



Maritime &
Coastguard
Agency

Consultation Document:

*MGN: Load Line Length - Policy Clarification -
Hullform Cut-Outs, Extension and Steps*

February – March 2021



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Section 1: OVERVIEW OF CONSULTATION

Aim

- 1.1. This consultation seeks the views of industry on a Marine Guidance Notice (MGN) which clarifies UK policy when determining Load Line Length on vessel hullforms featuring cut-outs, removable end sections, and bathing platforms.

Views Sought

- 1.2. The MCA would like to seek feedback from the public, builders of small commercial vessels, designers, Certifying Authorities and surveyors on some recent clarifications which address how to determine Load Line Length in respect of design, measurement practices and the circumstances in which certain measurements will be applied.
- 1.3. In particular, the MCA would like to receive responses which have looked at the policy clarification in relation to bathing platforms and fixed 'sea fairing' cut-outs.

Deadline for Responses

- 1.4. Responses are welcomed from **24/02/2021** until **23/03/2021**.

Section 2: AREAS FOR CONSIDERATION

Background

2. The MCA has become aware of vessels with cut-outs which are being used as a means of avoiding regulations in relation to the 24m rule. The cut-out arrangement can lead to undesirable hydrodynamic characteristics and safety issues which potentially make the vessel unsafe.
- 2.1. Other examples have been noted where one or both end sections of a vessel are bolted-on (or otherwise fixed) at a vertical flat-plane bulkhead to artificially increase the length of a vessel with an allegedly "removable" portion of hull which has been discounted from Load Line Length (LLL) calculations. In this case, some information asymmetry exists between builders, repairers, owners and certifying authorities in respect of how to calculate Load Line Length and what constitutes a fixed/permanent addition or 'add-on' which contributes towards tonnage, buoyancy and therefore LLL. It is crucial that this be calculated correctly otherwise vessels will not be compliant with the correct regulations for vessels either above or below 24 metres in length. The implications of this could be significant and costly to resolve, with responsibility for rectifying any issues falling onto vessel owners who so often do not understand the safety standards associated with the 24m rule.

- 2.2. This MGN seeks to avoid rule beating through manipulation of vessel design in order to circumvent the intent of the safety regulations, as per previous advice from the DfT. Where design is being deliberately exploited to avoid regulations, this will not be accepted and this guidance note seeks to provide advice as to how these sorts of designs will be treated.
- 2.3. Certifying authorities have asked for an MGN to clarify the existing guidance as, according to the industry, there was a “substantial lack of clarity which causes some problems when applying existing guidance”. Certifying authorities agree that bow cut-outs and bathing platforms are a clear attempt to apply tonnage regs inappropriately and agree that this should not be allowed but needs clarifying in an MGN.
- 2.4. It should be noted that most surveyors, owners, builders and repairers are following the regulations on the construction and maintenance requirements more closely than others. The main purpose of this MGN is to clarify the UK policy when determining Load Line Length on vessel hullforms featuring cut-outs, removable end sections, or bathing platforms. The objective of this document is to explain how the MCA will interpret the LLL in respect of design / measurement practices and the circumstances in which certain measurements will be applied in order to be compliant with regulations.

Proposed Changes

- 2.5. This MGN does not modify existing legislation and has been designed to provide clarification on current policies in relation to Load Line Length of a vessel.
- 2.6. Cut-outs in the stem or stern of the vessel which currently exist solely to circumvent the requirement for vessels of 24 metres and over to comply with Load Lines 66/88, will be treated as if those cut-outs do not exist for the purpose of measuring Length. As a result, for vessels where the cut-out portion on the 85% waterline has been covered with a fairing piece, the MCA and organisations authorised by the MCA will consider length of a vessel to include the fairing piece in place.
- 2.7. Any portion of the hull which is capable of being detached, but which is fixed in place during the normal operation of the vessel, will be included in the definition of ‘fixed permanent structure’ and therefore included in the calculation of Load Line Length.
- 2.8. Any extension to the hull that is intended to keep length below a threshold value of 24 metres, must be included in the Load Line Length. This would include swim steps and bathing platform. Where the platform cuts the waterline and therefore contributes towards buoyancy, then it should be considered as being part of the Load Line Length irrespective of the size of the platform or whether it is bolted on.

Section 3: RESPONDING TO THIS CONSULTATION

Consultees

- 3.1. Any individual, union, business or other organisation is encouraged to respond to this consultation and due consideration will be given to all responses.

Duration

- 3.2. This consultation is open for four weeks from 24/02/2021. The deadline for responses is 24/03/2021.

Submitting Your Response

- 3.3. Consultation responses should be emailed to James.Hartley-Binns@mcga.gov.uk. Any questions should also be directed to this email address.
- 3.4. 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

- 3.5. 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.
- 3.6. 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.
- 3.7. 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.
- 3.8. 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

- 3.9 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.

- 3.10. 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.
- 3.11. 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: 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 during March to April 2021. Our aim is to publish an overview of the responses and the MCA's comments by June 2021, which will be available from: www.gov.uk/government/publications
- 4.3. Where appropriate the draft guidance, accompanying guidance and Policy Justification Assessment will be revised to take into consideration the consultation responses.
- 4.4. Our aim is for the MGN to be published by **May 2021**.

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 business (over 250 staff)
☐ Medium business (50 to 250 staff)
☐ Micro business (up to 9 staff)
☐ Small business (10 to 49 staff)

Consultation Questions

- 5.1. As the MGN is primarily policy clarification and guidance, it is expected that the impacts will be negligible. Are you in agreement? If not please provide evidence of likely costs implications for your business.
- 5.2. Does the proposed MGN clearly and effectively demonstrate how to properly calculate Load Line Length? If not, what further information could be added?
- 5.3. Is the approach taken to Bathing Platforms and Low Decks proportionate? If not, why?
- 5.4. What are the key areas where costs and benefits may arise for your business?
- 5.5. How long do you expect familiarisation with the proposed MGN to take?
- 5.6. Will any businesses be disproportionately affected?
- 5.7. Are there likely to be any unintended consequences?
- 5.8. What impact do you think the proposed changes will have upon safety standards?
- 5.9. Do you agree with the approach taken in this MGN, that the guidance issued is not applied retrospectively?

Consultation Comments

Please provide comments on the MGN and its contents:

Please return completed response forms to James.Hartley-Binns@mcga.gov.uk

Alternatively, responses may be posted to: Ship Standards, Maritime & Coastguard Agency,
Spring Place, 105 Commercial Road, Southampton, SO15 3EG

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.**

