



Maritime &
Coastguard
Agency

MARINE GUIDANCE NOTE

MGN 536(M) Amendment 6 Safety Management Code for Domestic Passenger Ships

Notice to all Shipowners, Operators, Charterers and Managers, Masters, Officers and Seamen

This notice should be read in conjunction with MSN 1869(M) Amendment 2

Summary

This MGN provides further guidance to owners and operators of domestic passenger ships on the application and effect of the Merchant Shipping (Domestic Passenger Ships) (Safety Management Code) Regulations 2027. It also explains how to comply with the audit and self-assessment requirements of the Safety Management Code for Domestic Passenger Ships, as set out in Merchant Shipping Notice MSN 1869(M) Amendment 2.

Key points:

- The Merchant Shipping (Domestic Passenger Ships) (Safety Management Code) Regulations 2027 consolidate the various domestic safety management regimes for passenger ships into a single, unified regulatory framework.
- The introduction of the Document of Compliance ("the DOC") for domestic passenger ships means that, although the overall certification process remains unchanged, the DOC will be issued to each operator of domestic passenger ships.
- Operators are required to carry out annual self-assessments to review their safety management systems.
- This guidance also explains how operators should complete the annual self-assessment.

1. Introduction/background

1.1 The Merchant Shipping (Domestic Passenger Ships) (Safety Management Code) Regulations 2027 (S.I. 2027/xxxx) came into force on [xxx 2027] and give statutory force to the Safety Management Code for Domestic Passenger Ships as set out in Merchant Shipping Notice MSN 1869(M) Amendment 2 (referred to in this guidance as “The Code”).

1.2 The Merchant Shipping (Domestic Passenger Ships) (Safety Management Code) Regulations 2027 (“the Regulations”) consolidate safety management requirements that were previously spread across different legislation. This included the Merchant Shipping (Passenger Ships) (Safety Code for UK Categorised Waters) Regulations 2010 (S.I. 2010/680) and their associated Merchant Shipping Notices — MSN 1823 and MSN 1823 (Edition 2), as well as MSN 1869 Amendment 1. The Regulations also apply to ships that comply with the Small Seagoing Passenger Ship Code, which is a non-statutory alternative construction standard. With this consolidation, all domestic passenger ship safety management requirements are now brought together under the Regulations and a single, updated MSN 1869(M) Amendment 2.

1.3 The purpose of this Marine Guidance Note is to provide guidance on how to prepare for the audits, and how to carry out the annual self-assessments, required by the Regulations.

1.4 It is recognised that there is a wide variety of passenger ships in the domestic trade and that they are employed in a variety of operational locations and conditions. Therefore, the purpose of developing the Code is to establish a common standard of safe operation for these ships.

1.5 The Code applies to passenger ships which are not required to comply with the requirements of the International Safety Management (ISM) Code

1.6 Operators are reminded that the Safety Management System (SMS) should be concise, straightforward and practical, but must meet the objectives of the Code.

1.7 The sections below give more detailed advice on what is required to ensure an efficient process.

2. Health, Safety and Environmental Protection Policy

2.1 The operator should have a policy on health, safety, and environmental matters relating to operations both ashore and afloat. The policy relates to the proper maintenance of ships and their operation by competent personnel, the assessment of risks to the health and safety of workers and others affected by operations, the implementation of appropriate measures to eliminate or minimise those risks, the continual improvement of health, safety, and environmental performance, and the enhancement of the safety management skills of personnel.

2.2 For implementation, operators are encouraged to assign responsibility for maintaining and reviewing the policy, ensure personnel are aware of and understand their

responsibilities under it, integrate the policy into operational procedures and risk assessments, and periodically review the policy to ensure it remains effective and up to date.

2.3 An example of such a policy is:

2.3.1 It is the policy of [Name of Operator] to conduct all operations with due regard for the health and safety of employees, contractors, passengers, and others who may be affected by its activities.

[Name of Operator] will ensure that each vessel is properly maintained and operated by competent personnel in accordance with applicable legislation. The operator will assess risks to the health and safety of workers and others affected by its operations and will implement appropriate measures to eliminate or minimise those risks. The operator is committed to continually improving its health, safety, and environmental performance, as well as the safety management skills of its personnel.

2.4 Under the Health, Safety and Environmental Policy, all personnel, both ashore and on board, have a duty to take care of themselves and others who may be affected by their acts or omissions. The operator should develop a policy on the prevention of alcohol and drug abuse having regard to the recommendations made in the Thames Safety Inquiry Report by Lord Justice Clarke. ¹Where alcohol is served on board, the policy should also state that no alcohol will be served to persons under 18 in accordance with the requirements of the Licensing Act 2003.

3. Audit Findings

3.1 Audit findings, which may be identified during an audit or an annual self-assessment, should be categorised into three types:

3.1.1 A **major non-conformity** is defined in regulation 3(1) of the Regulations as either an identifiable deviation that poses a serious threat to the safety of personnel or the ship, or a serious risk to the environment, that requires immediate corrective action, or a lack of effective and systematic implementation of a requirement of the Code.

3.1.1.1 If a major non-conformity is raised, the operator will be given the opportunity to implement immediate corrective action. Where such action is considered adequate by the auditor, the non-conformity may be downgraded to a non-conformity

3.1.1.2 Should the major non-conformity not be adequately addressed, the operator's Document of Compliance and/or Safety Management Certificate(s) may be suspended or cancelled, and in such a case the ship must not be operated until the relevant document or

¹ Lord Justice Clarke, Thames Safety Inquiry: Final Report (Cm 4558, 2000).

certificate is reinstated or reissued following an audit or satisfactory completion of other specified action.

3.1.2 A **non-conformity** is a deviation(s) from a requirement of the Code.

3.1.3 An **observation** is a reference to circumstances which may, in future, lead to a deviation from a requirement

3.1.4 A **Point for Improvement** is an advisory note recorded during an audit when a situation is identified that does not meet the threshold for a formal finding but indicates potential to enhance safety management practices.

3.1.5 Except in the case of Observations or Points for Improvement, all findings must have close-out actions and a timeframe for completion. The operator should propose the close-out action and timeframe in consultation with the auditor. The auditor makes the final decision as to whether to accept the proposed close-out action and timeframe. Unless otherwise agreed with the auditor, all non-conformances are expected to be closed out within three months of the audit date.

3.1.6 If non-conformances are not closed out within the agreed timeframe, a major non-conformity may be raised, which may result in the suspension or cancellation of the DSM certificate.

4. Operator Audit

4.1 The audit of the operator is carried out in accordance with regulation 10 of the Regulations. The operator audit will vary according to the complexity of the operations carried out by the operator and will take place once every five years. A Document of Compliance ("the DOC") will be issued after a successful operator audit.

4.2 For existing operators, the DOC should be issued no later than the next scheduled operator audit or 31 December 2028, whichever is earlier. Where no audit is required to be carried out before 31 December 2028, the DOC may be issued as an administrative step only, without requiring an audit.

4.3 For practical reasons and having regard to the location of the office, and the ships for which the operator is responsible, operators may wish to have the operator audit carried out in conjunction with the ship audit(s).

4.4 In a normal audit cycle, the following types of audits will be carried out:

4.4.1 **Initial audit:** Carried out before the issue of a DOC to confirm that the operator's Safety Management System meets the requirements of the Code, is effectively implemented and fully supports safe operations.

4.4.2 Renewal audit: Carried out not earlier than three months before the date of expiry of the DOC to assess the operator's Safety Management System to confirm that it continues to meet the requirements of the Code, remains effective and fully supports safe operations.

4.5 The scope of the operator audit includes, but is not limited to:

- Maintenance of hull and machinery, including agreed protocols for checks and testing.
- System for ensuring that the master(s) and other personnel are adequately certified and trained.
- Evidence of a robust system of checks and inspections.
- Evidence of a closed loop for defect and fault management.

4.6 For larger domestic passenger ship operators and those operators with an office, the process would essentially be similar to the process for audits carried out in respect of a Document of Compliance issued under the ISM framework, and it is not envisaged that such operators will have any difficulty preparing for such an audit.

4.7 For smaller operators and sole-owner single-boat operations, where there is no office and records may be spread between different locations, ALL records associated with the ship, the equipment, personnel and the ship's operations should be gathered in one place to simplify and shorten the time needed for the audit to be carried out. This could be a mutually convenient location on board the ship or at the MCA marine office.

4.8 Documents will include: -

- The Safety Management System;
- The Operator Policy document;
- Manning approval;
- All crew certification and training records;
- Passenger counting and recording records;
- On-board maintenance records (checklists);
- ALL other maintenance and repair records, including those carried out by shoreside contractors;
- Certification appertaining to the above, including machinery, life rafts, fire equipment etc.;
- Accident and incident reports and any remedial actions taken thereof;
- Evidence of operator reviews of SMS, Self-Assessment Reports and relevant closeouts;
- Evidence of that the Designated Person is active in their role;
- Garbage records;
- Code of Safe Working practices;
- Records of Drills and Safety Training;
- Procedures for disposal of oily residue/waste oil, etc.

5. Ship Audit

5.1 The audit of a ship is carried out in accordance with regulation 12 of the Regulations. There are two ship audits in the five-year period before the ship's renewal audit takes place: the initial and the mid-term audits. Ideally, these should be conducted with the ship in commission but out of service. However, some elements, such as passenger boarding arrangements, mooring, and navigation, may be carried out in service.

5.2 The mid-term audit may be conducted within a 15 month window that begins three months before the second anniversary of, and closes on the third anniversary of, the date which corresponds with the date of expiry of the Domestic Safety Management Certificate ("the DSMC").

5.3 For example: If the DSMC was issued on 1 July 2027 (making 1 July the anniversary date), the mid-term audit window runs from 1 April 2029 to 1 July 2030.

5.4 Operators are expected to align the mid-term audit with the Passenger Certificate ("the PC") renewal survey to minimise surveyor travel time and reduce disruption to operations.

5.5 To support this, the audit window opens three months before the second anniversary date of the DSMC, enabling operators with harmonised PC and DSMC dates to carry out the ship audit and survey during the same attendance.

5.6 At each ship audit, the surveyor must witness the crew performing a drill. This should be factored into audit planning, particularly where crew may not be onboard or fully trained during early pre-season running trials.

5.7 In a normal audit cycle, the following types of ship audit will be carried out:

5.7.1 **Initial audit:** Carried out to confirm that the shipboard Safety Management System has been established on board and is functioning effectively, providing evidence that it supports safe operations in practice.

5.7.2 **Mid-term audit:** Carried out to confirm that the shipboard Safety Management System continues to be implemented and is functioning effectively. The mid-term audit will take place within the 15 month period described in paragraph 5.2.

5.7.3 **Renewal audit:** Carried out to assess the shipboard Safety Management System to confirm that it will continue to be fully implemented and is functioning effectively. This audit is expected to be completed within the three month period ending on the date of the expiry of the DSMC.

5.8 The scope of the ship audit includes, but is not limited to:

- Crew familiarity with, and application of, the SMS and operational procedures;
- Availability and condition of manuals, plans, and statutory documents;

- Records of drills, inspections, and maintenance routines;
- Defect, fault, and incident reporting and evidence of corrective actions;
- Compliance with emergency preparedness procedures, including evacuation; firefighting, and lifesaving appliances;
- Passenger safety management, including boarding and crowd control.

6. Annual Self-Assessment

6.1 The Annual Self-Assessment must be completed by the operator, or on behalf of the operator by an “independent person”. An independent person is someone independent of the operator who has a good knowledge of the operation of domestic passenger ships and ideally should have some experience in carrying out audits.

6.2 The operator is encouraged to develop its operations-specific self- assessment, which must include all of the elements of DSM, and should ensure all aspects of the operation are included. The Self-Assessment should follow the format and form of the DSM Code and will assess operator performance against the SMS, which would have been written to meet the DSM criteria. In the case of operators which operate both ISM Code ships and ships subject to the DSM regime, it is acceptable for the self-assessment process to follow the structure of the operator's existing ISM audit arrangements, provided that all DSM requirements are addressed.

6.3 As with audits, the Annual Self-Assessment is intended to verify that the Safety Management System requirements implemented by the operator are being met. Any areas where these requirements are not being met should be recorded as a finding in accordance with the criteria given in section 3.

6.4 Where findings are made, the findings should be closed within the timeframe agreed by the assessor and the operator.

6.5 If there is disagreement over the close-out action and/or timeframe, the MCA should be contacted as the final arbiter.

6.6 The Self-Assessment should be submitted to the MCA no later than 31 July in the relevant year.

6.7 Annex 1 to this Note contains the Self-Assessment, which incorporates a checklist that operators may find helpful when conducting their annual self-assessment. The form is not intended to be exhaustive and should be used as a starting point only. Operators remain responsible for ensuring that all applicable elements of the DSM Code are reviewed as part of the self-assessment process.

7. Review

7.1 There are two separate requirements that should not be confused: annual self-assessments and periodic SMS review. The periodic review should be an opportunity for a critical review of the performance of the SMS over the past three years. Audit reports, inspection reports, non-conformities, accident reports, risk assessments, permits to work, near miss reports, complaints, etc., should be reviewed with the object of identifying trends, root causes, areas of concern, etc., to continually improve the operation of the SMS both ashore and on board.

7.2 The operator should conduct a periodic review of the SMS. This review will form part of the company's safety management strategy and will be conducted in accordance with documented procedures.

7.3 For larger companies, management review meetings should be recorded, and corrective actions should be allocated to appropriate members of the operator with a view to improvement.

7.4 For smaller operators, including single owner/operator/skipper enterprises, the periodic review performed by management will, by default, become part of the annual self-assessment. Records should be made available to demonstrate that the SMS review has been carried out and that the results of the changes to the SMS have been summarised.

8. Compliance With Rules & Regulations

8.1 Domestic passenger ships are subject to a range of statutory requirements depending on their area of operation, age, construction, and certification. Operators must identify and comply with all requirements relevant to any ship they operate. In addition, some regulations may not apply to all ships but compliance is encouraged or recommended where relevant, including in relation to environmental measures such as anti-fouling, sewage and other pollution prevention requirements. Operators should also ensure compliance with any requirements implemented by Local or Navigation Authorities.

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