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## **Guidance on changes and available exemptions against requirements introduced by the Merchant Shipping (Safety Standards for Passenger Ships on Domestic Voyages) (Miscellaneous Amendments) Regulations 2019**

**Notice to all Shipowners, Recognised Organisations, Shipbuilders, Shiprepairers, Ship Masters and Surveyors**

*This notice should be read with MSN 1699(M) Amendment 3*

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### **Summary**

This MGN provides guidance on:

- a) changes implemented by the Merchant Shipping (Safety Standards for Passenger Ships on Domestic Voyages) (Miscellaneous Amendments) Regulations 2019 (“the amending Regulations”) as a result of the older domestic passenger vessels Grandfather Rights review; and
- b) exemptions available in the existing Regulations, and amendments to this exemption provision made by the amending Regulations, which are applicable to the changes made by the amending Regulations.

The exemptions dealt with in this MGN include:

- a) permanent exemptions, which allow alternative arrangements in the circumstances specified;
- b) temporary exemptions permitted against some or all of the new requirements introduced by the amending Regulations to facilitate an extension of the two-year phase-in period afforded by the Regulations.



## 1. Introduction/ Background

- 1.1 The Merchant Shipping (Safety Standards for Passenger Ships on Domestic Voyages) (Miscellaneous Amendments) Regulations 2019 (“the amending Regulations”) implement legislative changes which have arisen from the review of standards for older domestic passenger vessels. The review examined the differences between standards to which older vessels were subject and those with which newer vessels were required to comply, and sought to make changes to the technical requirements which would, where possible, close that gap.
- 1.2 The amending Regulations do this by amending the following existing Regulations:
- 1.2.1 the Merchant Shipping (Life-Saving Appliances for Passenger Ships of Classes III to VI(A) Regulations 1999 (SI 1999/2723);
  - 1.2.2 the Merchant Shipping (Fire Protection: Small Ships) Regulations 1998 (SI 1998/1011);
  - 1.2.3 the Merchant Shipping (Passenger Ship Construction: Ships of Classes III to VI(A) Regulations 1998 (SI 1998/2515).
- 1.3 These changes do not affect vessels operating under, and in compliance with, MSN 1823(M).

## 2. Main changes

- 2.1 Liferafts. The amending Regulations amend the Merchant Shipping (Life-Saving Appliances for Passenger Ships of Classes III to VI(A)) Regulations 1999 to broaden the existing requirement, so that all domestic passenger vessels operating at sea or on Category C and/or D waters are required to carry 100% liferaft provision for all persons onboard. The aim of this is to achieve 100% dry-shod evacuation.
- 2.2 Lifejackets. The amending Regulations amend the Merchant Shipping (Life-Saving Appliances for Passenger Ships of Classes III to VI(A)) Regulations 1999 to extend the lifejacket carriage obligations such that all of the relevant domestic passenger vessels operating on Category B waters are required to carry lifejackets for 100% of persons onboard. The existing Regulations permit the issue of exemptions to Life-Saving Appliance requirements. The Maritime and Coastguard Agency (MCA) will consider issuing an exemption from the requirement to carry 100% lifejacket provision where a vessel operating on Category B waters can be evacuated directly to the bank without need for persons to enter the water. For this exemption to be granted, the evacuation arrangements must be to the satisfaction of the MCA – this approval may require a practical demonstration.
- 2.3 Lifejacket lights. The amending Regulations amend the Merchant Shipping (Life-Saving Appliances for Passenger Ships of Classes III to VI(A) Regulations 1999 to require that lifejackets on all relevant passenger vessels operating on Category C and D waters be fitted with lights. The MCA will consider issuing an exemption from the requirement that lifejackets must be fitted with lights when a vessel does not sail more than one hour before sunrise, or more than one hour after sunset, and that this restriction is recorded on the passenger ship safety certificate. The exemption will only be issued when the MCA is satisfied that adequate arrangements have been recorded in the ship’s Domestic Safety Management system to ensure the Master has the authority to return the vessel to a berth in deteriorating daylight conditions.
- 2.4 Fire detection. The amending Regulations amend the Merchant Shipping (Fire Protection: Small Ships) Regulations 1998 to require all enclosed machinery spaces which are not continually manned during the vessel’s operation, and any passenger sleeping spaces, on



Class III-VI(A) vessels, to be fitted with fire detection systems. These systems need to comply with the British Standards Organisation's BS EN 54 standard. Fire detection systems provide a valuable early awareness of fire and hence increase the chances of extinguishing it promptly.

- 2.5 Fixed Firefighting. The amending Regulations amend the Merchant Shipping (Fire Protection: Small Ships) Regulations 1998 to require fixed firefighting systems to be fitted in all relevant Class III to VI(A) passenger vessels. All fixed firefighting systems must be of a kind approved by the Secretary of State, via the Maritime and Coastguard Agency (MCA). Under this proposal, on smaller vessels with boxed engines, the fixed firefighting requirement may be met with alternative arrangements (such as a permanently fixed fire extinguisher). Such alternative arrangements are conditional on the proviso that opening the machinery space is not required to fight the fire, and that the MCA surveyor is satisfied with the alternative arrangements. Fixed firefighting systems are a proven effective method of fighting fires within machinery spaces and are extensively required throughout modern standards.
- 2.6 Powered bilge pumps. The amending Regulations amend the Merchant Shipping (Passenger Ship Construction: Ships of Classes III to VI(A) Regulations 1998 to require the carriage of powered bilge pumps to meet the minimum bilge pump requirement. This requirement increases the efficiency of bilge pumping. This does not preclude the carriage of additional hand-powered bilge pumps which are in excess of the minimum requirements.
- 2.7 Bilge alarms. The amending Regulations amend the Merchant Shipping (Passenger Ship Construction: Ships of Classes III to VI(A) Regulations 1998 to require that bilge alarms be fitted in all compartments containing propulsion machinery, and in any other compartment where bilge water can accumulate. Such systems facilitate the detection of water ingress and hence can help to prevent catastrophic flooding or foundering.
- 2.8 Damage stability. Merchant Shipping Notice 1699(M) has been amended to require that relevant passenger vessels operating on Category C waters meet either the one-compartment stability standard or achieve compliance with the buoyancy test (110% buoyancy). This requirement does not apply to Class V vessels operating on non-tidal waters in daylight or Class VI passenger vessels. Additionally, Class V vessels operating on tidal Category C waters which are considered low operational risk – as demonstrated by an assessment carried out to an agreed standard and covering an agreed set of minimum considerations – may be exempted from the requirements.

### **3. Temporary exemptions enabling extension to compliance deadline**

- 3.1 The Regulations require vessels to comply with the updated requirements by the date of the first passenger ship renewal survey after 12<sup>th</sup> November 2021. However, existing Regulations allow the Secretary of State, via the Maritime and Coastguard Agency (MCA), to issue exemptions. The MCA will consider issuing exemptions from any of the new requirements at the point they come into force if an alternative timescale for implementation is contained in an implementation plan, produced by the owner, and that plan is agreed with the Secretary of State, via the MCA. The policy intention of this approach is to allow flexibility to a vessel owner who is striving to comply with the new requirements but is encountering genuine and intractable obstacles to bringing their vessel or vessels into timely compliance. Exemptions will not be issued on the basis of convenience alone.
- 3.2 The default position will be that the MCA will require compliance with all obligations by the deadline date. Exemptions will only be permitted where the MCA considers the owner has valid reasons for not implementing the new requirements by the specified date, taking into account all the circumstances, and as part of an overall implementation plan which the owner has agreed with the MCA.



3.3 Any owner wishing to agree a staged implementation plan with the MCA is advised to do this well in advance of the deadline date, to avoid a situation where a plan is not agreed, and the owner's vessel is unable to gain a certificate to operate.

#### 4. General

4.1 Owners are reminded that the MCA cannot guarantee the granting of an exemption in every case, and also that such exemptions will not be issued to allow a vessel's continued operation simply because of delay by an owner. Owners wishing to obtain an exemption are therefore encouraged to contact their local MCA Marine Office with a proposed implementation plan at the earliest possible opportunity so that, should the desired exemption not be granted, they have time to comply with the new requirements prior to the default deadline date.

#### More Information

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