Maritime & Coastguard Agency

MARINE GUIDANCE NOTE

MGN 331(M+F) Amendment 5 - The Merchant Shipping and Fishing Vessels (Provision and Use of Work Equipment) Regulations 2006

Notice to all shipowners, ship operators, charterers, managers and other employers of seafarers, and masters, chief engineers, officers, ratings and other workers on merchant ships, fishing vessels and yachts and other vessels with paid crew and self-employed persons working on board; classification societies, certifying authorities, test houses and competent persons.

This notice should be read in conjunction with MGN 636(M) Amendment 4 which provides details and guidance on interpretation of the Merchant Shipping and Fishing Vessels (Health and Safety at Work) Regulations 1997, MGN 587(F) amendment 2 (in respect of fishing vessels) and where work equipment is used for the purpose of lifting, MGN 332(M+F) Amendment 4, which covers the requirements of the Merchant Shipping (Lifting Operations and Lifting Equipment) Regulations 2006. It replaces MGN 331(M+F) Amendment 4.

Summary

This MGN provides details and guidance on the interpretation of the Merchant Shipping and Fishing Vessels (Provision and Use of Work Equipment) Regulations 2006 S.I. 2006/2183 as amended by the Merchant Shipping and Fishing Vessels (Provision and Use of Work Equipment) (Amendment) Regulations 2027.

It should not however be regarded as definitive. The way these regulations apply to any particular case can vary according to circumstances and from vessel to vessel. Each shipowner and employer should therefore assess how the requirements of these regulations apply to the specific circumstances of each vessel and introduce measures to implement those requirements accordingly.

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Amendment 5 updates the provisions on conformity with essential requirements, conformity marking, inspection evidence, and replaces the Schedule with an updated list of relevant product safety instruments.

1. Introduction

1.1 The Merchant Shipping and Fishing Vessels (Provision and Use of Work Equipment) Regulations 2006 were made on 8 August 2006 and came into force on 24 November 2006, and apply to all UK registered ships, wherever they may be. Regulations 4(1), (4) to (6), 13, 14, 24 and 39 to 41 also apply to ships other than United Kingdom ships which are in United Kingdom waters.

1.2 The Merchant Shipping (Maritime Labour Convention) (Health And Safety) (Amendment) Regulations (S.I. 2014/1616) ("the MLC health and safety amendments") and the Merchant Shipping (Work In Fishing Convention) (Consequential And Minor Amendments) Regulations (S.I. 2018/1109) (the "Work in Fishing Consequential Amendments") amendments extend the duties protecting "workers" in health and safety legislation, including the Merchant Shipping and Fishing Vessels (Provision and Use of Work Equipment) Regulations 2006, so that they protect all seafarers and fishermen, regardless of their employment status. They also extend duties on employers to apply to shipowners and fishing vessel owners. References in the guidance in this notice are therefore to "shipowners and employers" and "seafarers and other workers." In this notice, "shipowner" includes "fishing vessel owner", and "seafarer" includes "fisherman".

1.4 The majority of injuries to crew involving work equipment occur as a result of persons being struck by or caught in moving parts of such equipment. The cause is often attributed to incorrect practices, inadequate training or to errors of judgement. Other types of serious accident are caused by the failure of work equipment, or missing safety guards. Accidents can be avoided through careful design and selection of work equipment.

1.5 These regulations and this notice are aimed at the prevention of accidents arising through mechanical failure, corrosion, fatigue, inappropriate repairs or modifications and poor maintenance as all of these can contribute to reduced safety margins.

2. General legal obligations and what shipowners and employers must do

2.1 The annex to this notice sets out the provisions of the Merchant Shipping and Fishing Vessels (Provision and Use of Work Equipment) Regulations 2006 and provides guidance on the legal obligations on shipowners and employers that apply to fitting, maintenance and use of work equipment.

2.2. These regulations do not, in general, prescribe measures to be taken by a shipowner and employer but place the onus on the shipowner and employer to ensure that all work equipment is appropriate for its intended purpose and is safe to use.

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2.3 The shipowner and employer must also have regard to the provisions of the Merchant Shipping and Fishing Vessels (Health And Safety At Work) Regulations 1997 which set out the general requirements for health and safety at work and, where work equipment is to be used in connection with lifting operations, the Merchant Shipping And Fishing Vessels (Lifting Operations And Lifting Equipment) Regulations 2006 which set out specific requirements relating to work equipment used for lifting. Detailed information on the regulations is provided in MGN 636(M) amendment 4 and MGN 332(M+F) amendment 4 respectively, or any subsequent replacements.

3. Inspection of work equipment

3.1 Where the safety of work equipment depends on the manner in which it was installed it should be inspected by a competent person after installation and before being brought into use and at regular intervals thereafter.

3.2 It is strongly recommended that the maximum interval between inspections should be 5 years for work equipment, or such shorter period as is recommended by the manufacturer. Further guidance on inspections should be aligned with equipment manufacturers' recommendations.

3.3 A “competent person” should carry out all inspections.

4. Regular maintenance

4.1 In order to ensure all parts of work equipment are kept in good repair and working order, regular preventative maintenance should be carried out.

4.2 Maintenance should include regular examinations by a competent person. It is recommended that these be carried out as necessary but at least once annually and include checks for general material defects such as cracks, distortion and corrosion that will affect safety or ability to perform required function.

4.3 An appliance or item of equipment should be taken out of service until it can be subjected to examination when there is suspicion that it may not be performing correctly or has been subjected to treatment likely to cause damage.

4.4 Greasing should be thorough and frequent as dry bearings impose additional loads that can lead to failure.

4.5 The condition of all ropes and chains should be checked regularly for wear, damage and corrosion and replaced as necessary.

4.6 Shackles, links and rings should be renewed when wear or damage is evident.

4.7 Structures should be examined frequently for corrosion, cracks, distortion and wear of bearings, securing points etc.

4.8 Hollow structures such as gantries or masts should be checked for trapped water inside. If found the structure should be drained and then sealed.

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4.9 There should be regular function tests of controls, stops, brakes, safety devices etc for work equipment, preferably before the start of operations.

5. Training

5.1 Only those trained and competent to do so should operate any work equipment.

5.2 Instruction should be given to the vessel's personnel to enable them to appreciate factors affecting the safe operation of work equipment.

5.3 For merchant ships and other vessels with paid crew (which includes yachts, work boats and small passenger vessels but not fishing vessels) training and safety information for those on board should include an understanding of the relevant sections of the MCA "Code of Safe Working Practices for Merchant Seafarers".

6. Marking of equipment

6.1 Where appropriate work equipment should be clearly marked to indicate safe working load. It may be necessary to include more than one marking when used in differing configurations.

7. Operational considerations

7.1 All work operations must be properly planned, appropriately supervised and carried out to protect the safety of seafarers and other workers.

7.2 All reasonable measures should be taken to ensure that any equipment being used, or materials being worked on, cannot strike and injure someone or move or swing dangerously or fall freely.

7.3 Contact between bare rope, warps etc and moving parts of the equipment should be minimised by the installation of protective devices.

8. Construction, repair and modification including welding repairs

8.1 Every item of work equipment, all parts of it and any part of the vessel used in support of it, must be constructed such that it is suitable for the work to be carried out and capable of being used by seafarers and other workers without risk to their health and safety.

8.2 Modifications or repairs should be of equivalent strength, using compatible materials and account taken of the adverse effects of heat arising from welded repairs.

9. Records of equipment

9.1 In service inspections are to be carried out in accordance with these Regulations.

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9.2 Records and service history should be kept of equipment, of dates when and where it is brought into use, its maximum rating (if appropriate), any repairs, modifications, tests and examinations carried out.

10. Survey and inspection by MCA surveyors

10.1 Work equipment is subject to safety inspection by MCA surveyors at any time.

10.2 Enforcement will be subject to statutory enforcement procedures.

More information

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Please note that all addresses and telephone numbers are correct at time of publishing.

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Annex 1

The Merchant Shipping and Fishing Vessels (Provision and Use of Work Equipment) (Amendment) Regulations 20 (SI 2027/XXX) were made on [insert date] and came into force on [insert date]. They amend the Merchant Shipping and Fishing Vessels (Provision and Use of Work Equipment) Regulations 2006 (SI 2006/2183) by updating the provisions on product safety requirements, conformity marking and inspection evidence, and replacing the Schedule with an updated list of instruments concerning the safety of products.

Reference should also be made to the Merchant Shipping (Maritime Labour Convention) (Health and Safety) Amendment Regulations 2014 (SI 2014/1616) Section (8) and the Maritime Shipping (Work in Fishing Convention) (Consequential Provisions) Regulation 2018 (SI 2018/1109 Section (3) (b).

The following gives the text of the individual regulations as well as general guidance on the requirements of the Merchant Shipping and Fishing Vessels (Provision and Use of Work Equipment) Regulations 2006.

Part 1: General

Regulation 1

Citation, commencement and repeal
(1) These regulations may be cited as the Merchant Shipping and Fishing Vessels (Provision and Use of Work Equipment) Regulations 2006 and shall come into force on 24th November 2006.

(2) The following provisions are hereby revoked
(a) the Merchant Shipping (Guarding of Machinery and Safety of Electrical Equipment) Regulations 1988;
(b) regulation 10 of the Merchant Shipping (Safe Movement on Board Ship) Regulations 1988;
(c) regulation 2 of the Merchant Shipping (Safety at Work) (Non-UK Ships) Regulations 1988

Guidance on Regulation 1

The Merchant Shipping (Guarding of Machinery and Safety of Electrical Equipment) Regulations 1988 have been replaced in their entirety by these regulations although certain provisions of those regulations have been incorporated in these Regulations.

Regulation 10 of the Merchant Shipping (Safe Movement on Board Ships) Regulations 1988 related to the movement of vehicles and has been replaced by regulation 30 of these Regulations, which covers the use of mobile work equipment.

Regulation 2 of the Merchant Shipping (Safety at Work) (Non-UK Ships) Regulations 1988 amended the Merchant Shipping (Guarding of Machinery and Safety of Electrical Equipment) Regulations 1988 to apply those Regulations, other than regulation 7, to non-UK ships when they were in a UK port. These provisions have now been superseded by these Regulations which also apply to non-UK ships in UK waters to the extent indicated in regulation 3(2) below.

Regulation 2

Interpretation
(1) In these Regulations –

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"the Act" means the Merchant Shipping Act 1995;
“competent person” means a person possessing the knowledge or experience necessary for the performance of the duties under these Regulations;
“contract of employment” means a contract of employment, whether express or implied, and if express, whether oral or in writing;
“employer” means a person by whom a worker is employed under a contract of employment and (except in regulation 4(4) and (5)), includes a self-employed person to whom the requirements imposed by these Regulations apply by virtue of regulation 4(5);
“fishing vessel” means a vessel for the time being used for, or in connection with, fishing for sea fish other than a vessel used for fishing otherwise than for profit; and for the purposes of this definition “sea fish” includes shellfish, salmon and migratory trout (as defined by section 44 of the Fisheries Act 1981);
“health and safety” includes the occupational health and safety of persons whilst on board the ship and whilst boarding or leaving the ship;
“public service vessel” means any vessel operated by and on behalf of a public body while it is carrying out the authorised functions of that body;
“relevant inspector” means a person mentioned in paragraphs (a), (b) or (c) of section 258(1) of the Act;
"ship" includes hovercraft
"United Kingdom ship" means a ship which –
(a) is a United Kingdom ship within the meaning of section 85(2) of the Act; or
(c) is a hovercraft registered under the Hovercraft Act 1968
“United Kingdom waters” means the sea or other waters within the seaward limits of the territorial sea of the United Kingdom;
“use” in relation to work equipment, means any activity involving work equipment and includes starting, stopping, programming, setting, transporting, repairing, modifying, maintaining and servicing, including cleaning;
“work equipment” means any machinery, appliance, apparatus, tool or installation for use at work (whether exclusively or not).

Guidance on Regulation 2

The definitions contained in this regulation explain in more detail various words and phrases used in these Regulations. The stated interpretation of such words and phrases is only applicable to these Regulations and should not be used to interpret similar words or phrases in other Regulations. A "competent person” is defined as a person possessing the knowledge or experience required to enable them to satisfactorily perform the duties required by the Regulations. Such knowledge and experience can be obtained in a variety of ways. For example, a "competent person" might obtain the necessary knowledge through training provided by the manufacturer of equipment or by "in-house" or "on the job" training provided within the organisation or on the vessel.

It is for the shipowner and employer to determine who is a "competent person" for a particular duty. A member of the ship's crew might be considered a "competent person" for the purpose of carrying out certain duties in respect of some types of work equipment, whereas it may be necessary to engage an expert from outside the ship in the case of other work equipment. Much will depend on the work to be undertaken and the qualifications required to undertake it. It should not therefore be assumed that because a member of the crew holds a particular Certificate of Competency that they are automatically competent to carry out the duties required by these Regulations. The final responsibility for ensuring the safety of the work equipment, and the seafarers or workers using it, rests with the ship owner and employer.

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Regulation 3

Meaning of "worker"
(1) In these Regulations "worker" means any person employed under a contract of employment, including a trainee or apprentice other than a person who is training in a vessel which is being used either—
(a) to provide instruction in the principles of responsibility, resourcefulness, loyalty and team endeavour and to advance education in the art of seamanship; or
(b) to provide instruction in navigation and seamanship for yachtsmen, and which is operating under a relevant code.

(2) In this regulation "relevant code" means—
(a) the Large Commercial Yacht Code as set out in Merchant Shipping Notice No.1792(M), issued by the Maritime and Coastguard Agency, an executive agency of the Department for Transport;
(b) the Code of Practice for the Safety of Small Commercial Sailing Vessels;
(c) the Code of Practice for the Safety of Small Commercial Motor Vessels; or
(d) the Code of Practice for the Safety of Small Vessels in Commercial Use for Sport or Pleasure, Operating from a Nominated Departure Point.

(3) In paragraph (2) each reference to a Code includes a reference to any document containing an amendment or replacement of that Code which is considered by the Secretary of State to be relevant from time to time.

Guidance on Regulation 3

In these Regulations a reference to a "worker" or "workers" means a person or persons employed on a ship under a contract of employment including all trainees and apprentices employed on such vessels. They do not however apply to trainees on sail training vessels as they are not "employed" for the purposes of these Regulations i.e. they are not employed under a contract of employment but are only on board for a limited time whilst undergoing training.

Shipowners also have duties under these Regulations in respect of seafarers and fishermen.

"Seafarer" means any person, including the master of a ship, who is employed or engaged or works in any capacity on board a ship and whose normal place of work is on board a ship."

"Fisherman" means a person, including the skipper, employed, engaged or working in any capacity on board any fishing vessel, but does not include a person solely engaged as a pilot for the vessel.

Regulation 4

Application
(1) These Regulations shall apply to the use of work equipment by a worker or by the person mentioned in paragraph (6) on United Kingdom ships except when—
(a) the use of work equipment by a worker is on a public service vessel or a vessel engaged in search and rescue; and
(b) characteristics of that use of work equipment inevitably conflict with a provision of these Regulations, and in such a case there shall be a duty on the employer so far as is reasonably practicable to ensure the health and safety of workers when using that work equipment.

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(2) Regulations 4(1), (4) to (6), 13, 14, 24 and 39 to 41 apply in relation to ships other than United Kingdom ships when they are in United Kingdom waters.

(4) The duties imposed by these Regulations on an employer in respect of work equipment shall apply in relation to such equipment provided for use or used by a worker who is an employee of his.

(5) The duties imposed by these Regulations on an employer shall also apply to a self-employed person in respect of work equipment on a ship, which he
(a) provides for use and uses himself, or
(b) provides for use by another person (whether self-employed or not).

(6) In respect of his own use of such equipment on a ship, whether provided by him or not, a self-employed person shall be treated as a worker and shall ensure that the requirements of these Regulations in relation to a worker are met.

(7) These Regulations shall not apply in relation to the activities of a worker which are covered by the Provision and Use of Work Equipment Regulations 1998 or the Provision and Use of Work Equipment (Northern Ireland) Regulations 1999.

(8) The provisions of the Merchant Shipping and Fishing Vessels (Health and Safety at Work) Regulations 1997 shall continue to apply, but without prejudice to any more stringent or specific provisions contained in these Regulations.

Guidance on Regulation 4

1. These Regulations cover the use of all work equipment on UK ships except where such equipment is being used by a seafarer or worker on a public service vessel or a vessel engaged in search and rescue and the way in which such equipment is used conflicts with a provision of these Regulations.

2. For the purposes of these Regulations therefore it is considered that “Public service vessel” will include vessels operated by bodies such as the police, customs and other similar public bodies. It will not however cover vessels providing a service to the public such as ferries and similar vessels.

3. “Vessels engaged in search and rescue” is considered to cover any vessels when engaged in search and rescue activities. However, it should be noted that both these derogations only apply to vessels when actually engaged in such activities such that it is not possibly to comply fully with one or more requirements of these Regulations. Where this is the case such vessels should comply as far as is possible and the shipowner and employer or other person responsible for the work being undertaken must ensure so far as is possible that the health and safety of seafarers and workers is safeguarded. Where the use of the equipment on such a vessel does not conflict with these requirements then these Regulations will apply in full.

4. The following regulations also apply to non-United Kingdom ships, which are in United Kingdom waters.

Regulation 4(1) - Application to Public Service Vessels
Regulation 4(4) to (6) - Application to self-employed persons
Regulation 13 - Dangerous Parts of Work Equipment
Regulation 14 - Electrical Equipment
Regulation 24 - Lighting

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Regulation 39 - Inspection and other measures in respect of ships registered outside the UK
Regulation 40 - Enforcement of Detention
Regulation 41 – Compensation

5.The Provision and Use of Work Equipment Regulations 1998 and the Provision and Use of Work Equipment (Northern Ireland) Regulations 1999 cover the activities of land-based workers. There may be circumstances when persons covered by those Regulations are carrying out work activities on a ship, in which case those Regulations continue to apply.

6. These Regulations apply not only to shipowners and employers and workers but also to any self- employed person carrying out any occupation on board any ship or fishing vessel. Where these Regulations impose a duty on a shipowner and employer that duty also applies to a self-employed person in so far as his occupation affects others on that ship or fishing vessel or in relation to his employment of or responsibility for any workers. Similarly a self-employed person in carrying out any occupation on board any ship or fishing vessel shall have regard to, and comply with, any instructions issued by any shipowner and employer of workers on that ship or fishing vessel to those workers as if that self-employed person were a worker for the purposes of these Regulations.

7. Where on any ship or fishing vessel the crew comprises self-employed persons wholly or in part, the person responsible for the operation of that ship or fishing vessel shall be responsible for compliance with the provisions of these Regulations as if those self-employed persons were workers and shall ensure compliance by those persons as if they were workers for the purposes of these Regulations.

8. The Merchant Shipping and Fishing Vessels (Health and Safety at Work) Regulations 1997 continue to apply fully to all equipment provided for, or used at, work except where more stringent or specific provisions are contained in these new Regulations.

Part 2: Duties of Employers

Regulation 5

Persons on whom duties are imposed
Where a person on whom a duty is imposed by any provision of these Regulations does not have control of the matter to which the provision relates because he does not have responsibility for the operation of the ship, then any duty imposed by that provision shall also extend to any person who has control of that matter.

Guidance on Regulation 5

It is important that those on whom duties are placed are in a position to carry them out. Employment relationships on board ship can be complex – for example the master may not be employed by the owner or operator of the ship, or by the same employer as the crew. There may also be people working on board such as contractors and sub-contractors, stevedoring companies and those under franchising arrangements (e.g. in retail or service outlets) whose employer has no direct responsibility for the safety of the ship. There is therefore no single “person” on whom it is appropriate to place the entire “employment” responsibility for health and safety on board.

More detailed information on employment relationships and the responsibilities of the various employers is contained in Marine Guidance Note MGN 636(M) amendment Amendment 4

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which provides guidance on the requirements of the Merchant Shipping and Fishing Vessel (Health and Safety at Work) Regulations 1997, on which these Regulations build.

Regulation 6

Suitability of work equipment
(1) The employer shall ensure that the work equipment made available to workers on the ship may be used by workers without impairment to their health or safety, and is-
(a) is suitable for the work to be carried out, or
(b) is properly adapted for that purpose, and

(2) In selecting work equipment, every employer shall have regard to the working conditions and characteristics and to the risks to the health and safety of workers which exist in the particular ship where that equipment is to be used and any additional risk posed by the use of that work equipment.

(3) The employer shall ensure that work equipment is used only for operations, and under conditions, for which it is suitable.

(4) In this regulation, “suitable” means suitable in any respect which it is reasonably foreseeable will affect the health and safety of any worker.

(5) In this regulation, the duty to ensure work equipment can be used without impairment to health or safety includes ensuring that the working posture and position are consistent with ergonomic principles.

Guidance on Regulation 6

All work equipment provided for use by seafarers and workers on ships must be safe and fit for purpose.

In selecting the work equipment to be used consideration must be given to the type of work to be undertaken and the conditions under which it will be carried out.

Selection of equipment should also take account of the working posture and position of the user, whilst using the work equipment, to ensure it is consistent with ergonomic principles. Account must also be taken of any additional risks to health and safety which could arise from the use of a particular piece of equipment in the specific ship as such risks could vary between individual ships or types of ships. For example, equipment that is safe to use on a general cargo vessel may not be safe for use on an oil or gas tanker.

Regulation 7

Maintenance
(1) The employer shall ensure that work equipment is maintained in an efficient state, in efficient working order and in good repair.

(2) The employer shall ensure that where any machinery has a maintenance log, the log is kept up to date.

Guidance on Regulation 7

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All work equipment must be maintained properly, and any maintenance log must be kept up to date.

Regulation 8

Inspection
(1) The employer shall ensure that, where the safety of work equipment depends on the installation conditions, it is inspected by a competent person –
(a) after installation and before being put into service for the first time; or
(b) after assembly at a new site or in a new location, to ensure that it has been installed correctly, in accordance with any manufacturer's instructions, and is both safe to operate and capable of operating safely.

(2) The employer shall ensure that work equipment exposed to conditions causing deterioration which is liable to result in dangerous situations is inspected by a competent person –
(a) at suitable intervals; and
(b) each time that exceptional circumstances which are liable to jeopardise the safety of work equipment have occurred, to ensure that health and safety conditions are maintained and that any deterioration can be detected and remedied in good time.

(3) In sub-paragraph (2)(b), "exceptional circumstances" shall include modification work, accidents, natural phenomena and prolonged periods of inactivity.

(4) The employer shall ensure that the result of an inspection made under this regulation is recorded, retained and readily available for inspection until the next inspection has been made and recorded.

(5) The employer shall ensure that no work equipment –
(a) if obtained from on board the ship, is used outside the ship, or
(b) if obtained from outside the ship, is used in the ship, unless it is accompanied by evidence that the last inspection required to be carried out under this regulation has been carried out.

(6) In paragraph (5) "used outside the ship" means both –
(a) used anywhere outside the ship (including on board another ship); and
(b) operated by workers who are employed by another person.

(7) This regulation does not apply to work equipment used for lifting loads, including persons.

(8) In relation to an inspection under this regulation, "inspection"—
(a) means such visual or more rigorous inspection by a competent person as is appropriate for the purpose described;
(b) where it is appropriate to carry out testing for the purpose, includes testing the nature and extent of which are appropriate for that purpose.

Guidance on Regulation 8

1. Where the safety of work equipment depends on the installation conditions, it must be inspected by a competent person after installation and before being put into service for the first time, or after assembly at a new site or in a new location, to ensure that it has been installed correctly and is safe to use. Such inspections should cover factors such as the standard of welding or other fixing and materials used, and the strength of any part of the ship to which it is attached and which supports it. It is also recommended that such work equipment is re-inspected at regular intervals, not exceeding 5 years, or more frequently if so

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recommended in the manufacturer's inspection data, to ensure that no subsequent deterioration in its installation has occurred. Any work equipment exposed to conditions causing deterioration which is liable to result in dangerous situations must be inspected by a competent person at suitable intervals and any necessary remedial action taken to ensure its continuing safety.

2. The results of all inspections are to be recorded and all such records are to be retained, readily available for inspection, until such time as a further inspection has been undertaken and recorded.

3. Where any ship's work equipment is to be used outside the ship, or work equipment from outside the ship is obtained for use on the ship, it must be accompanied by evidence that the last inspection required to be carried out under these Regulations has actually been carried out. In this context "used outside the ship" means both used on the quayside, dock or jetty or on board another ship; and/or operated by seafarers or workers who are employed by another person. The 2027 Regulations removed the requirement in this regulation for 'physical' evidence, allowing for digital evidence to be provided where appropriate.

4. Any work equipment used for lifting loads, including personnel, comes under the Merchant Shipping and Fishing Vessels (Lifting Operations and Lifting Equipment) Regulations 2006, which set out specific requirements for the "inspection", "testing" and "thorough examination" of such lifting equipment.

5. In the context of this regulation "inspection" means the carrying out of such visual or more rigorous inspection by a competent person as will meet the specific requirements of this regulation. In addition "inspection" may, where considered appropriate, include such testing, the nature and extent of which are to be determined by the shipowner and employer and/or competent person, as is considered appropriate to meet the requirements of this regulation.

Regulation 9

Specific risks
(1) Where the use of work equipment is likely to involve a specific risk to health or safety, the employer shall ensure that –
(a) the work equipment is used only by those persons given the task of using it; and
(b) any repair, modifications, maintenance or servicing of that work equipment is carried out only by those persons who have been specifically designated to perform operations of that description (whether or not also authorised to perform other operations).

(2) The employer shall ensure that the persons designated for the purposes of sub-paragraph (b) of paragraph (1) have received adequate training related to any operations in respect of which they have been so designated.

Guidance on Regulation 9

1. Where a specific risk to health or safety is identified with regard to the use of a particular item of work equipment, its use and any repairs, modifications, or maintenance must only be carried out by persons who have been specifically designated to perform the particular task.

2. Those designated must have been provided with adequate training before they may undertake any such operations. Such training may have been given previously as a result of the seafarer's or worker's overall training for the position currently held or may have been provided by other qualified persons on board or ashore including by the manufacturer of the

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equipment. It is the responsibility of the shipowner and employer to ensure that such training is provided and is adequate for the duty to be undertaken.

Regulation 10

Information and instructions

(1) The employer shall ensure that all workers who use work equipment have available to them adequate health and safety information and, where appropriate, written instructions pertaining to the use of that work equipment.

(2) For the purposes of paragraph (1) the employer shall ensure that any person who supervises or manages the use of work equipment is provided with adequate health and safety information and, where appropriate, written instructions pertaining to the use of that work equipment.

(3) Without prejudice to the generality of paragraphs (1) and (2), the information and instructions required by either of those paragraphs shall include information and, where appropriate, written instructions on –
(a) the conditions in which, and the methods by which, the work equipment may be used;
(b) foreseeable abnormal situations and the actions to be taken if such a situation were to occur; and
(c) any conclusions to be drawn from experience in using the work equipment.

(4) The employer shall ensure that every worker is made aware of—
(a) any dangers relevant to him;
(b) work equipment present in the work area or site; and
(c) any changes affecting him, in as much as those changes affect work equipment situated in his immediate work area or site, even if he does not use such equipment directly.

(5) Information and instructions required by this regulation shall be readily available and comprehensible to a worker who is, or may be, about to use the work equipment and to any worker supervising or managing him.

Guidance on Regulation 10

All seafarers and workers who use items of work equipment, and any managers or supervisors, are required to have access to all necessary health and safety information and written instructions relating to the use of the equipment. These should be in an easily understood form and should include information and, where appropriate, written instructions on the conditions in which the work equipment may be used and its method of use; foreseeable abnormal situations and the action to be taken if such a situation occurs; and information on any conclusions drawn from previous experience of using that work equipment. Where persons likely to use the equipment do not understand the language in which such information and instructions are provided, the shipowner and employer should ensure that information/instructions are provided in a language that the person does understand.

Regulation 11

Training

(1) The employer shall ensure –

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(a) that all workers who use work equipment have received adequate training for the purposes of health and safety, including training in the methods which may be adopted when using the work equipment, any risks which such use may entail and precautions to be taken; and
(b) that specifically designated persons carrying out a function referred to in regulation 9(1) have received adequate training for that specific function.

(2) For the purposes of paragraph (1) the employer shall ensure that any person who supervises or manages the use of work equipment has received adequate training for purposes of health and safety, including training in the methods which may be adopted when using the work equipment, the risks which such use may entail and precautions to be taken, and where applicable training specific to a function referred to in regulation 9(1)(b).

Guidance on Regulation 11

The shipowner and employer is required to ensure that all seafarers and workers who use work equipment, or who supervise its use have received adequate training. Such training should cover the method of use of the equipment, any risks which may arise from its use and any precautions to be taken. It is the responsibility of the shipowner and employer to decide the level of training required and how it is to be provided e.g. in-house or by representatives of the manufacturer.

Similarly the shipowner and employer is to ensure that all seafarers and workers specifically designated to carry out repairs, modifications, maintenance or servicing to work equipment, or who supervise such work, have received adequate training for that purpose where the use of that equipment may involve a specific health and safety risk to the person using it e.g. electrical equipment, mechanical cutting equipment. It is the responsibility of the shipowner and employer to decide the level of training required and how it is to be provided e.g. in-house or by representatives of the manufacturer.

In accordance with the International Safety Management (ISM) Code for Merchant Shipping, all such training should be recorded and indicate when full competence is achieved.

Regulation 12

Conformity with essential requirements
(1) The employer shall ensure that an item of work equipment conforms at all times with any essential requirements, other than requirements which, at the time of its being first supplied or put into service on a ship to which these Regulations apply, did not apply to work equipment of its type.

(2) In this regulation “essential requirements”, in relation to an item of work equipment, means requirements relating to the design and construction of work equipment of its type in any of the instruments listed in the Schedule (being instruments concerning the safety of products).

(3) Work equipment which carries a conformity marking required by an instrument listed in the Schedule shall be taken to comply with the essential requirements applicable to that equipment under that instrument, provided that the conformity marking is relevant to the purpose for which the equipment is used.

(4) In paragraph (3), reference to a conformity marking shall include the marking for an alternative standard which provides, in use, equivalent levels of safety, suitability and fitness for purpose.

(5) In this regulation “conformity marking” means a marking required or permitted to

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be affixed to an item of work equipment by a manufacturer indicating conformity with an applicable essential requirement.

Guidance on Regulation 12

The 2027 Regulations updated Regulation 12 to replace references to Community requirements and CE marking with references to "essential requirements" and "conformity marking". The essential requirements are contained in the instruments listed in the Schedule. Where work equipment bears a conformity marking required by one of those instruments, it will generally be presumed to comply with the applicable essential requirements, provided that the marking is relevant to the purpose for which the equipment is being used. Depending on the legislation concerned, conformity markings may include CE marking, UKCA marking or other sector-specific markings. Equipment conforming to alternative standards that provide equivalent levels of safety, suitability and fitness for purpose remains acceptable under Regulation 12.

The 2027 Regulations removed reference to CE marking and community directives that were relevant only when the UK was part of the European Union. The term CE marking has been substituted for the new term ‘conformity marking’ which is intended to capture all types of conformity markings currently provided for under the instruments listed in the Schedule including CE marking, UKCA marking and, where applicable, the Marine Equipment Wheelmark.

The relevant product safety legislation should be read to determine which conformity marking should be present. Further guidance can be found here: UK law on the design and supply of products - HSE.

Regulation 13

Dangerous parts of work equipment
(1) The employer shall ensure that every dangerous part of the ship’s work equipment is provided with guards or protection devices to prevent access to danger zones or to halt movements of dangerous parts before the danger zones are reached.

(2) The employer shall ensure that all guards and protection devices provided in pursuance of these Regulations:
(a) are of substantial construction and properly maintained;
(b) do not give rise to any additional hazard;
(c) are not easily removed, by-passed or disabled;
(d) are situated at a sufficient distance from the danger zone;
(e) do not restrict the view of the operating cycle of the equipment more than is necessary;
(f) are so constructed or adapted that they allow operations necessary to fit or replace parts and for maintenance work, restricting access so that it is allowed only to the area where the work is to be carried out and, if possible, without having to dismantle the guard or protection device.

(3) In this regulation, “danger zone” means a zone within or around work equipment in which the presence, whether in whole or in part, of any worker would expose him to a risk to his health or safety.

Guidance on Regulation 13

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The shipowner and employer is required to ensure that every dangerous or exposed working part of a ship's work equipment is provided with guards or protection devices as set out in this regulation and that such guards or protection devices are maintained and/or replaced as necessary.

Regulation 14

Electrical Equipment
The employer shall ensure that all ship's electrical equipment and installations are so constructed, installed, operated and maintained that the ship and all workers are protected against electrical hazards.

Guidance on Regulation 14

It is the responsibility of the shipowner and employer to ensure that all electrical equipment and installations on a ship have been constructed and installed, and are operated and maintained, so that the ship, and all seafarers and workers on it are protected against electrical hazards. Isolation and Personal Protective Equipment appropriate to the ship's electrical installation must be carried and supplied as and when required for maintenance procedures.

Regulation 15

Protection against specified hazards
(1) Where a worker using work equipment is exposed to one or more of the hazards specified in paragraph (2), the employer shall ensure that any risk to his health and safety is either prevented by the provision of the appropriate work equipment or protective devices, or, where that is not reasonably practicable, adequately controlled by any appropriate means.

(2) The hazards referred to in paragraph (1) are –
(a) any article or substance falling or being ejected from work equipment;
(b) rupture or disintegration of parts of work equipment;
(c) work equipment catching fire or overheating;
(d) the unintended or premature discharge of any article or of any gas, dust, liquid, vapour or other substance which, in each case, is produced, used or stored in the work equipment;
(e) the unintended or premature explosion of the work equipment or any article or substance produced, used or stored in it; or
(f) work equipment being struck by lightning while being used.

(3) For the purposes of this regulation "adequately" means adequately having regard only to the nature of the hazard and the nature and degree of exposure to the risk.

Guidance on Regulation 15

Where the risk assessment carried out by the shipowner and employer indicates that a seafarer or worker using work equipment could be exposed to one or more of the hazards in paragraph 2 of the regulation, any risk to their health and safety must be prevented, or failing that, adequately controlled.

Regulation 16

High or very low temperature

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The employer shall ensure that work equipment, parts of work equipment and any article or substance produced, used or stored in work equipment which, in each case, is at a high or very low temperature shall have protection where appropriate so as to prevent injury to any worker.

Guidance on Regulation 16

Where any equipment, parts of equipment or anything produced by, used by or stored in such equipment has the potential to burn or scald or cause any other injury to any seafarer or worker by virtue of being at a high or low temperature, the shipowner and employer are required to take steps to prevent injury to any seafarer or worker. Isolation and appropriate Personal Protective Equipment must be supplied and worn.

Regulation 17

Controls for starting or making a significant change in operating conditions
(1) The employer shall ensure that, where appropriate, work equipment is provided with one or more controls for the purpose of –
(a) starting the work equipment (including re-starting after a stoppage for any reason); or
(b) controlling any change in the speed, pressure or other operating conditions of the work equipment where such conditions after the change result in risk to health and safety which is greater than, or of a different nature from, such risk before the change.

(2) Subject to paragraph (3), the employer shall ensure that, where a control is required by paragraph (1), it shall not be possible to perform any operation mentioned in sub-paragraph (a) or (b) of that paragraph, except by deliberate action on such control.

(3) Paragraph (1) shall not apply to re-starting or changing operating conditions as a result of the normal operating cycle of an automatic device.

Guidance on Regulation 17

Where any work equipment contains moving parts or is mobile and, as a result, could constitute a risk to health or safety, the shipowner and employer must ensure that one or more controls for the purposes of starting it and controlling any change in its speed, pressure or other operating conditions are provided. This requirement does not apply to re-starting or changing operating conditions which form part of the normal operating cycle of an automatic device.

Where such a control is required, it must not be possible to start the machine or change its speed, etc other than by deliberate operation of that control.

Regulation 18

Stop controls
(1) The employer shall ensure that, where appropriate, work equipment is provided with one or more readily accessible controls the operation of which will bring the work equipment to a safe condition in a safe manner.

(2) The requirement in paragraph (1) shall include the provision of controls which are capable of bringing the work equipment to a complete stop as well as switching off all sources of energy to, and from, the work equipment.

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(3) Any control required by paragraph (1) shall operate in priority to any control which starts or changes the operating conditions of the work equipment.

Guidance on Regulation 18

Where work equipment contains moving parts or is mobile and could constitute a risk to the health or safety of anybody using it or in the vicinity of it, the shipowner and employer must ensure that one or more readily accessible controls are provided to either bring the work equipment to a stop or otherwise render it safe. It is for the shipowner and employer to decide the form such controls will take but they must be capable of bringing the equipment to a complete stop as well as switching off all sources of energy to, and from, the work equipment.

Any control required by this regulation must override any control required by regulation 17.

Regulation 19

Emergency stop controls
(1) The employer shall ensure that, where appropriate, work equipment is provided with one or more readily accessible emergency stop controls.

(2) Any control required by paragraph (1) shall operate in priority to any control required by regulation 18(1).

Guidance on Regulation 19

Where work equipment contains moving parts or is mobile and could constitute a risk to the health or safety of anybody using it or in the vicinity of it, provision should be made for one or more readily accessible emergency stop controls. Any such control shall override any control required by regulation 18.

Regulation 20

Controls
(1) The employer shall ensure that all controls for work equipment are clearly visible and identifiable, including by appropriate marking where necessary.

(2) Except where necessary, the employer shall ensure that no control for work equipment is in a position where any worker operating the control is exposed to a risk to his health or safety, including any risk as a result of unintentional operation.

(3) The employer shall, so far as is reasonably practicable, ensure that the user of any controls for work equipment can ensure from the position of those controls that no other worker is in a place where he would be exposed to any risk to his health or safety as a result of the starting up or use of the work equipment.

(4) If compliance with the requirement in paragraph (3) is not reasonably practicable, the employer shall ensure that the systems of work are such that no worker is in a place where he would be exposed to any risk to his health or safety as a result of the starting up or use of the work equipment.

(5) The system of work referred to in paragraph (4) may include an audible, visible or other suitable warning device required under regulation 27, which device shall enable all workers affected, or likely to be affected, to know that use of the work equipment is about to start.

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(6) The employer shall take appropriate measures to ensure that any worker who is in a place where he would be exposed to a risk to his health or safety as a result of the starting or stopping of work equipment has sufficient time and suitable means to avoid that risk.

Guidance on Regulation 20

1. All controls for work equipment are to be clearly visible and identifiable, including appropriate marking where considered necessary. Except where there is no other option available, no control is to be in a position where any seafarer or worker operating the control is exposed to a risk to their health and safety, including any risk arising from the unintentional operation of any work equipment.

2. So far as is reasonably practicable, the user of any controls for work equipment should be able to ensure from the control position that no other seafarer or worker will be exposed to any risk to health and safety as a result of the starting up or use of that equipment. Where such an arrangement is not reasonably practicable, then appropriate systems of work must be introduced to ensure that no seafarer or worker is exposed to any risk to their health and safety as a result of the starting up or use of the equipment. Such system of work may include an audible, visible or other suitable warning device required under regulation 27, which will enable all seafarers or workers affected, or likely to be affected, to be aware that use of the equipment is about to start.

3. Appropriate measures must also be taken to ensure that any seafarer or worker who is in a place where they would be exposed to a risk to their health and safety as a result of the starting or stopping of work equipment has sufficient time and suitable means to avoid that risk prior to the starting or stopping of that equipment.

Regulation 21

Control systems
(1) The employer shall ensure that all control systems of work equipment are safe, taking into account any risks to health and safety which might result from damage to, or breakdown of the control system.

(2) Without prejudice to the generality of paragraph (1), a control system is not safe unless-
(a) its operation does not create any increased risk to health or safety;
(b) it ensures, so far as is reasonably practicable, that any fault in or damage to any part of the control system or the loss of supply of any source of energy used by the work equipment cannot result in additional or increased risk to health or safety;
(c) it does not impede the operation of any control required by regulation 18 or 19.

Guidance on Regulation 21

The shipowner and employer is responsible for ensuring that all work equipment control systems are safe and take account of any risks to health and safety, which might result from damage to, or breakdown of, that control system.

Regulation 22

Isolation from sources of energy

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(1) The employer shall ensure that, where appropriate, work equipment is provided with suitable means to isolate it from all its sources of energy.

(2) Without prejudice to the generality of paragraph (1), the means mentioned in that paragraph shall not be suitable unless they are clearly identifiable and readily accessible.

(3) The employer shall take appropriate measures to ensure that re-connection of any energy source to work equipment does not expose any worker using the work equipment to any risk to his health or safety.

Guidance on Regulation 22

1. Where a risk assessment so indicates, work equipment should be provided with a suitable system for isolating it from all its sources of energy. Any isolating system will not be considered suitable unless it is clearly identified and appropriately locked off and indicated in the appropriate "Permit to Work".

2. Suitable measures must also be in place to ensure that re-connection of any energy source to work equipment does not expose the seafarer or worker using the equipment to any risk to their health or safety. Such measures must be identified in the risk assessment and identified on the "Permit to Work".

Regulation 23

Stability of work equipment
The employer shall ensure that work equipment or any part of work equipment is stabilised by clamping or by some other means where necessary for purposes of health or safety.

Guidance on Regulation 23
Where work equipment is of such a design that its safe use depends upon it remaining stable the shipowner and employer must ensure that appropriate measures are taken to ensure it is stabilised by clamping or by some other method. In doing so regard should be had to the potential movement of a ship under all conditions.

Regulation 24

Lighting
The employer shall ensure that suitable and sufficient lighting, which takes account of the operations to be carried out, is provided at any place where a worker uses work equipment.

Guidance on Regulation 24
Lighting in the area where equipment is used is required to be both suitable and of sufficient brightness for the work undertaken.

Regulation 25

Maintenance operations
The employer shall take appropriate measures to ensure that –
(a) work equipment is so constructed or adapted that, so far as is reasonably practicable, maintenance operations which involve a risk to health or safety can be carried out while the work equipment is shut down, and
(b) in other cases, appropriate protection can be provided to avoid exposing the worker carrying them out to a risk to his health or safety.

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Guidance on Regulation 25

Work equipment shall, so far as is reasonably practicable, be constructed or adapted to enable maintenance operations which potentially involve a risk to health or safety to be carried out while the equipment is shut down. If this is not possible, the shipowner and employer must ensure that appropriate protection measures are in place to enable such maintenance operations to be carried out by a seafarer or worker without exposing that seafarer, worker or any other person to any risk to their health or safety.

Regulation 26

Markings
The employer shall ensure that work equipment is marked in a clearly visible manner with any marking appropriate for reasons of health and safety.

Guidance on Regulation 26

Where any markings covering health and/or safety matters are appropriate to the operation of an item of work equipment, the shipowner and employer must ensure that such markings are provided and are applied to the equipment in such a way that they are clearly visible to any person using, or in the vicinity of that equipment. In doing so regard should be had to the provisions of the Merchant Shipping and Fishing Vessels (Safety Signs and Signals) Regulations 2001 as covered in MGN 556(M+F) Amendment 2 and Chapter 9 of the Code of Safe Working Practices for Merchant Seafarers. (It is recognised that the Code of Safe Working Practices for Merchant Seafarers is not relevant to fishing vessels.)

Regulation 27

Warnings
(1) The employer shall ensure that work equipment incorporates any warnings or warning devices which are appropriate for reasons of health and safety.

(2) Without prejudice to the generality of paragraph (1) warnings given by warning devices on work equipment shall not be appropriate unless they are unambiguous, easily perceived and easily understood.

Guidance on Regulation 27
Work equipment should where appropriate include clear and unambiguous warnings or warning devices.

Part 3 : Mobile Work Equipment

Regulation 28

Workers carried on mobile work equipment
(1) The employer shall ensure that no mobile work equipment is used to carry any worker, unless it is -
(a) suitable for that purpose; and
(b) fitted out in such a way as to minimise risks to his safety, including risks from wheels or tracks.

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(2) The employer shall ensure that mobile work equipment which is used to carry any worker is designed to restrict, under the actual conditions of use, the risks arising from the work equipment rolling over.

(3) The design features to restrict the risks referred to in paragraph (2) shall include-
(a) stabilisation of the work equipment to prevent it rolling over; or
(b) a protection structure so that the work equipment cannot fall on its side; or
(c) a structure giving sufficient clearance around the workers being carried if the work equipment can overturn further than that; or
(d) another device which is equally effective in providing protection for the workers being carried.

(4) Where there would otherwise be a risk of any worker being carried by mobile work equipment being crushed by its rolling over, the employer shall ensure that it has a restraining system for him.

(5) This regulation shall not apply to a fork-lift truck having a structure described in paragraph (3)(b) or (c).

Guidance on Regulation 28

Seafarers or workers must not be carried on any mobile work equipment unless that equipment is specifically designed to carry a seafarers or workers and is fitted with appropriate protective measures to minimise risks to their safety, including any risks from wheels or tracks. In addition, mobile work equipment which is used to carry a seafarers or workers must be designed to restrict the risk of it rolling over when being used.

Regulation 29

Overturning of fork-lift trucks
The employer shall ensure that a fork lift truck to which regulation 28(5) refers which carries a worker is adapted or equipped to minimise the risk to safety from its overturning.

Guidance on Regulation 29

The shipowner and employer must ensure that any fork lift truck, to which regulation 27(5) applies and which carries a seafarer or worker is adapted or equipped to minimise the risk to safety from its overturning. In doing so the shipowner and employer should take account of the manner and conditions in which the fork-lift truck is being used.

The operator of a Fork Lift Truck must comply with appropriate safety training received including that relating to the individual type of Fork Lift Truck.

Regulation 30

Use of mobile work equipment
(1) The employer shall ensure that –
(a) no ship's powered vehicle or powered mobile lifting appliance shall be driven in the course of a work activity except by a competent person who is authorised to do so;
(b) where work equipment is moving around in a work area, appropriate traffic rules are drawn up and followed for the safety of workers and others;
(c) subject to sub-paragraph (d), workers on foot are, so far as is reasonably practicable, prevented from coming within the area of operation of self-propelled work equipment;

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(d) where work cannot be done properly unless workers on foot are present, appropriate measures are in place to prevent them from being injured by the work equipment.

(2) The employer shall ensure that workers are carried on mechanically driven mobile work equipment only where safe facilities are provided for this purpose.

(3) Where workers are required to work while being carried on mechanically driven mobile work equipment, the employer shall ensure that the speed of the work equipment is adjusted as necessary for the safety of the workers.

(4) The employer shall ensure that mobile work equipment with a combustion engine is not used in working areas, unless sufficient quantities of air can be guaranteed, such that the operation of the combustion engine presents no risk to the health or safety of workers.

Guidance on Regulation 30

This regulation details the safety precautions to be followed where mobile work equipment is to be used on board a ship.

No seafarers or workers are to be carried on mechanically driven mobile work equipment unless the equipment is designed for this purpose. Where seafarers or workers are required to work while being carried on mechanically driven mobile work equipment, the speed of the work equipment must be adjusted accordingly to ensure their safety. Mobile work equipment fitted with combustion engines must not be used in working areas, unless sufficient quantities of air can be guaranteed, such that the operation of the combustion engine presents no risk to the health or safety.

Regulation 31

Self-propelled work equipment
The employer shall ensure that, where self-propelled work equipment involves a risk to the safety of workers and others while in motion -
(a) it has facilities for preventing its being started by an unauthorised person;
(b) it has appropriate facilities for minimising the consequences of a collision where there is more than one item of rail-mounted work equipment in motion at the same time;
(c) it has a device for braking and stopping;
(d) where safety constraints so require, there are emergency facilities operated by a readily accessible control or automatic system for braking and stopping it if the main device fails;
(e) where the driver's direct field of vision is inadequate to ensure safety, there are adequate devices for improving his vision;
(f) if used in the dark -
(i) it is equipped with lighting appropriate to the work to be carried out; and
(ii) is otherwise sufficiently safe for such use;
(g) if it or anything carried or towed by it involves a risk from fire and is liable to injure workers, it carries appropriate fire-fighting appliances, unless such appliances are kept sufficiently close to it.

Guidance on Regulation 31

Where self-propelled work equipment creates or could create a risk to the safety of seafarers, workers and others while in motion, it must be equipped with appropriate safety mechanisms as set out in the regulation. For example, there should be a means such as an ignition key of battery cut-off, for preventing its being started by an unauthorised person.

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Regulation 32

Remote-controlled self-propelled work equipment
The employer shall ensure that, where remote-controlled self-propelled work equipment involves a risk to the safety of workers while in motion –
(a) it stops automatically once it leaves its control range; and
(b) in the case of work equipment which in normal conditions, could involve risk to safety from crushing or other impact, it incorporates features to guard against such risk, unless other appropriate devices are able to do so.

Guidance on Regulation 32

Where remote-controlled self-propelled work equipment could constitute a risk to the safety of seafarers or workers while it is in motion, it must be set up in such a way that it stops automatically once it leaves its control range; and, if appropriate, it should incorporate features to avoid the risk of crushing or other impact.

Regulation 33

Drive units and power take-off shafts
(1) Where the seizure of the drive shaft between mobile work equipment and its accessories or anything towed might create a specific risk, the employer shall -
(a) ensure that the equipment has a means of preventing such seizure; or
(b) where such seizure cannot be avoided, take every possible measure to avoid any adverse effect on a worker.

(2) The employer shall ensure that, where necessary to prevent the drive shaft becoming soiled or damaged by trailing on the ground, a means is provided for safeguarding the shaft.

(3) In paragraph (2) “drive shaft” means the drive shaft for the transmission of energy between mobile items of work equipment.

Guidance on Regulation 33

The risk to seafarers or workers associated with the seizure of the drive unit or power take-off should be prevented or minimised by appropriate measures.

Part 4 : Duty of Workers

Regulation 34

Duty of workers
Without prejudice to the general duties imposed upon him by the Merchant Shipping and Fishing Vessels (Health and Safety at Work) Regulations 1997, every worker while at work shall comply with any instruction or training, provided under regulations 9, 10 or 11.

Guidance on Regulation 34

Although these Regulations are primarily directed towards preventative measures to be undertaken by the shipowner and employer, there is an obligation on every seafarer or worker to comply with any instruction or training, provided under regulations 9, 10 or 11 for the purposes of health and safety. A seafarer or worker must not operate any item of work equipment unless proven competent to do so.

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Part 5: Penalties, offences, inspections and detentions

Regulation 35

Penalties
(1) Any contravention of regulations 6, 7(1), 13, 14, 17 to 21, 25, 28, 29 or 31 to 33, shall be an offence punishable on summary conviction by a fine not exceeding the statutory maximum or on conviction on indictment by imprisonment for a term not exceeding two years or a fine or both.

(2) Any contravention of regulations 7(2), 8 to 12, 15, 16, 22, 26, 27 or 30 shall be an offence punishable on summary conviction by a fine not exceeding level 4 on the standard scale.

(3) Any contravention of regulations 23 or 24 shall be an offence punishable on summary conviction by a fine not exceeding level 3 on the standard scale.

(4) Any contravention of regulation 34 shall be an offence punishable on summary conviction by a fine not exceeding level 2 on the standard scale.

Guidance on Regulation 35

The penalties indicated are the maximum penalties that may be imposed, on summary conviction, or indictment, for failure to comply with the requirements of specific regulations.

Regulation 36

Offences by body corporate and partnerships
(1) Where a body corporate is guilty of an offence under these Regulations and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or a person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, the preceding paragraph shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

(3) Where an offence under these Regulations committed by a Scottish partnership is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner, the partner as well as the partnership shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Guidance on Regulation 36

If the shipowner or employer is a company or partnership, responsibility under these Regulations may rest with more than one person.

Regulation 37

Onus of proving what is reasonably practicable

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In any proceedings for an offence under these Regulations consisting of a failure to comply with a duty or requirement to do something so far as is reasonably practicable, it shall be for the defendant to prove that it was not reasonably practicable to do more than was in fact done to satisfy the duty or requirement.

Guidance on Regulation 37

In proceedings for an offence consisting of a failure to comply with a duty or requirement to do something so far as is reasonably practicable, it will not be for the prosecution to prove that it was possible to do more than was in fact done. The onus will be on the defendant to prove that it was not reasonably practicable to do more than was done to satisfy the duty or requirement.

Regulation 38

Inspection and detention of a United Kingdom ship
(1) A relevant inspector may inspect any United Kingdom ship and, if he is satisfied that there has been a failure to comply in relation to that ship with the requirements of these Regulations, may detain the ship until the health and safety of all workers aboard the ship is secured.

(2) The relevant inspector shall not in the exercise of his powers under this regulation detain or delay the ship unreasonably.

Guidance on Regulation 38

In this context a "UK inspector" means an MCA surveyor or other person appointed by the Secretary of State. If such an Inspector inspects any UK ship and is satisfied that there has been a breach of the requirements of these Regulations, the inspector may detain the ship until the situation has been put right. The Inspector must not detain or delay a ship unreasonably.

Regulation 39

Inspection and other measures in respect of ships registered outside the United Kingdom
(1) A relevant inspector may inspect any ship which is not a United Kingdom ship when the ship is in United Kingdom waters, and if satisfied that the ship does not conform to the standards required of United Kingdom ships by these Regulations, may –
(a) send a report to the government of the country in which the ship is registered, and a copy thereof to the Director General of the International Labour Office; and
(b) where conditions on board are clearly hazardous to health and safety -
(i) take such measures as are necessary to rectify those conditions, or
(ii) detain the ship,
when the ship has called at a United Kingdom port in the normal course of business or for operational reasons.

(2) If either of the measures specified in paragraph (1)(b) is taken, the relevant inspector shall forthwith notify the nearest maritime, consular or diplomatic representative of the State whose flag the ship is entitled to fly.

(3) The relevant inspector shall not in the exercise of his powers under this regulation detain the ship unreasonably.

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Guidance on Regulation 39

A non-UK ship in UK waters in the normal course of business for operational reasons may also be inspected by a UK inspector. This regulation details the steps that the inspector may take if satisfied that the ship does not meet the standards required of UK ships by these Regulations.

Regulation 40

Enforcement of detention
Where a ship is liable to be detained under these Regulations, section 284 (1) to (5) and (8) of the Act (which relates to the detention of a ship) shall apply as if for the words "this Act", wherever they appear, there were substituted "the Merchant Shipping and Fishing Vessels (Provision and Use of Work Equipment) Regulations 2006".

Guidance on Regulation 40

Section 284 of the Merchant Shipping Act 1995, as amended by the Merchant Shipping and Maritime Security Act 1997, Schedule 1, paragraph 5, specifies those persons who may detain a vessel and prescribes the substantial penalties payable by those involved in a vessel breaking detention.

Regulation 41

Compensation
Sections 96 and 97 of the Act (arbitration and compensation) shall apply in relation to a detention notice or order under these Regulations as they apply to a detention notice under section 95(3) of the Act, and in such application, "relevant inspector" means a person making an inspection under these Regulations.

Guidance on Regulation 41

Section 96 of the Merchant Shipping Act 1995 sets out the conditions under which a detention notice may be referred to arbitration and section 97 provides for the awarding of compensation by an arbitrator in cases where the arbitrator considers the detention to have been unreasonable or unjustified.

Schedule (**Instruments concerning the safety of products)**
The Merchant Shipping and Fishing Vessels (Personal Protective Equipment) Regulations 1999- SI 1999/2205

The Noise Emission in the Environment by Equipment for Use Outdoors Regulations 2001 SI 2001/1701

The Medical Devices Regulations 2002 SI 2002/618

The Supply of Machinery (Safety) Regulations 2008 SI 2008/1597

The Explosives Regulations 2014- SI 2014/1638

The Pyrotechnic Articles (Safety) Regulations 2015 SI 2015/1553

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Regulation (EU) 2016/425 of the European Parliament and of the Council on personal protective equipment and repealing Council Directive 89/686/EEC- EUR 2016/425

Regulation (EU) 2016/426 of the European Parliament and of the Council of 9 March 2016 on appliances burning gaseous fuels and repealing Directive 2009/142/EC- EUR 2016/426

The Electromagnetic Compatibility Regulations 2016- SI 2016/1091

The Simple Pressure Vessels (Safety) Regulations 2016 S.I. 2016/1092

The Electrical Equipment (Safety) Regulations 2016 S.I. 2016/1101

The Pressure Equipment (Safety) Regulations 2016(c) None S.I. 2016/1105

The Equipment and Protective Systems Intended for Use in Potentially Explosive Atmospheres Regulations 2016 S.I. 2016/1107

The Non-automatic Weighing Instruments Regulations 2016 S.I. 2016/1152

The Measuring Instruments Regulations 2016 S.I. 2016/1153

The Recreational Craft Regulations 2017 S.I. 2017/737

The Radio Equipment Regulations 2017 S.I. 2017/1206

The Gas Appliances (Enforcement) and Miscellaneous Amendments Regulations 2018 S.I. 2018/389

The Personal Protective Equipment (Enforcement) Regulations 2018 S.I. 2018/390

The Merchant Shipping (Marine Equipment) Regulations 2025 S.I. 2025/1280

Guidance on Schedule

The Schedule lists the UK Statutory Instruments which set out the relevant essential requirements for product safety. Where work equipment bears a conformity marking required or permitted by one of the instruments listed in the Schedule, the equipment will generally be presumed to comply with the essential requirements in that instrument, provided that the marking is relevant to the purpose for which the equipment is being used. The 2027 Regulations replaced the previous Schedule (which was relevant to the EU community directives) with a list of instruments concerning the safety of products that may apply to work equipment used on board vessels. These instruments contain the essential requirements referred to in Regulation 12.

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