



Maritime &
Coastguard
Agency

Consultation Document:
The Merchant Shipping (Cargo Ship) (Bilge
Alarm) Regulations 2021.

October 2020

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Section 1: Overview of this consultation

Aim

- 1.1. This consultation seeks your views on the proposal to introduce legislation that will require the installation of bilge water level detectors and alarms on Cargo ship of which fall in the following category: 24 metres or more in length and less 500 Gross Tonnage ('the Regulations').
- 1.2. There have been several incidents of flooding on such ships and a Marine Accident Investigation Branch (MAIB) investigation produced a recommendation to the Maritime and Coastguard Agency (MCA) proposing in introduction of a requirement for bilge alarms to be fitted in such ships to mitigate the risk of such incidents (MAIB reference Recommendation 2009//141).
- 1.3. The proposed Regulations would ensure both existing and new vessels of the above category would be required to install bilge water level detectors and subsequent wiring and alerting systems.

Views sought

- 1.2. Your views are sought on the proposed Regulations: The Merchant Shipping (Cargo Ship) (Bilge Alarm) Regulations 2021 the accompanying De Minimis Assessment (DMA) and the proposed Marine Guidance Note (MGN). Particular attention should be paid to the new requirements listed above.
- 1.3. A full list of consultation questions is contained in Section 5 of this consultation.

Deadline for responses

- 1.4. Responses are welcomed from 2nd October 2020 until 23:59 on the 10th December 2020

Section 2: Areas for consideration

2.1 The purpose of the proposed Regulations for Bilge Alarms is such that:

- Crews are made aware of water ingress at the main control position, and
- Crews are alerted in any accommodation space, including when sleeping aboard the vessel.

By implementing this regulation, it will ensure a higher safety standard for crews on vessels which do not allow for the early indication of water ingress, to enable effective action to be taken. In doing so, this will reduce accidents involving injury, loss of life as well as potential loss of vessel and marine pollution events.

2.2 Proposed Changes

The proposed Regulations follow MAIB recommendation 2009/141 to the MCA, which states:

Introduce a mandatory requirement, for all vessels greater than 24 metres length and less than 500 gross tons, for the fitting of Bilge alarms in engine rooms and other substantial compartments that could threaten the vessel's buoyancy and stability if flooded. These, and any other emergency alarms should sound in all accommodation spaces when the central control station is unmanned. In addition to functioning in the vessel's normal operational modes, alarms should be capable of operating when the main power supplies are shut down and be able to wake sleeping crew in enough time for them to react appropriately.

The proposed changes have been estimated to cost industry a total of approximately £0.9m on the prediction of the following, which have been noted in the DMA;

- some vessels already comply to the regulations;
- vessels will need to retro fit these systems;
- some vessels may not have accommodation spaces; and
- proportion of vessels may have no bilge alarm system in place.

2.3 Summary of Options and Recommendation

Option 1 – This would implement and close the outstanding MAIB recommendation by legally requiring ships subject to the Regulations to have fitted and installed bilge water level detectors and alarms. This will help alleviate the present market failure and reduce the risk faced by crew down to a tolerable level, as well as better safeguarding the safety of the ship, other ships and the marine environment. By doing this, it will also start the process of implementing safety standards for vessels which are 24 metres or more in length and under 500 gross tonnage which currently fall between existing domestic and international regulatory requirements.

Option 2 – is to create a new voluntary code for ships which are 24 metres or more in length and under 500 gross tonnage; this would help close the current regulatory gap and introducing standards for the entire vessel, including the requirement for the fitting of bilge alarms. Currently, this is not a viable option as there is not enough resource to produce, publish a code, and bring it into force in a timeframe considered appropriate to address the issue.

Option 3 – “Do nothing” - This would result in the MAIB recommendation not being addressed and ships in question under no obligation to fit bilge alarms. This would leave a safety gap in the regulation resulting in a continued risk to such ships and the crew onboard such ships as well as to other ships and to the marine environment.

Section 3: Responding to this consultation

- 3.1. There are specific questions highlighted in section 5 of this document and information on how to respond to this consultation document.

Consultees

- 3.2. Anyone may respond to this consultation and consideration will be given to all responses. We will be particularly interested to hear from owners or operators who currently have bilge alarms or similar systems in place. Or from those that require installation of devices.

Duration

- 3.3. This consultation is open for 10 weeks from 2nd October 2020 The deadline for responses is 23:59 on the 10th December 2020.

Submitting your response

- 3.4. Consultation responses should be emailed to MarineTechnology@mcga.gov.uk. Any questions concerning the proposal or the consultation should be sent to this email address.
- 3.5. When responding, representative groups are asked to give a summary of the people and organisations they represent, and where relevant who else they have consulted in reaching their conclusions.

Freedom of Information

- 3.6. 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.
- 3.7. 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.
- 3.8. 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.
- 3.9. The Department/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

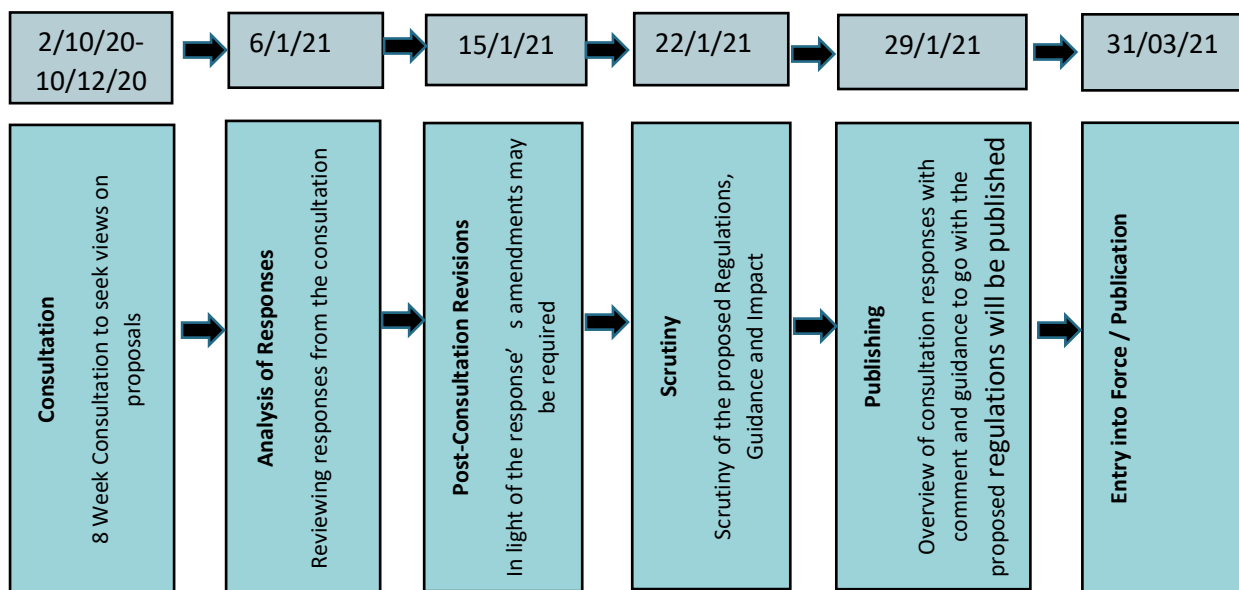
- 3.10. The MCA is carrying out this consultation to gather evidence. The consultation is being carried out in the public interest to inform the development of policy.
- 3.11. The MCA will use your contact details to send you information about the consultation, for example if we need to ask follow-up 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.
- 3.12. 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>

If you do not wish to remain on this list, please reply and let us know.

Section 4: Outline of plans beyond this consultation

- 4.1. Once this consultation closes, we will review all responses. In considering the responses we will apply appropriate weight to those from organisations and individuals with specialist knowledge of the subject area.
- 4.2. We will be analysing the responses between the 11/12/2020 and 6/01/2021. Our aim is to publish an overview of the responses and the MCA's comments by 29/01/2021 which will be available from: www.gov.uk/government/publications
- 4.3. Where appropriate the draft Regulations, accompanying guidance and impact assessment will be revised to take into consideration the consultation responses.
- 4.4. Our aim is for the Regulations to come into force by 31/03/2021. The Regulations will be published on www.legislation.gov.uk
- 4.5. Every effort will be made to publish the revised accompanying guidance on GOV.UK in advance of the coming into force date.
- 4.6. An overview timetable is below is below for reference:



Section 5: Response form

What is your name? _____

What is your email address? _____

What is your job title? _____

When responding please state whether you are responding as an individual or representing the views of an organisation:

- I am responding as an individual
- I am responding on behalf of an organisation

(name of organisation) _____

Please check the box that best describes you as a respondent and the size of your organisation:

Respondent Type

- Classification Society
- Government Agency/Department
- Individual
- Legal representative
- Protection & Indemnity
- Seafarer
- Ship Operator
- Ship Owner
- Trade Union
- Other

(please describe) _____

Size of Organisation

- Large (over 250 persons)
- Medium (50 to 250 persons)
- Micro (up to 9 persons)
- Small (10 to 49 persons)

Section 5.1 Consultation Questions

Costs and benefits questions – we invite consultees to submit any additional evidence or other relevant information on the costs and benefits of the proposed Regulations (Option 1) as are identified in this DMA.

Q1. Consultees are invited to provide additional evidence on the costs faced in the installation of bilge water level detectors and alarms in compliance with the proposed Regulations on the following points:

- Operators, please indicate if the estimates of costs set out in the DMA are realistic to what you would face.
- Installers, please provide an estimation of installation cost for a vessel and provide a breakdown of costs?
- Will this require penetration of bulkheads or through fire protection boundaries?
- How long would installation take? Would the installation of equipment require your day to day business cease? If so, how much revenue could be lost?

Q2. Consultees are invited to provide evidence on the time and total costs it would take to familiarise yourselves with this regulation, including for example, by reviewing the necessary documentation, consideration that documentation and seeking and independent professional advice if required

Q3. Consultees are invited to provide details of any additional costs and benefits of the proposed Regulations (Option 1) that have not been identified in this DMA, and provide any additional evidence or other relevant information that is available on these costs and benefits.

Q4. Consultees are invited to comment on any of the assumptions that have been made in this DMA and are invited to propose alternative assumptions and provide supporting evidence or other relevant information.

Q5. Consultees are invited to submit any additional evidence or relevant information on potential benefits of the proposed Regulations (Option 1) to Government.

Wider impact questions – we invite consultees to submit any additional evidence or other relevant information on the wider impacts associated with the proposed Regulations (Option 1) as are identified in this DMA.

Q6. Consultees are invited to submit any additional evidence or relevant information on the impact of the proposed Regulations (Option 1) on insurance costs.

Q7. Consultees are invited to submit any additional evidence or relevant information on the impact of the proposed Regulations (Option 1) on small and micro businesses. In particular whether there are expected to be any disproportionate impacts for any particular group of vessels.

Section 5.2

Do you have any additional comments to add to the response?

Please return completed response forms to Marinetechnologyt@mcga.gov.uk

Alternatively, responses may be posted to:

Peter Rollason
Maritime and Coastguard Agency
Bay 2/22
Spring Place
105 Commercial Road
Southampton
SO15 1EG

Section 6: Conduct of this consultation

- 6.1. This consultation has been conducted in accordance with the Cabinet Office Consultation Principles.

Consultation principles

- 6.2. The Cabinet Office Consultation Principles can be found at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/492132/20160111_Consultation_principles_final.pdf

Feedback on conduct of consultation

- 6.3. If you have any comments regarding the conduct of this consultation, please contact the Consultation Co-ordinator at consultation.coordinator@mcga.gov.uk.
- 6.4. We are continually trying to improve the way in which we conduct consultations and appreciate your views. We would be grateful if you could complete and return the attached feedback form. These should be submitted to the Consultation Co-ordinator and are not affected by the deadline for this consultation.
- 6.5. If you require this consultation in an alternative format, please contact either the Consultation Co-ordinator or the named official conducting this consultation.

MCA CONSULTATION FEEDBACK FORM

1. Please indicate on which Consultation you are providing feedback:

.....

2a. Please indicate whether you are responding on behalf of:

- Yourself as an Individual
- A Trade Association
- A Company
- A Government Organisation
- A Trade Union
- Other
(please specify) _____

2a. Please indicate whether you accessed this consultation package through:

- Post
- Email
- Website

3. Please rate the quality of this consultation regarding accuracy, good English and spelling:

- Very good
- Good
- Average
- Poor
- Very Poor

4. Please rate the format of the consultation presentation (layout, Annexes etc.):

- Very good
- Good
- Average
- Poor
- Very Poor

5. Please rate the consultation in terms of how clear and concise you felt it was:

- Very good
- Good
- Average
- Poor
- Very Poor

6. Did you feel that the consultation was conducted over a sufficient period of time?

- Yes
- No

7. Were any representative groups, organisations or companies not consulted who you felt should have been?

Yes

No

If yes, who? _____

8. Please let us have any suggestions for improvement or other comments you wish to make about this consultation below:

Thank you for your time. Please return this form to:

Consultation Co-ordinator,
Maritime and Coastguard Agency,
Spring Place, Bay 3/26, 105 Commercial Road
Southampton SO15 1EG

Or e-mail it to: consultation.coordinator@mcga.gov.uk

If you are happy to supply your name in case we need to contact you to discuss your views further, please enter it below (this is optional, and your feedback will still be taken into account if you wish to remain anonymous):

Name _____

Tel. No. _____

Please note that the deadline for responses to the Consultation itself does not apply to the return of this form.