



Maritime &
Coastguard
Agency

MARINE INFORMATION NOTE

MIN 682(M) Domestic Passenger Vessels: Information on Risk Assessment to support application for exemption from damage stability requirements

Notice to all Shipowners, Recognised Organisations, Shipbuilders, Shiprepairers, Ship Masters and Surveyors

This notice should be read with Merchant Shipping (Safety Standards for Passenger Ships on Domestic Voyages (Miscellaneous Amendments) Regulations 2022 and MGN 627(M)

This MIN expires on 31 January 2025.

Summary

To provide information on Risk Assessment applications for domestic passenger vessels on tidal Category C waters seeking an exemption from the additional damage stability requirements introduced by the Merchant Shipping (Safety Standards for Passenger Ships on Domestic Voyages (Miscellaneous Amendments) Regulations 2022 by demonstrating they operate in an area of “Lower Operational Risk”.

1. Introduction/background

1.1 The Merchant Shipping (Safety Standards for Passenger Ships on Domestic Voyages) (Miscellaneous Amendments) Regulations 2022, introduces requirements for older vessels to meet new damage stability requirements. The vessels affected most by these new requirements, from feedback during the consultation process, are those vessels certified as Class V and operating on Tidal Category C waters.

1.2 It was recognised from feedback during the consultation that there was a need for the Government to provide some flexibility to operators who could demonstrate that the risks

to their vessels were owing to their particular area of operation. For example, owing to a small volume of traffic operating in the area the risk of collision was reduced.

- 1.3 In order to make this demonstration to the MCA, an application for equivalence/exemption will need to be completed and submitted to the nearest Marine Office. The application should be submitted along with a risk assessment which details how the operator/owner believes that the risks in their particular area of operation are considered so low that the purpose of applying damage stability requirements are not appropriate.
- 1.4 More detail of the factors which would be likely to be considered are provided in section 2 of this MIN, but it is emphasised that these focus on the risk of collision, particularly resulting in the vessel being holed below the waterline.
- 1.5 Whilst Risk Assessments will require the acceptance of the Maritime and Coastguard Agency (MCA), it is expected that the local navigational authority will have been consulted and that they will have confirmed they are satisfied that the vessels in the area can operate without damage stability. It will not be possible for MCA surveyors to be involved in drawing up the Risk Assessments. Therefore, some operators wishing to obtain such an exemption may wish to engage the services of a professional consultancy to assist with drawing up the necessary Risk Assessment. This MIN may also be a useful reference document for such consultants.
- 1.6 The main focus of such a risk assessment will be to consider scenarios causing damage below the waterline.
- 1.7 Applications for Exemptions will be made in the normal way on MCA form MSF 1261, which may be obtained from the nearest MCA Marine Office.
- 1.8 It is emphasised that owners / operators are not obliged to carry out such a Risk Assessment. Some operators may prefer to have the certainty associated with full compliance with the damage stability requirements.

2 Possible Risk factors

- 2.1 Any factors affecting the risk posed to a vessel, its occupants and other vessels and parties are relevant to the Risk Assessments referred to in this information. Risk factors could include:
 - 2.1.1 the depth of water available in relation to the draft of the vessel;
 - 2.1.2 distance from land;
 - 2.1.3 density of traffic;
 - 2.1.4 make-up of traffic, (e.g. are there vessels of a size which could inflict serious damage in the event of a collision?);
 - 2.1.5 navigational hazards (e.g. bridges, piers, etc.);
 - 2.1.6 environmental conditions (e.g. nature of the sea / river bed, flow of current, is the area prone to reduced visibility, etc.);
 - 2.1.7 frequency of berthing / unberthing operations and condition of berths (i.e. older wooden berths may pose a hazard from protruding fastenings compared to modern well fendered arrangements, etc.);
 - 2.1.8 seasonal operation considerations.
- 2.2 The above list is not exhaustive and any factor with the potential to affect the risk of a collision causing damage below the waterline may be included.

2.3 The risk assessment will consider not only the risk factors, but the extent to which they can be mitigated.

3 General

3.1 Risk Assessments generally are intended to help operators and other stakeholders understand the risks associated with specific hazards, examine the effectiveness of controls already in place and of any proposed new controls.

3.2 Although targeted more at seafarer safety, rather than ships, the high-level Risk Assessment principles contained in the Code of Safe Working Practices for Merchant Seafarers (COSWP) may provide useful reference information: <https://www.gov.uk/government/publications/code-of-safe-working-practices-for-merchant-seafarers-2020>

3.3 The Risk Assessment, if accepted by MCA, will form part of the vessel Safety Management System, as required by the Domestic Safety Management system (DSM) Code (MGN 536), and be retained onboard the vessel. As such, the company should review the risk assessment in line with its procedures particularly if any of the risks or control measures change. The MCA should ensure that the requirements remain relevant as part of the DSM re-certification process.

3.4 It is the responsibility of the operator / company to prepare the Risk Assessment although external bodies (consultants) may assist in the preparation and other stakeholders (such as the local navigation authority) may need to be involved. It is expected that operators take ownership of their own risk assessments. The MCA will expect to see a thorough Risk Assessment to underpin a request for exemption from the damage stability requirements. Owners/ operators are strongly advised to submit exemption requests well in advance of when an answer is required as it will normally take some time to give the requests due consideration.

3.5 Although vessel specific assessments must be prepared, it is recognised that much of the hazard identification is applicable to many of the vessels operating within the same stretch of water. It is recommended, as far as possible, that the hazard identification process is prepared with all stakeholders, including other local operators.

More information

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