

CHAPTER 1

GENERAL

1.1 Object of Instructions

These Instructions are issued by the Maritime and Coastguard Agency (MCA), an Executive Agency of the Department of the Environment, Transport and the Regions for the guidance of marine surveyors in surveying life-saving appliances of ships for the purpose of ensuring compliance with the various Statutory Instruments covering merchant shipping. They also indicate to shipowners, boatbuilders and others concerned the procedure which the MCA adopts for the survey and approval of life-saving appliances. The Instructions should be read in conjunction with the Instructions issued by the MCA relating to passenger ships, load-line, fire protection, navigational and radio equipment and oil pollution prevention.

1.2 Statutory provisions

1.2.1 The principal statutory provisions concerning life-saving appliances are:

Sections 85 and 86 of Chapter 21 of the Merchant Shipping Act 1995; and

The Merchant Shipping (Life-Saving Appliances for Ships Other Than Ships of Classes III to VI(A)) Regulations 1999

The Merchant Shipping (Life-Saving Appliances for Passenger Ships of Classes III to VI(A)) Regulations 1999

The Merchant Shipping (Pilot Ladders and Hoists) Regulations 1999 (SI No. 17)

Merchant Shipping Notice, MSN 1676(M)

Merchant Shipping Notice, MSN 1677(M)

1.2.2 A comprehensive list of current Merchant Shipping Acts and Regulations is issued at regular intervals and published by the MCA in the form of a Merchant Shipping Notice.

1.3 Definitions

In these Instructions the following definitions apply:

"Convention" means the International Convention for the Safety of Life at Sea, (SOLAS) 1974, as amended;

"IMO" means International Maritime Organisation
4, Albert Embankment, London SE1 7SR

Telephone No. 0171-735-7611.

"MCA" means the MCA, an Executive Agency of the Department of the Environment, Transport and the Regions.

"Merchant Shipping Notice" (MSN) means a Notice described as such and issued by the MCA and any reference to a particular Merchant Shipping Notice includes a reference to any document amending or replacing that Notice which is considered by the Secretary of State to be relevant from time to time and is specified in a Merchant Shipping Notice (MSN).

"MSPP2" means Maritime Safety and Pollution Prevention Directorate (Environmental Protection and Equipment Unit)

"Nominated Body" means those bodies nominated who may undertake the examination, testing and certification of the equipment listed in the Annex to MSN No. 1645(M).

"Notified Body" means an organisation appointed under council directive 96/98/EC on Marine Equipment to type approve equipment contained in Annex I of Council Directive 98/85/EC and MSN 1734.

"Regulations" means, collectively or individually, those regulations regarding life-saving matters which are applicable to the vessel involved.

"Schedule" means a Schedule contained in Merchant Shipping Notice MSN 1676(M) and 1677(M).

"Surveyor" means a surveyor appointed by the Secretary of State, or a surveyor representing a Nominated or Notified Body.

1.4 Application of the Regulations for life-saving appliances

1.4.1 It is important to establish which Part of the Regulations are applicable to any particular ship. In most cases this will depend upon the keel laying date but in the case of vessels which have been converted to passenger ships of Classes III to VI(A) or which have undergone any major repairs, alterations and modifications it will be necessary to apply the Merchant Shipping (Life-Saving Appliances for Passenger Ships of Classes III to VI(A)) Regulations 1999 irrespective of keel laying date. All such cases should be submitted to headquarters at an early stage.

1.4.2 The Regulations apply to ships registered in the United Kingdom wherever they may be and to other ships while within any port in the United Kingdom or territorial waters.

1.5 Certificates and surveys

1.5.1 United Kingdom registered passenger ships

United Kingdom registered passenger ships carrying more than 12 passengers are required to carry a Passenger or Passenger and Safety Certificate, renewable annually, which can be issued only after general survey including survey of the life-saving appliances.

1.5.2 United Kingdom ships other than passenger ships

With certain exceptions, other British ships registered in the United Kingdom of 500 gross tons and over engaged on international voyages, are required to carry a safety equipment certificate normally valid for 2 years. Safety Equipment Certificates can be issued only after survey of all the safety equipment including the life-saving appliances. Additionally, these ships are required by the Merchant Shipping (Survey of Cargo Ship Safety Equipment) Regulations as amended, to have an annual survey carried out during the period of validity of the certificate to ensure that the life-saving appliances are being properly maintained. In the case of tankers of ten years of age and over the above regulations require that an intermediate survey be carried out in lieu of an annual survey.

1.5.3 Ships not required to carry Safety Equipment Certificates

For ships which are subject to the Regulations but do not require to carry Passenger or Safety Equipment Certificates, there is no statutory requirements for periodical survey of safety equipment, except for inflatable life-saving appliances; owners should however be encouraged to have such ships surveyed and issued with a Form MSF 1102 - 'Safety Equipment - Record of Inspection' at least every other year.

1.5.4 Ships which carry life-saving appliances accepted as an equivalent arrangement

Surveyors carrying out surveys on ships on which alternative arrangements exist, whether they be ships of UK, British or of foreign registry, should make it clear on the Declaration (MSF 1101) and the Safety Equipment Certificate (MSF 1100), that the safety equipment is in accordance with an equivalent arrangement accepted by the relevant administration and notified to IMO. Section 3.11 of the MSF 1101 and Section 3 of the MSF 1100 should be completed in accordance with the actual provision and no explanatory note included there. Section 4 of the MSF 1100 should then be completed which makes the position clear.

1.5.5 Procedure for recording details on Convention Certificates

1.5.5.1 *Recording the number of lifejackets:*

- (i) Passenger Certificates: enter the total number of lifejackets actually on board and in brackets after this number insert the following "including x for persons of less than 32 kg".
- (ii) Declaration: enter separate totals for lifejackets for persons of 32 kg and over, and for persons of less than 32 kg.
- (iii) For number and types of lifejackets to be carried see Chapter 15.
- (iv) Surveyors should, when completing the lifejackets section of form MSF 1102 (Safety Equipment - Record of Inspection) record separately the number (and stowage) of lifejackets corresponding to the number of persons to be carried and the number (and stowage) of additional lifejackets including child lifejackets.
- (v) When completing the Cargo Ship Safety Equipment Certificate (MSF 1100) and the Surveyor's Declaration of Survey (MSF 1101) the total number of adult life jackets should be entered in paragraph II.

1.5.5.2 *Recording the number of liferafts*

- (i) Enter the statutory 100% or 50% coverage, relevant to the 1999 Regulations as applicable, with a separate reference to the forward (or aft) liferaft viz:
"..... liferafts for which approved launching appliances are not required, capable of accommodating persons: in addition, 1 liferaft for persons forward (or aft as the case may be)".
- (ii) The same procedure should be adopted when completing the Declaration.

1.5.6 Exemption Certificates

1.5.6.1 Issue of International Exemption Certificates under the 1974 Safety Convention will only be in accordance with the conditions specified in IMO SLS 14/CIRC 54 of 14 December 1984.

1.5.6.2 Where the Regulations require a particular fitting, material, appliance or apparatus to be fitted or carried, exemption from such requirements may be granted if other fittings, material, appliance or apparatus are at least as effective as that required by the Regulations.

1.5.6.3 In such cases the Owners should apply in writing for an exemption to be granted and the surveyor submit to MSPP2 his report stating that in his opinion the Owners' proposals are as effective as that required by the Regulations.

1.5.6.4 When MSPP2 are satisfied, an Exemption Certificate will be issued to cover the particular requirement and the conditions that apply. The Certificate should be attached to the form MSF 1102 (Safety Equipment - Record of Inspection), for the information of surveyors carrying out future surveys to show that alternative arrangements have been accepted and approved.

1.6 Requirements of the Regulations

Owners and masters are under a duty to ensure that ships to which the Regulations apply are provided with the life-saving appliances specified and that they are kept at all times fit and ready for use. Penalties for breach of the Regulations are contained in the Regulations.

1.7 Powers of surveyors

1.7.1 A surveyor may at all reasonable times go aboard a ship for the purpose of seeing that the provisions of the Merchant Shipping Acts and any Regulations made thereunder are complied with.

1.7.2 If surveyors find that any of the relevant requirements of the Merchant Shipping Acts are not complied with, the fact should be pointed out to the master or officer-in-charge.

1.7.3 As a general rule ships not registered in the United Kingdom will not need to be inspected when in possession of a valid accepted Convention certificate unless there are clear grounds for believing that the condition of the ship or its equipment does not correspond substantially with the particulars of the certificate or that the ship or its equipment have not been maintained. Any inspection of life-saving appliances on a foreign ship should be carried out in accordance with the Paris Memorandum of Understanding (MOU) on Port State Control and the guidance contained in the MCA, 'Survey and Inspection Policy' - Instructions for the Guidance of Surveyors.

1.7.4 Where serious defects or deficiencies are found it may be necessary to detain the ship.

1.8 Deficient or defective life-saving appliances

1.8.1 Informing owner, master or agent

Where a surveyor considers that the regulations have not been complied with, a notice in writing must be given to the owner, master or agent stating what is deficient or defective and what is necessary to remedy it.

1.8.2 Procedure for dealing with defects

1.8.2.1 All defects must be made good to the surveyor's satisfaction, but every endeavour should be made to avoid delaying the ship. Where a surveyor

decides that the defects are not serious enough to warrant detention of the ship as provided for by section 284 of the Merchant Shipping Act 1995, he may, for example, allow a ship to depart for another port in the United Kingdom if, in his opinion, the defects are not such as to make the voyage unsafe, and he has no reason to doubt that the owner or master will comply with the regulation at the other port. In such a case the surveyor should inform the Regional Manager at the port concerned of the circumstances of the case and the action to be taken. The surveyor at the other port should report back to the original port of survey when the necessary remedies have been taken. Any doubt about the efficiency of any life-saving apparatus should be resolved by actual test or trial if practicable. Unusual cases should be reported to MSPP2.

1.8.2.2 A time limit should be put on the time allowed to rectify any deficiencies found, and confirmation should be sought that deficiencies have been rectified. This confirmation may be obtained by letter in the case of minor deficiencies or by a revisit to the ship if considered necessary.

1.9 Life-saving appliances, davits, launching appliances and release gears carried in excess of statutory requirements

1.9.1 If boats, or other life-saving appliances are carried in excess of the statutory requirements, surveyors should see that they are of a safe and seaworthy character and in good condition.

1.9.2 Cases have come to the MCA's notice of ships carrying safety equipment in excess of statutory requirements and such equipment not being properly maintained. If such equipment is on board it might come to be relied upon in any emergency and it should, therefore, be maintained in good condition.

1.9.3 Owners, masters and skippers are, therefore, reminded that they are responsible not only for maintaining statutory required safety equipment but also for ensuring that equipment carried on board which is in excess of statutory requirements is safe, suitable for its intended purpose, and maintained in good condition, and in accordance with the manufacturers' instructions, and if applicable complying with any conditions imposed by an approval certificate of a non-statutory equipment which is allowed to be carried on the vessel.

1.9.4 Guidelines on this subject given by the IMO Maritime Safety Committee in their report MSC XLIII/18 Annex 3 Paragraph 23 are reproduced below and should be followed at all times.

"Equipment on board which is expected to be relied upon in situations affecting safety must be in operating condition. If such equipment is inoperative and is in excess of the equipment required by an appropriate Convention and/or the Flag State it should either be repaired, removed or if removal is not practicable, clearly marked as inoperative and secured."

1.10 Offshore installations

In addition to meeting the requirements of the regulations, mobile offshore installations should also comply with The Offshore Installations (Prevention of Fire and Explosion, and Emergency Response) Regulations 1995 (SI 1995 No. 743).

1.11 Retro-reflective material on life-saving appliances

1.11.1 Retro-reflective material is required to be fitted on all life-saving appliances in order to assist in detection.

1.11.2 The statutory requirements for fitting retro-reflective material are contained in Schedule 1 of MSN 1676(M) and Schedule A of these Instructions and the 1999 Regulations.

1.11.3 When retro-reflective material is being fitted on new or existing life-saving appliances, or being replaced on existing life-saving appliances, it should be fitted in accordance with the guidelines given in 'Use and fitting of retro-reflective material on life-saving appliances'.

1.12 Fees

The fees for surveys of ships are contained in the Merchant Shipping (Fees) Regulations.