they should be authorised through an appropriate letter of delegation. **Accountable Persons** *shall* ensure that:

- a. personnel are properly qualified;
- b. personnel have their competencies and training recorded;
- c. the requirements to maintain the safety and environmental cases are included in any organisational baseline; and
- d. where a deficiency is identified, it *shall* be reported to the relevant **Training Authority** and **Duty Holder**.

10.2 Individual responsibilities and the design of organisation baselines *shall* be in accordance with the **Leadership Principle** in Part A.

10.3 The minimum standards of competence required for critical postings for seagoing personnel *shall* be aligned to the assumptions in Safety and/or Environmental Cases and published for review at specific ship clearance intervals.

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10.4 Each Organisational Baseline of a ship **shall** specify levels of competence for critical posts and **shall** be complimented by an organisational baseline for shore-support, aligned to the assumptions in Certification in Regulation 5.

10.5 The terms and conditions of employment **shall** reflect Queen's Regulations and the military covenant for the safety of personnel embarked on **MOD Shipping** including equivalent STCW provision.

10.6 The impact of the Ship's manning level **shall** be reflected in the design of the ship and the organisational baseline, aligned to the assumptions in the Safety and/or Environmental Case and requirements of Organisation & Arrangements. **Military activities shall** be addressed in the Safety and/or Environmental Case.

Regulation 11 - Reporting Accidents, Incidents, non-conformances & hazards

11.1 Accountable Persons **shall**:

- a. ensure that all accidents, incidents and near misses, including non-conformance and hazards are reported to Responsible Authorities and Duty Holders;
- b. ensure trends are identified;
- c. ensure that investigations are carried out by competent people with the aim of finding out the root cause and contributing factors to inform learning;
- d. ensure that the organisation learns from experience in a timely manner;
- e. put in place control measures to reduce the risk of reoccurrence, where reasonably practicable of any serious accident, incident or near miss; and
- f. include a feedback mechanism which informs stakeholders of actions taken.

11.2 **Accidents** involving death or serious injury, significant damage to property or the environment **shall** be reported to Duty Fleet Controller and DMR.

11.3 Accident and Incident investigations **shall** examine, in a timely manner, all Defence Lines of Development and identify, as a minimum, any relevant:

- a. design issues;
- b. material or software failures;
- c. shortfalls attributed to human factors;
- d. shortfalls in **risk** assessments and management;
- e. shortfalls in operating procedures; and
- f. shortfalls in the safety and environmental management system and its organisational arrangements, verification and competence.

11.4 Findings and Recommendations identified during investigations **shall** be passed between all relevant Duty Holders, supporting Authorities and other stakeholders who have the authority to enact improvement, prevent recurrence and to disseminate lessons as part of a continuous improvement process.

These regulations have been superseded as of 1st January 2019. Please follow the link to the updated regulation set found [here](#)

Regulation 12 - Emergency Preparedness

12.1 **Accountable Persons shall** put in place arrangements and procedures to manage the effects of foreseeable abnormal and emergency situations, as well as for preparedness and response to pollution with appropriate management arrangements, equipment and monitoring. These arrangements and procedures **shall** be documented, trained for and tested drawing upon advice from appropriate Authorities. Such arrangements **shall** be reviewed and updated as required.

12.2 Where Emergency Preparedness and Response fails, or if a ship is lost leading to Ship Wreck **Accountable Persons shall** report, determine and manage the hazards associated with the wreck in order that MOD can meet its liabilities and legal obligations.

Regulation 13 - Safe and Environmentally Sound Operating Envelope

13.1 **Accountable Persons shall** establish the margins of a safe and environmentally sound operating envelope for the **MOD Shipping** for which they are responsible drawing on the **objective evidence** in their live safety case and the limits set in certification in accordance with the **SMC**.

13.2 The Safe and Environmentally Sound Operating Envelope **shall** be routinely **assured** by **Accountable Persons** in an **auditable** trail according to the **DOC**, by reviewing the Command Safety & Environmental Summary (CSES) Baseline as part of the Sea Clearance process to ensure that the **Goal** continues to be met.

Regulation 14 - Demonstrating the Safety and Environmental Case

14.1 No ship or subsystem fitted to it **shall** enter or remain in service without the Safety, Environmental and **Combat Safety Risks** being understood and managed through a **Safety and/or Environmental Case**, structured according to the RCS of Regulation 3.

14.2 In producing the **Safety and/or Environmental Case**, each **Accountable Persons shall** identify all accident sequences and record the potential consequences, proportionate to risk and significance. This **shall** be presented in an argument that demonstrates:

- a. all hazards with the potential to cause harm have been identified;
- b. the **risks and environmental aspects** have been evaluated; and measures identified to control those reasonably foreseeable **risks and environmental aspects** so as to ensure compliance with the relevant statutory provisions and these **Shipping Regulations**;
- c. the identification of major accident sequences are demonstrated using suitable techniques, linked to the safety and environmental critical elements

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and covered by certification, verification schemes and sea clearance processes, proportionate to **risk and the environmental aspect**;

- d. the loss of control of systems which are sufficient either directly or indirectly, to cause death or serious personal injury are identified and managed; and
- e. those events likely to involve significant environmental aspects are identified and managed.

14.3 The Safety Case and/or Environmental Case **shall** address potentially harmful activity, prior to it commencing, so that harm is avoided or mitigated if appropriate where harm cannot be avoided (e.g. burning fossil fuels). Safety and/or Environmental Cases **shall** demonstrate that the activity meets the **Goal** of these **Shipping Regulations**.

14.4 Safety and/or Environmental Case Reports **shall** be produced:

- a. at major investment milestones and conclusions of stages in the acquisition cycle, to support decisions to proceed to the next stages;
- b. at other major programme milestones, including significant changes to the design or material state **Risk Control Systems**, e.g. upkeep periods, dockings, changes of operational doctrine, force generation or role;
- c. at the point of transfer of Duty Holder responsibilities;
- d. following a significant accident or incident that brings into question assumptions in the whole Safety and/or Environmental Case or current understanding of key functions of system functions, activities or services;
- f. as a **Command Safety & Environmental Summary (CSES)** to be assessed in the **SMC** processes;
- g. when new facts, legislation, or technical knowledge arises that may challenge or invalidate existing safety arguments or evidence and affect certification; and
- h. at **DOC** Review and for significant outcomes from Internal and/or External Audits.

14.5 A **Command Safety and Environmental Summary (CSES)** **shall** be produced as a prerequisite to the issue of a **Ship Management Certificate**. It **shall** be made available to the **Ship's Commanding Officer** to assist in making balanced, **risk**-based decisions concerning the Safe Operating Envelope (Regulation 13) of their ship. As a minimum, the CSES **shall** detail the following information:

- a. the certified safe and environmentally sound operating envelope of the ship;

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- b. operational limitations imposed by extant levels of trained and available personnel, design parameters, age or maintenance state, Naval Authority certification, margins for **risk** assessment and environmental assessment studies;
- c. highlight the safety or environmental implications of any unusual aspect of the ship's design; and
- d. any action that is required to be addressed by the **Ship's Commanding Officer** arising from outputs derived from implementation of these **Shipping Regulations**.
- e. a combat safety summary including, but not limited to:
 - i. a summary of the key survivability characteristics, performance levels and design features;
 - ii. a description of the platform performance against the range of reasonably foreseeable design and extreme threats from hostile activity, including asymmetric and terrorist threats;
 - iii. a summary of the survivability implications of any unusual or particular aspects of the ship's design; and
 - iv. guidance on management of combat safety arising from the design of the platform.

14.6 Each Safety Case Report and Environmental Case Report **shall** be authorised indicating acceptance and responsibility for the **risks** appropriate to the level of authority of the **Accountable Person**. Authorisation confirms that it is comprehensive, credible and coherent, and **shall** only be given after taking relevant advice.

Regulation 15 - Requirements Management

15.1 **Accountable Persons shall** establish and maintain functional requirements appropriate to the **system** or **ship type** according to design, role, task, activities and operating philosophy in order to meet the **Goal** and derive:

- a. the legal requirements applicable;
- b. the appropriate **risk** management techniques;
- c. baseline the operational analysis identifying the combat safety requirements;
- d. baseline the functional requirements including:
 - i. address operational demand cycle;
 - ii. acquisition cycle; and
 - iii. maintenance cycle.

Regulation 16 - Organisation Verification and Evaluation

16.1 All **Accountable Persons shall** ensure that their Organisation and Arrangements give assurance that:

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- a. **Safety Management and Environmental Management Systems** are operating effectively, and consistent with good management practice (Regulation 1 and 4);
- b. the requirements of the **authorities** from whom they received their letter of delegation or authority are being met; and
- c. are compliant with these **Shipping Regulations**.

16.2 Owners of Organisation and Arrangements **shall** have processes in place for timely completion of corrective actions arising from **Assurance** of their **Safety Management and/or Environmental Management Systems** through management Reviews and **Audits** and from any lessons identified under Regulation 11.

16.3 **Accountable Persons shall** commission Independent Safety Auditors and Independent Environmental Auditors to confirm proportionate to the risk that the safety and environmental management regime has been implemented in accordance with the regulations and that the Safety Case and/or Environmental Case are suitable and sufficient. Their appointment is to be notified to **DMR**.

16.4 The requirement for an Independent Safety Auditor and Independent Environmental Auditor may be waived when the **Operating Duty Holder (ODH)** considers that the system or equipment is sufficiently low in complexity proportionate to the risk. Any such waiver **shall** be justified by the ODH in the Safety Case or Environmental Case, the alternative arrangements **shall** be recorded and **shall** be a prerequisite to the issue or revalidation of a **DOC** (Regulation 5).

16.5 Information gathered by **assurance shall** be reviewed by **accountable persons**. This includes information gathered from audit, management reviews, inspection or survey by second party independent assurance (incl. all **Independent Safety and Environmental Auditor** reports). Such **assurance** information validated to the satisfaction of **DMR** will be used as **objective evidence**, and **shall** be copied to **DMR**.

Regulation 17 - Regulatory Verification and Control

17.1 **DMR shall** audit **MOD Shipping** compliance with these **Shipping Regulations** and assure compliance with applicable statutory legislation.

17.2 Holders of **DMR DOC** and their **Accountable Persons** defined in Organisation and Arrangements (Regulation 4) **shall** have their associated safety management and environmental management systems periodically **assured** to evaluate that arrangements are in place to systematically demonstrate that these **Shipping Regulations** are met.

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17.3 **DMR shall** be responsible for:

- a. setting Safety and Environmental Regulations, specifying duties and outputs to enable MOD to meet its legal duties and the setting of performance standards where legislation does not apply;
- b. providing advice and guidance on compliance with policy, including advice on RCS and leadership role in driving corporate understanding of **risk**;
- c. providing assurance to Director-General Defence Safety Authority regarding Duty Holder compliance with policy;
- d. providing advice and scrutiny on concessions, exemptions, derogations or dis-applications of **MOD Shipping** from statutory legislation and these **Shipping Regulations**;
- e. auditing, **accrediting** and authorising persons or **organisations** to provide assurance of compliance with these **Shipping Regulations**;
- f. providing assurance of the resilience of Organisation and Arrangements and impacts on associated safety and environmental management systems during change.
- g. chairing the Naval Authority Council of **Duly Authorised Persons** to provide assurance that NA certification remains effective in meeting the **Goal** and that the target of certification is being met by the Naval Authority; and
- h. defining the hazard areas to be subjected to naval authority certification.

17.4 Duly Authorised Persons and their Organisations **shall** be accredited to perform assurance of components of the management regime reporting to **DMR** and validating **objective evidence** of compliance. These organisations are:

- a. The Naval Authority **shall**:
 - i. provide **certification** for the hazard areas specified in Regulation 6;
 - ii. identify standards and codes of practices applicable to **MOD Shipping** to assist and guide the **platform authority**;
 - iii. develop **standards** and **codes of practice**, where no suitable MOD or third party publication exists, which are of advice and guidance in the hazard areas covered;
 - iv. provide guidance on the mitigation of **combat safety** in the wider Safety Case and in each Safety Case Report where such mitigation falls within the scope of existing **Naval Authority certification**; and

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- v. issue, withdraw or suspend a **Certificate** and remove Conditions of Certification.

- b. Operational Sea Training Authority **shall**:
 - i. set, assess and provide **assurance** of the standards for a ship type to Operate Safely given known requirements (Regulation 15);
 - ii. conduct the Safety and Readiness Check (SARC) programme which validates a ship through build or post significant maintenance to ensure that it complies with these **Shipping Regulations**;
 - iii. conduct the Material Assessment and Safety Check (MASC) that generates a **Safety Case Report** during the generation cycle; and
 - iv. conduct operational sea training in accordance with the **safety and/or environmental case** proving the manning and the organisational baseline for the ship.

17.5 A **Duly Authorised Person** may delegate or seek **accreditation** of certain functions (in whole or in part) where appropriate to suitably competent individuals (Duly Authorised Person) or organisations (Duly Authorised Organisation) inside the MOD or to Recognised Organisations outside the MOD. The result of such delegation may be used as **objective evidence** in support of: the safety case, certification or other assurance.

Regulation 18 - Enforcement Management Model

18.1 **DMR shall** audit in accordance with Regulation 16 compliance with these **Shipping Regulations**. Any observations or non-conformities **shall** be reported to **Accountable Persons** and agreed by the end of the **audit** and will then be issued in the formal audit report.

18.2 Observation or non-conformity **shall** only be reported with supporting **objective evidence**. **Corrective Action shall** routinely follow a formal **audit, inspection or investigation** of an **organisation** or **ship** where non-conformities have been identified. Non-conformity within a **Corrective Action Requirement (CAR)** may exceptionally be brought to the attention of an **Accountable Person**, without a formal **audit or inspection**, where there is already sufficient and unequivocal **objective evidence** requiring corrective action in line with Regulation 16.

18.3 Where **objective evidence** has been validated by the **DMR** and is judged sufficiently unequivocal to support enforcement, a notification will be given to the **Duty Holder** in accordance with the DSA Enforcement Management Model (EMM) and reported.

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18.4 Any **Accountable Person** in receipt of any enforcement or CAR **shall** take timely corrective action and supply any plans to address the longer-term shortfalls identified. Such plans **shall** be agreed by both parties^[1]; ranging from immediate cessation of activity where an immediate Risk to Life exists, to a longer term rectification plan, which should be agreed within three months of the observation or non-conformity being first reported.

18.5 **Enforcement Action** taken by the **DMR shall** be proportionate to the safety and environmental protection **risk** inferred by the non-conformity, the level of non-conformity, and the frequency of its occurrence and the probability of its re-occurrence.

18.6 **DMR shall** publish criteria for the triggers for the three levels of enforcement and the two levels of **Advice** set by the DSA common EMM. Any escalation **shall** be influenced by the timeliness and adequacy of responses to current and previously raised advice, nonconformity or enforcement as in paragraphs 18.8-18.10.

18.7 **DMR shall** report and summarise emerging patterns of Duty Holder progress against Major and Minor Non-Conformities and responses to formal enforcement back to the Operating Duty Holder, Senior Duty Holder and Permanent Under Secretary through the Director-General Defence Safety Authority.

18.8 Any recommendation made to the **Operating Duty Holder shall** be copied to the **Senior Duty Holder**. Repeating patterns **shall** trigger **Formal Advice, non-conformity or DMR Notices**. Failure to respond to **Corrective Actions** or any **DMR Notices shall** trigger consideration of graduated escalation in enforcement level up to a **Prohibit Notice**, proportionate to the **assessment** of the **risk**.

18.9 Any Non-Conformity **shall** trigger consideration of a **DMR Advice Notice**, which is the lowest level of **Enforcement**. Major Non-Conformity **shall** trigger consideration of an **Urgent Advice Notice** requiring immediate response on the corrective action to be taken.

18.10 Failure to respond to either level of **DMR Advice Notices shall** trigger a **DMR Improve Notice** which **shall** mandate the **Corrective Action to be taken** and specify a timeline determined by **DMR**. Failure to respond to any **DMR Improve Notice**, in a timely or sufficient manner or otherwise respond to **risks** observed, will accelerate escalation to a **DMR Prohibit Notice**, requiring the associated activity to stop.

Regulation 19 - Defence Register of Shipping

19.1 There **shall** be a Register of **MOD Shipping**, which **shall** be maintained by **DMR** as registrar supported by their DAP, within which will be recorded all **MOD Shipping**. Each ODH shall cooperate with DMR in maintaining the information held within the register, which **shall** contain, the location of the ODH's Portfolio of evidence of demonstrable Organisation and Arrangements as per Regulation 4 and its control and status affecting the associated **DOC**;

19.2 Within each ODH section of the register there **shall** be access to the individual ship records according to ship type including:

^[1] The auditor or inspector and the Duty Holder

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- a. Ship Name;
- b. Ship Type by NATO Designator and short description by class;
- c. Ship particulars (estimated, calculated or actual);
- d. Particulars of the ODH and the location of their O&A;
- e. Particulars of the DDH and the location of their O&A;
- f. Particulars of each Authority and their contribution to the overarching safety and environmental management system;
- g. The master-copy of each Certificate and Certificate-strategy;
- h. Position of the ship within the CADMID cycle;
- i. Safety and/or Environmental Case Report in accordance with Regulation 14;
- h. and Sea Clearance Reports reviewing the key evidence of the **SMC**.

These regulations have been superseded as of 1st January 2019. Please follow the link to the updated regulation set found [here](#)

PART C – Responsibilities

Regulation 20 - Responsibilities and Authority

20.1 Within MOD responsibility ultimately rests with the SofS, who delegates the Service Chiefs' authority, who **shall** identify and authorise **Duty Holders, Accountable Persons** and **Authorities** for a defined **area of responsibility**.

Regulation 21 - Duty Holders and Authorities

21.1 **Duty Holders** and **Authorities shall** ensure that their management arrangements (Regulation 3), letters of delegation and terms of reference reflect the supporting and supported roles of all **accountable persons**. They **shall** copy DMR on all letters of delegation. Processes **shall** exist to collaborate in management of safety and environmental protection across all interfaces and over the whole DSA regulatory regime in an integrated and coherent way and in particular adherence to these **Shipping Regulations**.

21.2 **Duty Holders** and **Authorities shall** be personally accountable for ensuring that safety and environmental protection is not compromised when transferring any system between authorities during its life, or by implementing (or failing to implement) design changes, modifications, updates or upgrades or changes in use or training.

21.3 Senior Managers who hold a letter of delegation at any level who are not themselves delegated Duty Holders **shall** ensure the corporate governance of defence activities and assure that their staff are properly able to carry out the requirements of the **Shipping Regulations**, through their chain of command.

21.4 Senior Managers at any level **shall** be responsible for ensuring that the resources allocated to Duty Holders, Platform and Equipment Authorities and the directions or advice given, meet the requirements of these **Shipping Regulations** at all times.

Regulation 22 - Senior Duty Holders

22.1 Senior Duty Holders (SDH) **shall** ensure that it is made clear which named individuals hold the following roles and to define what the scope of their accountability and responsibility is:

- a. Operating Duty Holder (ODH);
- b. Delivery Duty Holder (DDH);
- c. Platform Authority (PA);
- d. Equipment Authority (EA);
- e. Training Authority (TA);
- f. Designated Person Ashore (DPA); and
- g. Ship's Commanding Officer (CO).

22.2 The Senior Duty Holder **shall** be responsible for defining and documenting the responsibilities and scope of authority and interrelation of all personnel who manage,

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perform and verify work relating to and affecting safety and environmental impacts within the jurisdiction of these **Shipping Regulations**.

Regulation 23 - Duty Holders

23.1 Duty Holders **shall** appoint named personnel and define their responsibilities according to their authority under Regulation 21. This includes if applicable as DPA suitably competent Senior Engineer and Senior Operators to advise them on the application of and outcomes from these **Shipping Regulations**.

23.2 Duty Holders **shall** identify and manage the **risks** arising from change to physical or management systems, organisation and resources, prior to implementation of that change, or where those **risks** were not foreseeable prior to the change, as soon as they are identified so that there is no adverse impact on safety or environmental protection.

23.3 Duty Holders **shall** establish procedures to ensure that new personnel and personnel transferred to new assignments related to safety and protection of the environment are given proper familiarisation with their duties.

23.4 Every Duty Holder **shall** escalate any **risk** that has consequences greater than they are authorised to hold. Where breaches are beyond the control of any current Authority, this **shall** be highlighted. In line with the People Principle every individual **shall** exercise due care and diligence according to the principles established in these **Shipping Regulations**.

Regulation 24 - Operating Duty Holders

24.1 As a condition of retaining their **DOC**, the ODH **shall** ensure compliance with these **Shipping Regulations** for all Ships in their **Area of Responsibility** by actively managing the overarching safety and environmental management system and Organisation and Arrangements.

24.2 In accordance with their **DOC**, the ODH **shall** routinely assure that the Safe Operating Envelope around the CSES baseline, confirming it is clearly understood at each Sea Clearance.

Regulation 25 - Delivery Duty Holders

25.1 A DDH **shall** be responsible to ODH for ensuring compliance with these **Shipping Regulations** for one or more ship type, or mission system, according to each ship's force-generation cycle within their **Area of Responsibility** by actively managing the overarching safety and environmental management system and Organisation and Arrangements.

25.2 The DDH **shall** ensure that each ship is manned in order to encompass all the aspects of maintaining safe operations on board with suitably qualified, certificated and medically-fit seafarers to levels that are at least as good as statute

Regulation 26 - Platform Authority

These regulations have been superseded as of 1st January 2019. Please follow the link to the updated regulation set found [here](#)

26.1 Each PA **shall** be responsible to each ODH and DDH for ensuring **risk control** to the acquisition cycle for all Ships in their **Area of Responsibility** by actively managing the argument and **objective evidence** necessary to support the Safety and Environmental Case demonstrating that the ship is **safe to operate**.

26.2 The PA **shall** agree with the Naval Authority on the Certification Strategy when Certification is required. When Certification is not required the PA and/or DDH **shall** mitigate the relevant hazard through other suitable and sufficient means, in accordance with all **Defence Regulations**.

26.3 The PA **shall** support the ODH/DDH in establishing the margins of a safe and environmentally sound operating envelope for the **MOD Shipping** for which they are responsible. The envelope **shall** draw from the **objective evidence** in their live Safety Case and the limits set by certification, as advised by the PA, TA, EA and Naval Authority.

26.4 PAs holding Design Authority may formally delegate all or part of the Design Authority function to a suitably competent design organisation but **shall** retain responsibility (as part of the Intelligent Customer requirement) for:

- a. Ensuring the safety of the ship through-life and minimising the environmental harm;
- b. Authorisation of key documents that contribute to the Safety and/or Environmental Case;
- c. Ensuring that the organisation that has received the delegation is competent and is fulfilling their delegated duties; and
- d. The support required to the design organisation is sufficient through life.

Regulation 27 - Equipment Authority

27.1 The EA **shall** be responsible to each PA for ensuring **risk control** to the acquisition cycle for equipment within their **Area of Responsibility** by actively managing the argument and **objective evidence** necessary to support the Safety and Environmental Case demonstrating that the equipment or system is **safe to operate**.

27.2 An EA **shall** be specifically accountable and responsible to each PA for:

- a. The arguments relating to combat safety **shall** demonstrate that the **risk** of death or injury to the crew from hostile activity is minimised so far as reasonably practical;
- b. The arguments related to environmental impact protection **shall** demonstrate that environmental aspects are managed and harm to the environment is minimised as far as reasonably practicable; and

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- c. Leading on Supporting Integration of equipment and systems into the platform, to ensure that functional and integrity requirements for equipment and systems are met to a level of detail required to supply the right safety and environmental information.

27.3 EAs holding **Design Authority** may formally delegate all or part of the **Design Authority** function to a suitably competent design organisation but **shall** retain responsibility (as part of the **Intelligent Customer** requirement) for:

- a. Ensuring the safety of the equipment through-life and minimising the environmental harm;
- b. Authorisation of key documents that contribute to the Safety and/or Environmental Case;
- c. Ensuring that the organisation that has received the delegation is competent and is fulfilling their delegated duties; and
- d. The support provided to the design organisation is sufficient through life.

Regulation 28 - Training Authority

28.1 TA are an **Accountable Person** who **shall** be responsible for the delivery of Regulation 10 and appropriate assurance activity, and may also be accredited to **DAP** in accordance with Regulation 17.

Regulation 29 - Designated Person Ashore

29.1 In accordance with Regulation 22 the Designated Person Ashore (DPA) **shall** be a link between the Operating/Delivery Duty Holder/Senior Management and those on board,

29.2 The responsibility and authority of each designated person or persons **shall** include monitoring the safety and environmental protection aspects of the operation of **MOD Shipping** and ensuring that adequate resources and shore-based support are applied, as required and specified in Regulation 9, 10 and 14.

Regulation 30 - Ships' Commanding Officer's Responsibility and Authority

30.1 Ship's Commanding Officers **shall** discharge their responsibilities in accordance with Queens Regulations and these **Shipping Regulations** with accountability for:

- a. Implementing a shipboard safety and environmental protection management system;

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- b. Operating a ship in a way that meets the **Goal** and in accordance with these regulations, certification and specified requirements of the Safety and/or Environmental Case;
- c. exercising a duty of care to their crew, all others on-board, third parties that could be affected by it and the environment;
- d. Motivating a just safety and environmental culture within the crew.
- e. Periodically reviewing the shipboard safety and environmental management system and reporting deficiencies to the shore based management;
- g. Ensuring that all accidents, incidents, near missed and hazards are reported, analysed, investigated and acted upon; and
- h. Ensuring that emergency arrangements are in place, followed, understood and tested.