

**Consultation Responses on Recasting the Merchant Shipping Life-Saving Appliances Regulations**

Response from	Company	Reply Date	Comment	MCA Response
Dave Parslow	Survitec	04/12/2019	<p>Schedule 2 Lifeboats and rescue boats                      Para 2.1.1 delete 75Kgs insert 82.5kgs                      Para 2.1.2 you should add the stretcher definition as per MSC48(66)                      Note there is also a change to pax weights for Lifeboats but it retains 75Kgs for pax vessels see msc 48(66) 4.4.2.2</p> <p>Schedule 4 Liferrafts                      2.1.2 Delete 75Kgs insert 82.5kgs                      2.5.3 delete 75kgs insert 82.5kgs                      2.2.3 delete 75kgs insert 82.5kgs                      Open Reversible Liferrafts                      2..5.2 delete 75Kgs insert 82.5kgs                      2.10.3 delete 75kgs insert 82.5kgs                      (These are the latest Solas weights)</p> <p>Part 5 Inflatable Liferrafts (Non Solas)                      We suggest this should be replaced with ISO9650 liferaft certified by an appropriate R.O.                      To our knowledge there are no approved NON SOLAS Liferrafts</p> <p>Schedule 5 Marine Evacuation Systems</p> <p>Para 1.1 The current description and criteria does not reflect what is actually approved and in use, we suggest changing to read as per MSC 48(66)</p> <p>All Davits / launching appliances                      The weights need changing to reflect the 82.5Kgs weight</p> <p>Schedule 9</p> <p>This needs changing to reflect the current requirements of SOLAS MSC 48(66) and MSC 81 (70)</p> <p>Schedule 13                      Part 1 First Aid Kits                      Cat C First Aid Kit                      Ref No (d) This item is not included in the current CAT C kits in the market place – Denmark removed it from their requirements some 2 years ago as inclusion of this item made full FAK replacement necessary on an annual basis</p> <p>As discussed before we (the manufacturers would prefer to utilise a more simple First Aid Kit i.e. just analgesics, dressings, antiseptic and burn creams to bring the FAK in line with USCG requirements                      This would then allow Inflatable liferafts to become part of the UK/ USA MRA and EU/USA MRA</p> <p>We also believe the inclusion of ant angina medication is not necessary on the basis of:                      A. A professional seafarer would not pass their medical exam if they suffer from Angina                      B. Passengers on Pax vessels- If a person suffers with Angina they should have their medication with them at all times, also the vessel should carry sufficient medication within their medical chest to distribute medications to the survival craft in the event of an evacuation.</p> <p>As previously suggested we could utilise the ISO standard for FAK</p>	See detailed response letter.
Matt Giacomini	MCA		<p>Many thanks for sight of this. As you might expect with my recent background, I am fully supportive of Ambulatory Reference and am pleased to see that it has been used for all internationally operating vessels and not just new ones.</p> <p>I believe I'm right in saying the only aspect of the LSA amendments since last transposition with retrospective application is that of the retro-fitting of on-load release mechanisms, which applies to "existing" ships as well as "new" ships. I'm also conscious that by the time the proposed Regulations come into force that all relevant vessels should have already completed the retro-fitting. However, I'm wondering whether the Regulations as worded prevent the (perhaps not very likely) actually require the on-load release mechanisms to be fitted? (Perhaps necessary to cover vessels which are late complying, and to ensure continued compliance?)</p> <p>Draft r10(2) applies Part B of SOLAS Chapter III to "existing" ships by ambulatory reference, but the on-load release mechanism requirement is in Part A of SOLAS (Chapter III Regulation 1, Application) which requires all ships to comply with 4.4.7.6.4 to 4.4.7.6.6 of the LSA Code (i.e., the on-load release mechanism retro-fitting requirement inserted by the amendment in Resolution 317(89)) so is not applied by the ambulatory reference provision. You will probably be a in a better position than I to know whether the requirements of 4.4.7.6.4 to 4.4.7.6.6 are required by MSN 1676(M) for "existing" ships, which is applied by r10(1) of the new draft Regs. If so, I see no problem. (I'm not clear what's changed in MSN 1676(M) but I did a word search on "on-load release" and the text seems to be the same as the old version.)</p> <p>Happy to chat.</p> <p>Many thanks,                      Matt</p>	Addressed in the accompanying MSN
			Good afternoon,	

Fena Boyle	UK Chamber of Shipping	24/12/2019	<p>The UK Chamber of Shipping thanks the MCA for including us in the consultation on the Upgrade of International Life Saving Appliance and Arrangement Requirements. The Chamber considers it appropriate to use Ambulatory Reference to incorporate SOLAS Chapter III requirements into UK legislation and that the provisions of the MSN are clear. Please note that the year is missing from the content headline of section 6 (on page 3 of the MSN).</p> <p>Should you need any further information, please do not hesitate to contact me.</p> <p>Kind regards, Fena</p>	Accepted and amended
Mr Richard Coles, Professor Andrew Serdy and Dr Johanna Hjalmarsson	Institute of Maritime Law	24/12/2019	<p>Our thoughts on the above consultation are restricted to one point and we therefore take the liberty of responding in this concise format.</p> <p>The present proposal may save time and money for legislative draftsmen, government departments, shipowners and the MCA itself. It is certainly attractive from a commercial point of view, and bringing the regulations up to date with 20 years' worth of amendments is obviously a sensible thing to do. It is also in the spirit of SOLAS to ensure amendments reach their users as quickly as possible.</p> <p>There are however some concerns. Making the cross-reference ambulatory, while it is a very convenient way to avoid the problem recurring, may be accompanied by constitutional issues - it is essentially subcontracting the legislative function to an external body over which the UK has influence, but no control. It would allow future legislation that will have been drafted elsewhere to be introduced into English law, without the specific prior approval of primary or secondary legislation. Further, what will be the effect if the UK objects to a particular change under the tacit amendment procedure and is thus not bound by it? The debates surrounding the Deregulation Act 2015 do not suggest that these risks were faced squarely by Parliament at that time, and accepted.</p> <p>Kind regards,</p>	See detailed response letter.