



Maritime &
Coastguard
Agency

MERCHANT SHIPPING NOTICE

MSN 1762 (M+F) Amendment 2 The Merchant Shipping (Diving Safety) Regulations 2002

Notice to all shipowners, employers, masters, crew of merchant vessels, skippers and crew of fishing vessels.

This notice should be read with the Merchant Shipping (Diving Safety) Regulations 2002 and replaces MSN 1762 (M+F) Amendment 1.

Summary

This notice contains information on the application of the Merchant Shipping (Diving Safety) Regulations 2002.

Accepted or alternative or equivalent arrangements to those required by this notice are specified in section 6.

In complying with the regulations, due regard should be given to other regulations that may also apply to diving projects and vessel operations, see Health and Safety (Diving at Work) Regulations 1997.

Recreational diving activities are not directly affected by the regulations except where the owner or master of a diving craft provides “diving services” in addition to transportation. In such instances, he is responsible for the suitability and maintenance of equipment provided.

Amendment 2 updates references only.

1. Introduction

1.1 This notice is presented in general terms and it is ultimately the responsibility of those involved in the setting up and implementation of the “diving project” to consider what measures should be put in place to ensure a safe operation.

1.2 This notice clarifies:

- responsibilities during diving operations both in port and at sea, of owners, masters of diving craft and others; and
- the application of the regulations to vessels in commercial use, with particular regard to recreational or sport diving projects.

2. Scope and areas covered by the regulations

2.1 This notice should be read in conjunction with the relevant provisions of the Merchant Shipping (Diving Safety) Regulations 2002, made by the Secretary of State under powers conferred by Section 88(2) of and Schedule 2 to the Merchant Shipping Act 1995 C 21.

2.2 The regulations replace the Merchant Shipping (Diving Operations) Regulations 1975 and the Merchant Shipping (Diving Operations)(Amendment) Regulations 1975.

2.3 The regulations apply:-

- outside national or United Kingdom waters or an area designated by Order under section 1(7) of the Continental Shelf Act 1964 (a), to a diving project from a United Kingdom ship, associated with an offshore installation or pipeline where there is a diving contractor;
- outside national or United Kingdom waters, to any diving project from a United Kingdom ship, other than one associated with an offshore installation or pipeline where there is a diving contractor;
- inside United Kingdom waters, to diving projects which take place from a craft where the master or owner is the diving contractor, and where the (Health and Safety) Diving at Work Regulations 1997 or the Diving Operations at Work (Northern Ireland) Regulations 1983 do not apply.

They do not apply to

- diving projects covered by the Diving at Work Regulations 1997.
- craft (registered in the United Kingdom or operating in United Kingdom waters) which are used solely as a means of transportation for recreational diving projects.
- craft (registered in the United Kingdom or operating in United Kingdom waters) which are used as a means of transportation and provide diving services for recreational diving projects, other than compliance with section 9.4 and 10.10 of this notice.

3. Definitions

3.1 The following section contains simplified definitions. Primary, more detailed definitions are contained in the Regulations.

‘at work’ means either as an employee or as a self-employed person;

'craft' means a ship, hovercraft or floating structure which comprises, supports or is used in connection with a diving project, including fishing vessels;

'diver' means a person who enters water or other liquid or a chamber subjected to an ambient pressure greater than 100 millibars above atmospheric pressure and breathes in air or other gas mixture above atmospheric pressure; references to "dive" may be construed accordingly;

'diving contractor' in relation to a diving project means:-

(a) a person who is:-

(i) the employer of persons as divers at work on a diving project; or

(ii) persons who are self-employed divers on a diving project;

(b) where there is more than one diving contractor involved, the main diving contractor should be appointed in writing.

'diving operation' means an individual activity by at least one diver on a diving project that can be safely supervised by one person;

'diving plant and equipment' means plant and equipment used on a diving project, including fixed or mobile equipment from a United Kingdom ship or other craft, and plant and equipment brought onboard for a diving project;

'diving project' means an activity comprising of one or more diving operations, in which one or more persons take part as divers. It extends from the time when the first person prepares to dive until the last person leaves the water, chamber or other environment in which the dive, or any part of it, took place. It includes any required decompression procedures and where necessary, therapeutic recompression;

'diving project plan' means a plan required by section 13.7 of this notice;

'diving services' means diving services provided for profit or gain, excluding transportation services and information on local conditions, but does include the supply of submersible equipment for personal use by a diver and the supply of compressed gas for breathing apparatus (excluding therapeutic oxygen). For the purposes of this definition 'transportation services' means the provision of a craft for profit or gain for the purposes of conveying its occupants to or from a diving operation or providing a platform for a diving operation;

'diving supervisor' means a diving contractor or a person appointed, in accordance with section 12.1.2, of this notice, by the diving contractor to supervise a dive;

'doctor' means a medical practitioner qualified and competent to examine and certify that the person is fit to dive;

'Master' means the person in charge of the parent craft from which the diving project is conducted;

'Owner of craft' means the person or company who has management of that craft;

the 'Regulations' means the Merchant Shipping (Diving Safety) Regulations 2002.

'risk assessment' means the careful examination of the diving project proposals and identification of possible hazards that may affect the health and safety of those involved in the

project. The assessment should provide effective solutions that will minimise or eliminate hazards and identify emergency support services;

'SCUBA' means Self -Contained Underwater Breathing Apparatus;

'self-contained' when used in relation to any diving plant and equipment, means diving plant and equipment where the supply of breathing mixture is carried by the diver independent of any other source;

'underway' refers to a craft not at anchor, aground or made fast to the shore or a fixed structure. A vessel using "dynamic positioning" will not be considered to be underway if the system is fully operational and reliably maintains the craft in position on a heading, and all practicable precautions are taken to protect the divers;

'United Kingdom ship' means a ship as defined in section 1(3) of the Merchant Shipping Act 1995; 'United Kingdom waters' means the sea or other waters within the seaward limits of the territorial sea of the United Kingdom.

4. Persons directly affected / responsible

4.1 Owners and masters (or skippers) of surface supporting craft.

4.2 Persons who have responsibility for, control over, or are engaged in a diving project to which the regulations apply, or whose acts and omissions could adversely affect the health and safety of persons engaged in the project, shall take reasonable measures to ensure compliance with the regulations.

5. Associated regulations / codes

5.1 Owners, masters, diving contractors and diving supervisors assessing diving projects and associated ship procedures should consult:

5.1.1 Within "United Kingdom waters": the "Health and Safety (Diving at Work) Regulations 1997" and associated "Approved Codes of Practice" (ACOPS); (see section 6.2 of this notice); and/or

5.1.2 Local and/or National regulations or codes which may apply at the diving project location, e.g. Harbour Authority by-laws within estuarial waters, United States Coast Guard (USCG) Commercial Diving Regulations, International Marine Contractors Association (IMCA) Codes of Practice for Offshore Diving (and other associated publications) and the Code of Practice for Police Diving Projects ; and/or

5.1.3 The Merchant Shipping (Diving Safety) Regulations 2002 (refer to section 3.3 of this notice for application).

5.2 Health and Safety (Diving at Work) Regulations 1997 and associated Approved Codes of Practice (ACOPS). The responsibilities of the owner, master and diving contractor under this notice can, despite the constraints on applying the ACOPS by the Health and Safety (Diving at Work) Regulations 1997 and with the exceptions under Section 6.1.2 and 9.4 of this notice, be fulfilled by compliance with the appropriate ACOP. The appropriate ACOP publications are as follows:-

5.2.1 “Commercial diving projects offshore” ISBN 978 0 7176 6592 1 - this code applies to diving projects carried out at sea in connection with offshore installations, pipeline works and other projects:-

- i) where “closed bell” or “saturation” techniques are used;
- ii) where diving takes place from vessels maintaining station by the use of dynamic positioning;
- iii) for all dives greater than 50 metres, except those listed in 6.2.3, 6.2.4 and 6.2.5.

5.2.2 “Commercial diving projects inland/inshore” ISBN 978 0 7176 6593 8 - this code applies to diving projects in support of civil engineering, marine related projects, salvage operations and fish farming. It includes vessel “in water” hull inspections.

5.2.3 “Recreational diving projects” ISBN 978 0 7176 6594 5 - this code applies to diving projects :-

(a) where at least one person taking part in the project is employed or self employed and “at work”; and

(b) the diving equipment and techniques are confined to the use of SCUBA.

5.2.4 “Media Diving Projects” ISBN 978 0 7176 6595 2 - this code applies to all media divers and media diving projects.

5.2.5 “Scientific and archaeological diving projects” ISBN 978 0 7176 6596 9 - this code applies to diving projects for the investigation of sites of historic interest and scientific/educational research.

5.3 Further (non-mandatory) guidance may be found at the following sources:-.

- the International Maritime Organisation “Code of Safety” for Diving Systems 2023, resolution MSC. 548(107)..
- the IMO Guidelines and specifications for hyperbaric evacuations systems, resolution A.692(17).
- recreational diving projects should apply the self-regulatory standards developed by governing bodies of the sport (e.g. British Sub-Aqua Club, Professional Association of Diving Instructors (PADI)).

6. Recreational or sport diving projects

6.1 The objectives for sport diving were set out in the document “Sport and Active Recreation”, published in 1991. The principle of self-regulation for sports bodies has been encouraged so that the policy for safety, environmental and other controls is to adopt voluntary codes or procedures which have the same effect as regulations. This policy has been adopted for recreational or sport diving projects where none of the participants are “at work”.

6.2 If a craft provides diving services or equipment for profit or gain, to any diving project, the owner or master of that craft should comply with sections 9.4 and 10.10 respectively of this notice.

6.3 A craft may be used as a means of transportation for profit or gain (as excluded from the definition of ‘diving services’) for recreational diving projects. In such cases, the owner of the craft and recreational divers should confirm, preferably in writing, that the craft has been

contracted only for this purpose. This does not exclude the owner of the craft from the requirement to comply with other merchant shipping legislation (e.g. Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) Regulations 1998, as amended).

7. Duties to ensure compliance with the regulations

7.1 Persons who have control over, or are engaged in, a diving project or whose acts or omissions could affect the health and safety of persons engaged in the diving project have a duty to comply with the regulations. Others with this duty include those not directly involved in the diving project, but who by their acts or omissions could cause an incident to arise. For example:

- those responsible for ensuring the continuity of essential services on board the craft
- those responsible for ensuring the craft remains on station
- those responsible for preventing equipment or machinery that could hazard the health and safety of persons engaged in the diving project from being used
- a client placing a contract with a diving contractor to deliver a diving project
- a principal contractor carrying out work for a client and overseeing the work of a diving contractor
- a consultant acting for a client, owner, contractor or agent.
- persons in control of other surface craft operating in the area
- persons engaged in the operation of submersible craft or remotely operated vehicles in the area
- any other person whose actions or activities may affect the safety of the diving project.

8. Duties of owners of craft

8.1 Owners of craft should ensure effective arrangements are in place to ensure compliance with the appropriate regulations. In meeting their obligations, owners or their representatives on board should directly ensure that all ship's personnel are fully aware of their respective responsibilities and duties.

8.2 Where appropriate, duties and responsibilities should be in writing.

8.3 The plant and equipment provided by the diving contractor should meet the appropriate requirements and be maintained in good order. Where practicable, written confirmation should be drawn up and endorsed by the owner and diving contractor to this effect.

8.4 Where the Owner provides diving equipment and/or services for the diving project, they should ensure that such equipment is suitable for the safe conduct of the diving project and is maintained in a safe working condition.

9. Duties of masters of craft

9.1 The master has responsibility for all activities carried out on onboard; these may include aspects of the diving project.

9.2 The master should identify and discuss potential risks with the diving contractor during preparation of the diving project plan.

9.3 The master should recognise the success of a diving project is dependent on close co-operation and consultation between responsible persons.

9.4 The master should establish agreed means of communication with the diving supervisor and advise on matters considered relevant during the diving operation (e.g. changes in sea condition, surface visibility).

9.5 When diving from a craft maintaining station using a dynamic positioning system, the master should ensure that in the event, or likely event, of “drift off”, the diving supervisor is directly informed and if necessary, the recovery of divers is arranged.

9.6 The master should prevent the occurrence of activities that may endanger those involved in the diving project. Where necessary, notices should be posted on machinery vital to the diving project to prevent it inadvertently stopping or starting.

9.7 The master should prohibit diving operations while the craft is “underway”.

9.8 To ensure a safe location for the diving project, onboard equipment and plant should be secured and provision made for the safety of personnel working in that area.

9.9 The master may terminate the dive for safety reasons. Where time permits, this would normally be in consultation with the diving supervisor.

9.10 Where the master provides diving equipment and/or services for the diving project, they should ensure that such equipment is suitable for the safe conduct of the diving project and is maintained in a safe working condition.

10. Appointment of diving contractor

10.1 A designated diving contractor should be appointed in writing to ensure the diving project protects the health and safety of those taking part in it.

10.2 Where more than one contractor is appointed to a diving project, one should be confirmed as the designated diving contractor. A written agreement should confirm this arrangement.

11. Duties of diving contractor

11.1 The diving contractor is responsible for:-

- assessing risks and ensuring a diving project plan is prepared
- appointing a suitable diving supervisor, in writing
- ensuring there are sufficient numbers of competent divers, capable of undertaking the work involved with the diving project
- ensuring that all divers involved in the diving project are suitably qualified and as far as possible, certified by a doctor as medically fit
- ensuring divers' certification (as required in section 12.1.4) is readily available for inspection
- ensuring the diving team is familiar with the diving project plan
- providing sufficient, suitable, properly maintained and certified plant and equipment
- ensuring test certificates for the plant and equipment are readily available for inspection
- ensuring that the place from which diving is to be undertaken is suitable and safe
- ensuring adequate arrangements exist for first aid and medical treatment
- maintaining a written record of all relevant details of the project, including all dives, for a minimum of two years
- ensuring compliance with all relevant regulations.

12. Diving project plan

12.1 A diving project plan is essential for every diving project. It should consist of the diving contractor's standard operating rules, and the specific site risk assessment. This includes measures to control risks, procedures, availability of emergency support services and the responsibility structure in the event of an emergency.

12.2 Many factors need consideration when preparing a diving project plan. In particular, identifying possible hazards and assessing their risks, followed by measures for risk reduction. For example,

- effect of water flowing through sea water intakes or discharges affecting divers or their equipment during the project
- weather conditions, including surface visibility, necessitating suspension of the project
- effect of rotating propellers, thrusters or pumps, particularly from vessels using dynamic positioning systems and associated machinery that may start manually or automatically during the project
- taking account of diver disorientation, particularly when working beneath flatbottom vessels
- risk of divers being struck by objects falling into the water.

12.3 The diving project plan should cover the general principles of diving techniques.

12.4 The diving project plan should incorporate contingency plans in the event of foreseeable emergencies, including the evacuation of the parent craft and retrieval of an injured or unconscious diver from the water.

12.5 The diving project plan should include procedures to deal with injuries to divers and support personnel and the availability of external medical assistance.

12.6 Diving supervisors and others responsible for executing contingency plans should have copies of the relevant parts of the diving project plan.

12.7 The project plan should identify the nature and extent of each diving operation, the diving supervisor in charge and the specific tasks of those involved.

13. Diving supervisor

13.1 The diving supervisor must be competent in the techniques used in the diving operation being supervised.

13.2 Diving supervisor responsibilities include;

- checking the divers are competent and qualified to dive and undertake the work of the diving project
- ensuring everyone in the diving operation is familiar with the diving project plan
- ensuring the diving project plan is appropriate and up to date
- maintaining accurate records of all diving operations
- ensuring there are adequate means of communication with divers in the water
- checking the dive site on the day of the dive and, if conditions change, confirming the risk assessment still applies
- checking the diving equipment is appropriate for the project
- the supervisor may order the start and finish of a dive, usually after consulting the master.

14. Divers

14.1 Diver responsibilities include:

- possession of a current diving qualification, readily available for inspection
- being competent to work safely
- possession of a valid certificate of medical fitness to dive, readily available for inspection
- complying with the directions of the diving supervisor and the diving project plan
- maintaining a daily record of their dives in a divers logbook
- informing the supervisor if they feel unfit for any reason (e.g. fatigue, injury or illness).

15. Diver qualifications

15.1 Diver qualifications should be to the satisfaction of the authority governing the territorial waters in which the diving project is carried out. As an example, under the provisions of the Health and Safety (Diving at Work) Regulations, the Health and Safety Executive approves the qualifications required for commercial diving activities within UK territorial waters. Within international waters, diver qualifications should be those recognised by the Health and Safety Executive, or an equivalent standard.

16. Inquiries and investigations into marine accidents

16.1 The regulations, under the Merchant Shipping Act 1995, make provision for the Secretary of State to require a formal investigation into a marine accident. 'Accident' in this context means any accident involving loss of, or danger to, the life of any person engaged in, or in connection with, diving operations, that occurs in the course of those diving operations.

17. Offences

17.1 A person contravening any provision of the regulations is guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum, or, on conviction or indictment to imprisonment for a term not exceeding 2 years, or a fine, or both.

17.2 It is a defence to a charge under these regulations to show that all reasonable precautions were taken and all due diligence exercised to avoid commission of the offence.

18. Proceedings

18.1 Any proceedings for an offence under the regulations declared as having been committed in United Kingdom waters will be accepted, unless there is evidence to the contrary.

18.2 Proceedings for an offence under the regulations may be taken, and treated as being committed, in the United Kingdom.

More information

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