



Consultations

Maritime & Coastguard
Agency (MCA)

Spring Place
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Website: www.gov.uk/mca

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Dear Consultee

This consultation seeks comments on draft Marine Guidance Notes (MGNs) which are intended to replace existing Merchant Shipping Notices M.1386 and M.1409 which provide guidance on Emergency Instructions and Announcements for Passengers for Class III to VI(A) and Classes I, II and II(A) passenger ships respectively.

Existing M Notices M.1386 and M.1409 were created before the system of designating M Notices as Merchant Shipping Notices, (MSN), Marine Guidance Notices (MGN) and Marine Information Notes (MIN) was introduced. At that time, all M Notices were termed Merchant Shipping Notices and prefixed simply with the letter "M".

Under the system of MSNs, MGNs and MINs, MSNs have mandatory status, MGNs are guidance (although some of the content of MGNs may be mandatory by virtue of the fact it appears in a mandatory document elsewhere) and MINs provide factual information, e.g., course dates, and are generally expected to remain valid for a shorter period than the others, the default being a year. MSNs, MGNs, and MINs bear "M" and/or "F" suffixes to indicate whether they are relevant to merchant ships, fishing vessels or both.

M.1386 and M.1409 need updating because some of the legislation from which they are derived has changed. Due to the fact that M.1386 and M.1409 deal with similar information for different categories of ship, they have been reviewed together. The Merchant Shipping (Passenger Ship Construction) Regulations 1980 (SI 1980/0535) and the Merchant Shipping (Passenger Ship Construction and Survey) Regulations 1984 (SI 1984/1216) have been revoked.

The Merchant Shipping (Emergency Information for Passengers) Regulations 1990 (SI 1990/0660) are still in force, and the Merchant Shipping (Musters, Training and Decision Support Systems) Regulations 1999 (SI 1999/2722) have now been introduced since M.1386 and M.1409 were published. The 1999 Regulations make reference to Decision Support Systems and Muster Lists, as well as Training in the way of Drills. These have been mentioned in the new MGNs, although on occasions the Notice cross-references to the Regulations for detail when this is expressed clearly in the Regulations.

The consultation period will run for 8 weeks. Please send your responses to MCA by email to dpv@mca.gov.uk.

The Consultation has two appendices, which are the draft MGNs which form the subject matter of the Consultation. Please note that numbers have not yet been allocated to these MGNs as they are currently in draft form. They therefore currently both bear the designations "MGN XXX(M)". The MGN numbers will be added to each MGN shortly before publication. For similar reasons, it

has not been possible to complete all the cross references within the draft MGNs yet, which will also be completed shortly before publication.

Appendix 1 – Draft MGN XXX(M) - Emergency Information and arrangements for Passengers on Passenger Ships of Classes III, IV, V, VI and VI(A) (domestic passenger ships) (to replace M.1386);

Appendix 2 – Draft MGN XXX(M) - Emergency Instruction and arrangements for Passengers on Passenger Ships of Class I, II (international passenger ships) and II(A) (to replace M.1409).

The consultation documents are available with this consultation letter on WWW.GOV.UK.

We would welcome your comments about the proposed MGNs. We are particularly interested in hearing your comments on the following aspects of the draft MGNs:

- a) any content which you believe to be inaccurate;
- b) any typographical errors;
- c) any non-statutory advice with which you disagree;
- d) any content you believe is unclear;
- e) any content you think is inappropriate to include, and should therefore be omitted;
- f) any content which has been omitted which you believe should be included.

Responding to the consultation

You are invited to submit comments on the form provided at Annex A. As most MCA staff are working remotely presently, it is requested that the completed form be scanned or photographed and a clearly readable copy be forwarded by e-mail to dpv@mcga.gov.uk. If you do not have access to e-mail, please telephone the MCA's Passenger Vessel Team on 020 381 72379 to discuss alternative options of submitting responses. **This consultation will close on 20 August 2020.**

A summary of consultation responses will be posted on the same page as the consultation in due course, and normally within 3 months of completion of the consultation.

Commenting on the way to consultation was conducted

An opportunity to comment on **how the consultation was conducted** is also available, and **a form is provided for this at Annex B.** It is requested that these comments, too, be forwarded electronically if possible – but these should be sent to consultation.coordinator@mcga.gov.uk. Please note that the Consultation co-ordinator is separate from the subject matter of the consultation and is not able to make changes to the draft documents. It is therefore important that any comments on the subject matter of the consultation (as opposed to the way it was conducted) are sent to dpv@mcga.gov.uk.

Freedom of Information

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the Freedom of Information Act 2000 (FOIA) or the Environmental Information Regulations 2004.

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your

explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances.

An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department/MCA. The MCA will process your personal data in accordance with the data protection framework and, in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

Data Protection

The MCA is carrying out this consultation to gather evidence. The consultation is being carried out in the public interest to inform the development of guidance. This consultation and the processing of personal data that it entails is necessary for the exercise of our functions as a government department. If your answers contain information that allows you to be identified, under data protection law, the MCA, as an Executive Agency of the Department for Transport, will be the Controller for this information.

The MCA will use your contact details to send you information about the consultation, for example if we need to ask follow-up questions, as part of its functions as a government department. Your information will be kept secure and will not be used for any other purpose without your permission.

To find out more about how the MCA looks after personal data, your rights, and how to contact our data protection officer, please go to: <https://www.gov.uk/government/organisations/maritime-and-coastguard-agency/about/personal-information-charter>

Your information will be kept securely on the MCA's IT system and any written responses will be held in a secure file and cabinet and kept until no longer required.

If you do not wish to remain on this consultation list, please reply and let us know at dpv@mcga.gov.uk.

Yours faithfully

Matt Giacomini

Ship Standards Policy Lead (Passenger Ships)