

2019 No. 000

MERCHANT SHIPPING

SAFETY

**The Merchant Shipping (Safety Standards for Passenger Ships
on Domestic Voyages) (Miscellaneous Amendments)
Regulations 2019**

<i>Made</i> - - - -	2019
<i>Laid before Parliament</i>	2019
<i>Coming into force</i> - -	2019

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 85(1)(a) and (b), (3), (5) to (7) and 86(1)(a), (b) and (d) of the Merchant Shipping Act 1995^(a).

The Secretary of State has consulted such persons in the United Kingdom as the Secretary of State considers will be affected by the exercise of powers in this instrument in accordance with section 86(4) of the Merchant Shipping Act 1995.

Citation and commencement

1. These Regulations may be cited as the Merchant Shipping (Safety Standards for Passenger Ships on Domestic Voyages) (Miscellaneous Amendments) Regulations 2019 and come into force on [xxx].

Amendment of the Merchant Shipping (Fire Protection: Small Ships) Regulations 1998

2.—(1) The Merchant Shipping (Fire Protection: Small Ships) Regulations 1998^(b) are amended as follows.

(2) After regulation 1(8) (citation, commencement, interpretation and application) insert—

“(9) The amendments made to these Regulations by regulation 2(2) to (10) of the Merchant Shipping (Safety Standards for Passenger Ships on Domestic Voyages) (Miscellaneous Amendments) Regulations 2019^(c), which would otherwise be applicable to a ship, are not applicable to a ship until the date of that ship’s first survey after 12th November 2021.

(a) 1995 c. 21.

(b) S.I. 1998/1011. These Regulations were amended by S.I. 2000/2687 to remove from their scope passenger ship classes A, B, C and D of 24 metres or over in length constructed before 1st July 1998 engaged on domestic voyages. There are other amendments not relevant to these Regulations.

(c) S.I. 2019/XXXX. Amendments made by these Regulations include the introduction of new requirements.

(10) For the purposes of paragraph (9), “survey” means the ship’s renewal survey as required by regulation 6(3)(b) of the Merchant Shipping (Survey and Certification) Regulations 2015(a).”

(3) After regulation 5 (machinery spaces of Category A and spaces containing oil fuel settling tanks) insert—

“Ships of Classes III, IV, V, VI and VI(A)

Fire detection

5A.—(1) Subject to regulation 1(9) (application), this regulation applies to every ship in Classes III, IV, V, VI and VI(A).

(2) Any unmanned machinery space which is located underdeck, or which is not situated at the control position, shall be provided with a fire detection system comprising smoke or heat detectors which will, when activated, give an audible and visual alarm at the control position.

(3) The fire detection system required by paragraph (2) shall satisfy the standard set by the British Standards Institution of BS EN 54(b).

(4) Any passenger sleeping accommodation shall be fitted with a fixed fully addressable fire detection system installed and arranged to detect the presence of fire in the spaces and corridors, stairways and escape routes with accommodation spaces.”

(4) In regulation 8 (machinery spaces of category A)—

- (a) before “In every ship” insert “Subject to regulation 1(9) (application)”;
- (b) omit “of 21.34 metres in length or over”.

(5) After regulation 8 insert—

“Machinery spaces other than Category A

8A.—(1) Subject to regulation 1(9) (application), and subject to paragraph (2), in every passenger ship to which regulation 8 does not apply there shall be provided for the protection of any machinery space at least one of the following fixed fire-extinguishing systems—

- (a) a fixed pressure water-spraying system;
- (b) a fixed gas fire-extinguishing system;
- (c) a high expansion foam system;
- (d) for ships built before 25th May 1980, a foam fire-extinguishing system; or
- (e) any other type of fixed fire-extinguishing system approved by the Secretary of State.

(2) In a ship of less than 24 metres in length where the machinery in the machinery space is covered by a boxed housing, the requirement in paragraph (1) may be satisfied by the provision of a fire-extinguisher which is permanently fixed and available for extinguishing fires.

(3) Where paragraph (2) applies, the arrangement deployed shall be approved by the Secretary of State.”

(6) In regulation 10 (ships of class III of less than 21.34 metres in length)—

- (a) before the opening words, insert “Subject to regulation 1(9) (application),”;
- (b) for “3, 4 and 5” substitute “3 and 4”.

(a) S.I. 2015/508. The instrument was amended by S.I. 2018/53 and S.I. 2018/1221.

(b) BS EN 54-7:2018 is the latest version of BS EN 54 and can be purchased from the British Standards Institution in pdf or in hard copy on <https://shop.bsigroup.com/ProductDetail/?pid=000000000030296473>. A copy can also be obtained from the Maritime & Coastguard Agency of Spring Place, 105 Commercial Road, Southampton SO15 1EG.

- (7) In regulation 11 (ships of class IV of 21.34 metres in length or over)—
 - (a) before the opening words, insert “Subject to regulation 1(9) (application),”;
 - (b) for “7 and 8” substitute “7, 8 and 8A”; and
 - (c) omit “except that for ships constructed before 25th May 1980 the requirements in regulation 8(1) shall not apply”.
- (8) In regulation 12 (ships of class IV of less than 21.34 metres in length)—
 - (a) before the opening words, insert “Subject to regulation 1(9) (application),”;
 - (b) for “4 and 5” substitute “4, 8 and 8A”.
- (9) In regulation 13 (fully decked ships)—
 - (a) in paragraph (1)—
 - (i) before the opening words, insert “Subject to regulation 1(9) (application),” and
 - (ii) for “7 and 8” substitute “7, 8 and 8A”;
 - (b) in paragraph (2)—
 - (i) before the opening words, insert “Subject to regulation 1(9) (application),” and
 - (ii) for “4 and 5” substitute “4, 8 and 8A”.
- (10) In regulation 15 (fully decked ships)—
 - (a) in paragraph (1)—
 - (i) before the opening words, insert “Subject to regulation 1(9) (application),” and
 - (ii) for “7 and 8” substitute “7, 8 and 8A”;
 - (b) in paragraph (2)—
 - (i) before the opening words, insert “Subject to regulation 1(9) (application),” and
 - (ii) for “4 and 5” substitute “4, 8 and 8A”.

Amendment of the Merchant Shipping (Passenger Ship Construction: Ships of Classes III to VI(A)) Regulations 1998

3.—(1) The Merchant Shipping (Passenger Ship Construction: Ships of Classes III to VI(A)) Regulations 1998(a) are amended as follows.

(2) After regulation 3A insert—

“3B.—(1) The amendments made to these Regulations by regulation 3(2) and (3) of the Merchant Shipping (Safety Standards for Passenger Ships on Domestic Voyages) (Miscellaneous Amendments) Regulations 2019(b), which would otherwise be applicable to a ship, are not applicable to a ship until the date of that ship’s first survey after 12th November 2021.

(2) For the purposes of paragraph (1), “survey” means the ship’s renewal survey as required by regulation 6(3)(b) of the Merchant Shipping (Survey and Certification) Regulations 2015(c).”

(3) After regulation 42 insert—

(a) S.I. 1998/2515. These Regulations were amended by S.I. 2000/2687 to remove from their scope passenger ship classes A, B, C and D of 24 metres or over in length constructed before 1st July 1998 engaged on domestic voyages. There are other amendments not relevant to these Regulations.

(b) S.I. 2019/XXXX. Amendments made by these Regulations include the introduction of new requirements.

(c) S.I. 2015/508. The instrument was amended by S.I. 2018/53 and S.I. 2018/1221.

“Requirement for bilge alarms

42A.—(1) Subject to regulation 3B(1) (application), every ship shall be provided with an alarm capable of detecting the presence of bilge water (“bilge alarm”) in the locations listed in paragraph (2).

(2) The locations are—

- (a) any compartment containing propulsion machinery; and
- (b) any other compartment where bilge water is likely to accumulate.

(3) A bilge alarm fitted to meet the requirements of this regulation shall include—

- (a) an audible, and a separate visual, warning at the control position for each space in which an alarm is fitted; and
- (b) an audible alarm which, once activated, continues to sound until acknowledged.”.

Amendment of the Merchant Shipping (Life-Saving Appliances For Passenger Ships Of Classes III To VI(A)) Regulations 1999

4.—(1) The Merchant Shipping (Life-Saving Appliances For Passenger Ships Of Classes III To VI(A)) Regulations 1999(a) are amended as follows.

(2) In regulation 4 (application and exemptions)—

- (a) before the opening words in paragraph (3), insert “Subject to paragraph (5),”;
- (b) after paragraph (4), insert—

“(5) Paragraph (3)(b) does not apply to a ship to which regulation 4B applies.”

(3) After regulation 4A insert—

“4B.—(1) The amendments made to these Regulations by regulation 4(2) to (12) of the Merchant Shipping (Safety Standards for Passenger Ships on Domestic Voyages) (Miscellaneous Amendments) Regulations 2019(b), which would otherwise be applicable to a ship, are not applicable to a ship until the date of that ship’s first survey after 12th November 2021.

(2) For the purposes of paragraph (1), “survey” means the ship’s renewal survey as required by regulation 6(3)(b) of the Merchant Shipping (Survey and Certification) Regulations 2015(c).”

(4) In regulation 6(2) (ships of class IV)—

- (a) before the opening words, insert “Subject to regulation 4B(1) (application),”;
- (b) in column (5) of the table insert—
 - (i) for the number “70”, in both instances, substitute “100”, and
 - (ii) for the number “40”, in both instances, substitute “10”.

(5) In regulation 6(6)—

- (a) before the opening words, insert “Subject to regulation 4B(1) (application),”;
- (b) in sub-paragraph (c), after the words “for each such person on board” at the second time they appear insert “, and each such lifejacket shall be fitted with an automatically activated light which is of a type that complies with the requirements of paragraph 2.2.3

(a) S.I. 1999/2723. These Regulations were amended by S.I. 2000/2687 to remove from their scope passenger ship classes A, B, C and D of 24 metres or over in length constructed before 1st July 1998 engaged on domestic voyages. There are other amendments not relevant to these Regulations.

(b) S.I. 2019/XXXX. Amendments made by these Regulations include the introduction of new requirements.

(c) S.I. 2015/508. The instrument was amended by S.I. 2018/53 and S.I. 2018/1221.

of the Life Saving Appliances Code(a) or ISO 12402(b), or is approved under the Merchant Shipping (Marine Equipment) Regulations 2016(c).”.

(6) In regulation 7(1)(b) (ships of class V)—

- (a) before the opening words, insert “subject to regulation 4B(1) (application),”;
- (b) after the words “Category A and B waters”, insert “only”.

(7) In regulation 7(4), in the paragraph beginning “The Buoyant apparatus”, omit the words “up to a maximum of 60 per cent of the vessel’s buoyant apparatus requirement”.

(8) In regulation 7(6) (ships of class V), after sub-paragraph (b) insert—

“(c) subject to regulation 4B(1) (application), for each person on board one of the following—

- (i) a lifejacket suitable for a person weighing 32 kilogrammes or more;
- (ii) a lifejacket suitable for a person weighing less than 32 kilogrammes for each such person on board;
- (iii) a buoyancy aid suitable for a person weighing 32 kilogrammes or more, and a buoyancy aid suitable for a person weighing less than 32 kilogrammes;
- (iv) a lifejacket complying with British Standard Specification EN 394:1994(d) and 396:1994(e), provided such lifejackets do not depend wholly upon oral inflation. Lifejackets of the partially inherently buoyant type for persons weighing 32 kilogrammes or more shall have buoyancy in the uninflated state of not less than 89 Newtons; or
- (v) an inflatable Civil Aviation Authority lifejacket which complies with Part 5 of Schedule 9.”

(9) In regulation 7(8)(a) (ships of class V)—

- (a) before the opening words, insert “Subject to regulation 4B(1) (application),”;
- (b) in the table—
 - (i) in column (4), rows (i), (ii), (v) and (vi), for “liferafts or open reversible liferafts OR” substitute “lifeboats, liferafts or open reversible liferafts AND”; and
 - (ii) in column (5)—
 - (aa) with the exception of rows (ii), (vi), (vii), (x) and (xiii), for the first number in each row substitute “100”; and
 - (bb) with the exception of rows (ii), (vii), (x) and (xiii), for the second number in each row substitute “10”;
 - (iii) in the paragraph beginning “The Buoyant apparatus”, omit the words “up to a maximum of 60 per cent of the vessel’s buoyant apparatus requirement”.

(10) After regulation 7(10)(ships of class V) insert—

“(10A) Subject to regulation 4B(1) (application), each lifejacket or buoyancy aid carried in accordance with paragraph 10(c) shall be fitted with an automatically activated light of a type that complies with paragraph 2.2.3 of the Life Saving Appliances Code or ISO 12402, or is approved under the Merchant Shipping (Marine Equipment) Regulations 2016.”.

(a) The Life Saving Appliances Code was incorporated into SOLAS Chapter III (life-saving appliances) by International Maritime Organization Resolution MSC.81(70).

(b) ISO 12402 is the standard set by the International Organization for Standardization for personal flotation devices and is available on <https://www.iso.org/home.html> or on request from the Maritime & Coastguard Agency (MCA) of Spring Place, 105 Commercial Road, Southampton SO15 1EG.

(c) S.I. 2016/1025.

(d) British Standard Specification EN 394:1994 can be purchased from the British Standards Institution on <https://shop.bsigroup.com/ProductDetail/?pid=00000000000326097>. A copy can also be obtained from the Maritime & Coastguard Agency of Spring Place, 105 Commercial Road, Southampton SO15 1EG.

(e) British Standard Specification EN 396:1994 can be purchased from the British Standards Institution on <https://shop.bsigroup.com/ProductDetail/?pid=000000000001561505>. A copy can also be obtained from the Maritime & Coastguard Agency of Spring Place, 105 Commercial Road, Southampton SO15 1EG.

(11) In regulation 8(2)(a) (ships of class VI)—

(a) before the opening words, insert “Subject to regulation 4B(1) (application)”;

(b) for the table substitute—

<i>(1) Type of ship</i>	<i>(2) Number of passengers ship is certified to carry</i>	<i>(3) Standard of survivability ship complies with</i>	<i>(4) Life-Saving Appliances (LSA)</i>	<i>(5) Minimum aggregate percentage of LSA for the total number of persons the ship is certified to carry</i>
i New passenger ship	Not more than 100	Table 1, (14) (one-compartment standard) OR Table 1, (15) (Buoyancy Test)	+Lifeboats, liferafts or open reversible liferafts AND *buoyant apparatus	100 10
ii New passenger ship	More than 100 but not more than 250	Table 1, (15) (one-compartment standard)	+Lifeboats, liferafts or open reversible liferafts AND *buoyant apparatus	100 10
iii Existing passenger ship	Not more than 100	Table 2, (26) (one-compartment ship) OR Table 2, (27) (Buoyancy Test)	+Lifeboats, liferafts or open reversible liferafts AND *buoyant apparatus	100 10
iv Existing passenger ship	Not more than 100	Table 2, (27) (Heel test)	+Lifeboats, liferafts or open reversible liferafts AND *buoyant apparatus	100 10
v Existing passenger ship	More than 100 but not more than 250	Table 2, (28) (one-compartment standard) OR Table 2, (28) (Buoyancy Test)	+Lifeboats, liferafts or open reversible liferafts AND *buoyant apparatus	100 10
<p>*The buoyant apparatus shown in columns (4) and (5) may be substituted by lifebuoys, with each such lifebuoy being suitable to support two persons. + Lifeboats, where</p>				

fitted, shall be served by their own launching appliances and be capable of launching and recovery.

(12) In regulation 8(3)—

- (a) before the opening words, insert “Subject to regulation 4B(1) (application)”;
- (b) for the table in sub-paragraph (a) substitute—

<i>(1) Type of ship</i>	<i>(2) Number of passenger ship is certified to carry</i>	<i>(3) Standard of survivability ship complies with</i>	<i>(4) Life-Saving Appliances (LSA)</i>	<i>(5) Minimum aggregate percentage of LSA for the total number of persons the ship is certified to carry</i>
i New passenger ship	Not more than 250	Table 1, (16) (one-compartment standard)	+Lifeboats, liferafts or open reversible liferafts AND *Buoyant apparatus	100 10
ii Existing passenger ship	Not more than 250	Table 2, (29) (one-compartment standard) OR Table 2, (29) (Buoyancy Test)	+Lifeboats, liferafts or open reversible liferafts AND *Buoyant apparatus	100 10
iii Existing passenger ship	Not more than 250	Table 2, (30) (Heel Test)	+Lifeboats, liferafts or open reversible liferafts AND *Buoyant apparatus	100 10

*The buoyant apparatus shown in columns (4) and (5) may be substituted by lifebuoys, with each such lifebuoy being suitable to support two persons.
+ Lifeboats, where fitted, shall be served by their own launching appliances and be capable of launching and recovery.”

Review

- 5.—(1) The Secretary of State must from time to time—
- (a) carry out a review of the regulatory provisions contained in these Regulations, and
 - (b) publish a report setting out the conclusions of the review.
- (2) The first report must be published before [2024].
- (3) Subsequent reports must be published at intervals not exceeding five years.
- (4) Section 30(4) of the Small Business, Enterprise and Employment Act 2015(a) requires that a report published under this regulation must, in particular—
- (a) set out the objectives intended to be achieved by the regulatory provisions referred to in paragraph (1)(a),
 - (b) assess the extent to which those objectives are achieved,
 - (c) assess whether those objectives remain appropriate, and
 - (d) if those objectives remain appropriate, assess the extent to which they could be achieved in another way which involves less onerous regulatory provision.
- (5) In this regulation, “regulatory provision” has the same meaning as in sections 28 to 32 of the Small Business, Enterprise and Employment Act 2015 (see section 32 of that Act).

Signed by authority of the Secretary of State for Transport

Date

Name
Parliamentary Under Secretary of State
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend three instruments. Regulation 2 amends the Merchant Shipping (Fire Protection: Small Ships) Regulations 1998 (S.I. 1998/1011), regulation 3 amends the Merchant Shipping (Passenger Ship Construction: Ships of Classes III to VI(A) Regulations 1998 (S.I. 1998/2515), and regulation 4 amends the Merchant Shipping (Life-Saving Appliances for Passenger Ships of Classes III to VI(A)) Regulations 1999 (S.I. 1999/2723).

The Regulations implement the findings of a review into safety standards for older passenger ships which operate domestically and, so far as practicable, bring the safety standards of these older vessels up to the standards of new vessels. The Regulations apply to domestic passenger ships. In relation to the Merchant Shipping (Fire Protection: Small Ships) Regulations 1998 and the Merchant Shipping (Life-Saving Appliances for Passenger Ships of Classes III to VI(A)) Regulations 1999, the amendments to these instruments also apply to non-United Kingdom ships in United Kingdom waters.

The Merchant Shipping (Passenger Ship Construction: Ships of Classes III to VI(A) Regulations 1998 are supplemented by an updated Merchant Shipping Notice (MSN 1699, Amendment 3) containing further technical detail, and which is made mandatory by way of the reference to it in those Regulations. This MSN is available from the Maritime & Coastguard Agency (MCA) of Spring Place, 105 Commercial Road, Southampton SO15 1EG or can be found on www.gov.uk.

(a) 2015 c. 26.

Provision for the postponement of compliance with the updated requirements in each instrument is included in each instrument. Compliance with the updated requirements must be achieved by the date of the first passenger ship renewal survey after 12th November 2021, unless an exemption from the requirements of the regulations is granted by the Secretary of State pursuant to the relevant power to exempt in each instrument. In practice, this will require the Secretary of State to be satisfied that there is an appropriate implementation plan in place to ensure later compliance with the updated requirements.

The updated requirements are set out in a guidance note, MGN XXX(M). This guidance provides detailed explanation as to how the requirements work in practice and what factors the Secretary of State will take into account in granting an exemption beyond the date for compliance in each instrument. MGN XXX(M) is available from the MCA or can be found on www.gov.uk.

An impact assessment of the effect of this instrument has been produced and is published with the Explanatory Memorandum alongside the instrument at www.legislation.gov.uk.