

# MGN 539 (M)

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## Carriage of the Code of Safe Working Practices for Merchant Seafarers

**Notice to all ship owners, ship operators and managers, masters and seafarers**

*This notice should be read with the Merchant Shipping (Code of Safe Working Practices) (Amendments and Revocation) Regulations 2015.*

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### Summary

1. The Merchant Shipping (Code of Safe Working Practices) (Amendments and Revocation) Regulations 2015 (“the 2015 Regulations”) introduce a duty on the shipowner to ensure that the Code of Safe Working Practices for Merchant Seafarers (“the Code”) is easily accessible and readily available to all those working on board their ships.
2. The MCA considers that the Code is necessary information for the health and safety of those working on ships, as required by Regulation 5(2)(d) of the Merchant Shipping and Fishing Vessels (Health and Safety at Work) Regulations 1997. In addition, these Regulations are amended by the 2015 Regulations to place a duty on shipowners to ensure there are sufficient copies of the Code available on a ship so that is accessible to all seafarers.
3. The current edition of the Code at the date of publication of this notice is the Code of Safe Working Practices for Merchant Seafarers, 2015.
4. The Merchant Shipping (Code of Safe Working Practices for Merchant Seamen) Regulations 1998 have been revoked.

### 1. Introduction

- 1.1 The Merchant Shipping (Code of Safe Working Practices) (Amendments and Revocation) Regulations 2015 introduce a duty on the shipowner to ensure that the Code of Safe Working Practices for Merchant Seafarers (“the Code”), published in 2015, is easily accessible and readily available to all workers and seafarers who are not workers on board their ships. The Merchant Shipping (Code of Safe Working Practices for Merchant Seamen) Regulations 1998 (“the 1998 Regulations”) have been revoked.



1.2 The aim is to ensure that all those working on board ships have ready access to the information in the Code, which is the UK shipping industry's handbook for health and safety on board ship, published by the Maritime and Coastguard Agency (MCA) with the support of the UK Chamber of Shipping, Nautilus International and the National Union of Rail, Maritime and Transport Workers.

1.3 The 1998 Regulations specified the number of copies of the Code in force at any time to be carried on UK ships, based on the number of crew on board and specific roles. The regulations required that the Master, Safety Officer and any members of the Safety Committee had their own copy, leaving at least one available for general reference. The new requirement provides more flexibility to the shipowner as to the precise number and location of copies of the Code but is intended to achieve the same purpose, that all seafarers can easily access the information and guidance in the Code.

## **2. Status of the guidance in the Code of Safe Working Practices for Merchant Seafarers**

2.1 Few of the UK's merchant shipping health and safety regulations now refer directly to the content of the Code, which therefore has no statutory status. However, the Code is considered to provide definitive guidance on best practice for many aspects of health and safety on board ship, as agreed by experts representing shipowners' and seafarers' organisations (the MCA's social partners) in the UK shipping industry.

2.2 There are two important implications of this:

2.2.1 The Merchant Shipping and Fishing Vessels (Health and Safety at Work) Regulations 1997 place a duty on the employer to ensure the health and safety of workers and other persons so far as is reasonably practicable. That duty extends to providing "the necessary **information**, instruction, training and supervision as is necessary to ensure the health and safety of workers and that of other persons aboard ship who may be affected by their acts or omissions". The MCA considers that making the Code available in particular to those with specific responsibilities for health and safety on board, and readily accessible to all crew members is a necessary part of complying with that obligation.

2.2.2 As amended by the 2015 Regulations, these regulations explicitly put shipowners under a duty to ensure sufficient copies of the Code are available on board a ship so that it is easily accessible and readily available to workers and seafarers.

2.2.3 When considering whether a shipowner has done what is reasonably practicable to ensure the health and safety of workers and others affected by their activities on board a UK ship, the MCA will take into account whether any relevant guidance in the Code has been followed, and if not, what the shipowner or employer has done to ensure an equivalent level of safety.

2.3 MCA recognises that on many ships, most information is made available to seafarers by digital means, through on-board computers and computer networks. Shipowners and employers should nevertheless ensure that the level of access seafarers on their ships have to the Code - whether in hard copy or by electronic means - is equivalent to that which was required under the 1998 Regulations.

2.4 It is also recommended that, even where all seafarers have ready access to an electronic copy of the Code, an appropriate number of hard copies are retained on board as back-up in case of system failure.



## More Information

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