Draft Regulations laid before Parliament under paragraph 13(1) of Schedule 8 to the European Union (Withdrawal) Act 2018, for approval by a resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2022 No. 0000

MERCHANT SHIPPING

The Merchant Shipping (Safety Standards for Passenger Ships on Domestic Voyages) (Miscellaneous Amendments) Regulations 2022

Made - - - -	*2022*
Coming into force	*2022*

The Secretary of State, in exercise of the powers conferred by sections 85(1), (3)(a), (c), (d), (j) and (l), (5), (6) and (7), 86(1)(a), (b) and (d) and 302(1) of the Merchant Shipping Act 1995(**a**), having consulted the persons referred to in section 86(4) of that Act and with the consent of the Treasury, makes the following Regulations.

In accordance with paragraph 13(1) of Schedule 8 to the European Union (Withdrawal) Act 2018(**b**), a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

Citation, commencement and extent

1. These Regulations—

(a) may be cited as the Merchant Shipping (Safety Standards for Passenger Ships on Domestic Voyages) (Miscellaneous Amendments) Regulations 2022;

(b) come into force on the 22nd day after the day on which they are made;

(c) extend to England and Wales, Scotland and Northern Ireland.

Amendment to the Merchant Shipping (Fire Protection: Small Ships) Regulations 1998

2.—(1) The Merchant Shipping (Fire Protection: Small Ships) Regulations 1998(**c**) are amended as follows.

(2) In regulation 1 (citation, commencement, interpretation and application)—

(**a**) 1995 c. 21; sections 85 and 86 were amended by the Merchant Shipping and Maritime Security Act 1997 (c. 28), sections 8 and 29(2) and Schedule 7. Section 85 was amended by the British Overseas Territories Act 2002 (c. 8), section 2(3). There are other amendments not relevant to these Regulations.

(**b**) 2018 c. 16. Paragraph 13(1) was amended by the European Union (Withdrawal Agreement) Act 2020 (c. 1), Schedule 5, paragraph 54.

(**c**) S.I. 1998/1011, amended by S.I. 2000/2687 and S.I. 2016/1025. There are other amendments not relevant to these Regulations.

(a) in paragraph (2), in the definition of "approved", after "arrangement", insert ", other than the equipment and arrangements to which regulations 5A and 8A apply,";

(b) after paragraph (8), insert—

"(9) The amendments made to these Regulations by regulation 2(3) to (10) of the Merchant Shipping (Safety Standards for Passenger Ships on Domestic Voyages) (Miscellaneous Amendments) Regulations 2022(**a**) do not apply to a ship until the date of that ship's first survey after the second anniversary of the date on which those Regulations came into force.

(10) For the purposes of paragraph (9), "survey" means the ship's renewal survey as required by regulation 6(3)(b) of the Merchant Shipping (Survey and Certification) Regulations 2015(**b**).".

(3) After regulation 5 (machinery spaces of Category A and spaces containing oil fuel settling tanks) insert—

"Ships of Classes III, IV, V, VI and VI(A)

Fire detection

5A.—(1) Subject to regulation 1(9) (application), this regulation applies to every ship in Classes III, IV, V, VI and VI(A).

(2) Any unmanned machinery space which is located underdeck, or which is not situated at the control position, shall be fitted with a fixed fully addressable fire detection system comprising smoke or heat detectors which will, when activated, give an audible and visual alarm at the control position.

(3) Any passenger sleeping accommodation shall be fitted with a fixed fully addressable fire detection system comprising smoke or heat detectors which will, when activated, give an audible and visual alarm at the control position, installed and arranged to detect the presence of fire in that space and in the corridors, stairways and escape routes associated with such space.

(4) The fire detection systems required by paragraphs (2) and (3) shall be subject to the approval of the Secretary of State.

(5) For the purposes of paragraph (2), "control position" means the area from which the command and navigation of the ship is carried out.

(6) For the purposes of paragraph (3), "fully addressable fire detection system" means a system with the capability to identify the exact location of the fire and the type of the detector.".

(4) In regulation 8(1) (machinery spaces of category A)—

(a) at the beginning, insert "Subject to regulation 1(9) (application),";

(b) omit "of 21.34 metres in length or over".

(5) After regulation 8 insert—

"**Machinery spaces other than Category A**

8A.—(1) Subject to regulation 1(9) (application) and paragraph (2), in every passenger ship to which regulation 8 does not apply there shall be provided for the protection of any machinery space at least one of the following fixed fire-extinguishing systems—

(a) a fixed pressure water-spraying system;

(b) a fixed gas fire-extinguishing system;

(c) a high expansion foam system;

(**a**) S.I. 2022/XXXX.
(**b**) S.I. 2015/508, amended by S.I. 2018/53, S.I. 2018/1221 and S.I. 2022/41.

(d) for ships built before 25th May 1980, a foam fire-extinguishing system; or

(e) any other type of fixed fire-extinguishing system approved by the Secretary of State.

(2) In a ship of less than 24 metres in length where machinery spaces consist of machinery covered by a boxed housing, the requirement in paragraph (1) may be satisfied by the provision of a fixed fire-extinguishing system that may comprise an approved portable extinguisher (of a suitable size and type for the space being protected) permanently attached to that housing and available to discharge into that space.

(3) Where paragraph (2) applies, the arrangement for fire-extinguishing shall be subject to the approval of the Secretary of State.".

(6) In regulation 10 (ships of class III of less than 21.34 metres in length), for "Regulations 3, 4 and 5" substitute "Subject to regulation 1(9) (application), regulations 3 and 4".

(7) In regulation 11 (ships of class IV of 21.34 metres in length or over)—

(a) for "Regulations 6, 7 and 8" substitute "Subject to regulation 1(9) (application), regulations 6, 7, 8 and 8A";

(b) omit ", except that for ships constructed before 25th May 1980 the requirements in regulation 8(1) shall not apply".

(8) In regulation 12 (ships of class IV of less than 21.34 metres in length), for "Regulations 3, 4 and 5" substitute "Subject to regulation 1(9) (application), regulations 4, 8 and 8A".

(9) In regulation 13 (fully-decked ships)—

(a) in paragraph (1), for "Regulations 6, 7 and 8" substitute "Subject to regulation 1(9) (application), regulations 6, 7, 8 and 8A";

(b) in paragraph (2), for "Regulations 3, 4 and 5" substitute "Subject to regulation 1(9) (application), regulations 3, 4, 8 and 8A".

(10) In regulation 15 (fully-decked ships)—

(a) in paragraph (1), for "Regulations 6, 7 and 8" substitute "Subject to regulation 1(9) (application), regulations 6, 7, 8 and 8A";

(b) in paragraph (2), for "Regulations 3, 4 and 5" substitute "Subject to regulation 1(9) (application), regulations 3, 4, 8 and 8A".

Amendment to the Merchant Shipping (Passenger Ship Construction: Ships of Classes III to VI(A)) Regulations 1998

3.—(1) The Merchant Shipping (Passenger Ship Construction: Ships of Classes III to VI(A)) Regulations 1998(**a**) are amended as follows.

(2) In regulation 2(1) (interpretation)—

(a) in the definition of "every other ship", after "means" insert ", subject to regulation 3B(2),";

(b) in the definition of "factor of subdivision", after "means" insert ", subject to regulation 3B(2),".

(3) After regulation 3A insert—

"**3B.**—(1) The amendments made to these Regulations by regulation 3(4) to (8) of the Merchant Shipping (Safety Standards for Passenger Ships on Domestic Voyages) (Miscellaneous Amendments) Regulations 2022 do not apply to a ship until the date of that ship's first survey after the second anniversary of the date on which those Regulations came into force.

(**a**) S.I. 1998/2515, amended by S.I. 2000/2687 and S.I. 2001/1638. There are other amendments not relevant to these Regulations.

(2) The amendments made to Merchant Shipping Notice 1699 (M) by Amendment 3 do not apply to a ship until the date of that ship's first survey after the anniversary specified in paragraph (1).

(3) For the purposes of paragraphs (1) and (2), "survey" means the ship's renewal survey as required by regulation 6(3)(b) of the Merchant Shipping (Survey and Certification) Regulations 2015.".

(4) In regulation 32 (standard of survivability), at the beginning insert "Subject to regulation 3B(2) (application),".

(5) In regulation 40 (general), in paragraph (2), for "4(3)" substitute "5(3)".

(6) In regulation 41 (number and type of bilge pumps), at the beginning insert "Subject to regulation 3B(2) (application),".

(7) In regulation 42 (requirements for bilge pumps and bilge suctions), at the beginning insert "Subject to regulation 3B(2) (application),".

(8) After regulation 42 insert—

"**Requirement for bilge alarms**

42A.—(1) Subject to regulation 3B, every ship shall be fitted, at each of the locations listed in paragraph (2), with an alarm capable of detecting the presence of water in the bilges ("bilge alarm") in accordance with Schedule 6 to Merchant Shipping Notice 1699 (M)(**a**).

(2) The locations are—

(a) any machinery space; and

(b) any other space where water in the bilges is likely to accumulate.

(3) A bilge alarm fitted to meet the requirements of this regulation shall include—

(a) an audible, and a separate visual, warning at the control position for each space in which an alarm is fitted; and

(b) an audible alarm which, once activated, continues to sound until it is acknowledged by positive action and shall not automatically cease sounding of its own accord.

(4) For the purposes of paragraph (3), "control position" means the area from which the command and navigation of the ship is carried out.".

Amendment to the Merchant Shipping (Life-Saving Appliances For Passenger Ships Of Classes III To VI(A)) Regulations 1999

4.—(1) The Merchant Shipping (Life-Saving Appliances For Passenger Ships Of Classes III To VI(A)) Regulations 1999(**b**) are amended as follows.

(2) In regulation 4 (application and exemptions)—

(a) in paragraph (1), for "regulation 4A", substitute "regulations 4A and 4B";

(b) at the beginning of paragraph (3), insert "Subject to paragraph (5),";

(c) after paragraph (4), insert–

"(5) Where an application is made for an exemption under paragraph (3)—

(a) for a period commencing from the date of the ship's first survey after the second anniversary of the date on which the Merchant Shipping (Safety Standards for

(**a**) MSN 1699 is available on gov.uk and a copy can be inspected free of charge by appointment at the Maritime & Coastguard Agency of Spring Place, 105 Commercial Road, Southampton SO15 1EG.

(**b**) S.I. 1999/2723, amended by S.I. 2000/2687 and S.I. 2001/2642. There are other amendments not relevant to these Regulations.

Passenger Ships on Domestic Voyages) (Miscellaneous Amendments) Regulations 2022 came into force, and

(b) which relates to amendments made under those Regulations,

the Secretary of State may grant an exemption under paragraph (3) without it being subject to the conditions and limitations specified in paragraph (3)(b).".

(3) After regulation 4A insert—

"**4B.**—(1) The amendments made to these Regulations by regulation 4(4) to (12) of the Merchant Shipping (Safety Standards for Passenger Ships on Domestic Voyages) (Miscellaneous Amendments) Regulations 2022 do not apply to a ship until the date of that ship's first survey after the anniversary specified in regulation 4(5)(a).

(2) For the purposes of paragraph (1), "survey" means the ship's renewal survey as required by regulation 6(3)(b) of the Merchant Shipping (Survey and Certification) Regulations 2015.".

(4) In regulation 6(2) (ships of class IV)—

(a) at the beginning, insert "Subject to regulation 4B(1) (application),";

(b) in column (5) of the table—

(i) for "70", in both places it occurs, substitute "100", and

(ii) for "40", in both places it occurs, substitute "10".

(5) In regulation 6(6)—

(a) at the beginning, insert "Subject to regulation 4B(1) (application),";

(b) in sub-paragraph (c), after "for each such person on board", in the second place it occurs, insert—

", and each such lifejacket shall be fitted with an automatically activated light which is of a type that complies with the requirements of either paragraph 2.2.3 of the Life Saving Appliances Code(**a**) or paragraph 5.8 of Part 8 of ISO 12402(**b**), or is approved under the Merchant Shipping (Marine Equipment) Regulations 2016(**c**)".

(6) In regulation 7(1) (ships of class V), at the beginning, insert "Subject to regulation 4B(1) (application),".

(7) In regulation 7(4)(a), at the end of the table, in the paragraph beginning "*The Buoyant Apparatus", omit the words up to a maximum of 60 per cent of the vessel's buoyant apparatus requirement".

(8) In regulation 7(6) (ships of class V), before sub-paragraph (a) insert—

"(za) subject to regulation 4B(1) (application), for each person on board one of the following—

(i) a lifejacket suitable for a person weighing 32 kilogrammes or more;

(ii) a lifejacket suitable for a person weighing less than 32 kilogrammes for each such person on board;

(iii) a buoyancy aid suitable for a person weighing 32 kilogrammes or more, and a buoyancy aid suitable for a person weighing less than 32 kilogrammes;

(**a**) The Life Saving Appliances Code was incorporated into the International Convention for the Safety of Life at Sea, 1974, Chapter III (life-saving appliances) by International Maritime Organization Resolution MSC.81(70) (Cmnd. 7874). A copy of the Convention and Resolution MSC.81(70) can be obtained from the International Maritime Organization of 4 Albert Embankment, London, SE1 7SR or inspected free of charge at the Maritime & Coastguard Agency of Spring Place, 105 Commercial Road, Southampton SO15 1EG.

(**b**) ISO 12402 is the standard set by the International Organization for Standardization for personal flotation devices and can be purchased from https://www.iso.org/home.html. A copy can be inspected free of charge by appointment at the Maritime & Coastguard Agency of Spring Place, 105 Commercial Road, Southampton SO15 1EG.

(**c**) S.I. 2016/1025, amended by S.I. 2019/470 and S.I. 2019/1304.

(iv) a lifejacket complying with either British Standard Specifications EN 394:1994 and 396:1994(**a**) or ISO 12402-3 and ISO 12402-5, provided such lifejackets do not depend wholly upon oral inflation. Lifejackets of the partially inherently buoyant type for persons weighing 32 kilogrammes or more shall have buoyancy in the uninflated state of not less than 89 Newtons; or

(v) an inflatable Civil Aviation Authority lifejacket which complies with Part 5 of Schedule 9;".

(9) In regulation 7(8)(a) (ships of class V)—

(a) at the beginning, insert "Subject to regulation 4B(1) (application),";

(b) in the table–

(i) in column (4), rows i, ii, v and vi, for "liferafts or open reversible liferafts OR" substitute "lifeboats, liferafts or open reversible liferafts AND"; and

(ii) in column (5)—

(aa) with the exception of rows ii, vi, vii, x and xiii, for the first number in each row substitute "100"; and

(bb) with the exception of rows vii, x and xiii, for the second number in each row substitute "10";

(iii) at the end of the table, in the paragraph beginning "*The buoyant apparatus", omit the words "up to a maximum of 60 per cent of the vessel's buoyant apparatus requirement".

(10) After regulation 7(10)(ships of class V) insert—

"(10A) Subject to regulation 4B(1) (application), each lifejacket or buoyancy aid carried in accordance with paragraph (10)(c) shall be fitted with an automatically activated light of a type that complies with either paragraph 2.2.3 of the Life Saving Appliances Code or paragraph 5.8 of Part 8 of ISO 12402, or is approved under the Merchant Shipping (Marine Equipment) Regulations 2016.".

(11) In regulation 8(2)(a) (ships of class VI)—

(a) at the beginning, insert "Subject to regulation 4B(1) (application)";

(b) for the table substitute—

"*(1)* *Type of ship*	*(2)* *Number of passengers ship is certified to carry*	*(3)* *Standard of survivability ship complies with*	*(4)* *Life-Saving Appliances (LSA)*	*(5)* *Minimum aggregate percentage of LSA for the total number of persons the ship is certified to carry*
i New passenger ship	Not more than 100	Table 1, (14) (one-compartment standard) OR Table 1, (15) (Buoyancy Test)	+Lifeboats, liferafts or open reversible liferafts AND *buoyant apparatus	100 10

(**a**) British Standard Specifications EN 394:1994 and EN 396:1994 can be purchased from the British Standards Institution on https://shop.bsigroup.com/ProductDetail/?pid=000000000001561505. A copy can be inspected free of charge by appointment at the Maritime & Coastguard Agency of Spring Place, 105 Commercial Road, Southampton SO15 1EG.

ii New passenger ship	More than 100 but not more than 250	Table 1, (15) (one-compartment standard)	+Lifeboats, liferafts or open reversible liferafts AND *buoyant apparatus	100 10
iii Existing passenger ship	Not more than 100	Table 2, (26) (one-compartment ship) OR Table 2, (27) (Buoyancy Test)	+Lifeboats, liferafts or open reversible liferafts AND *buoyant apparatus	100 10
iv Existing passenger ship	Not more than 100	Table 2, (27) (Heel test)	+Lifeboats, liferafts or open reversible liferafts AND *buoyant apparatus	100 10
v Existing passenger ship	More than 100 but not more than 250	Table 2, (28) (one-compartment standard) OR Table 2, (28) (Buoyancy Test)	+Lifeboats, liferafts or open reversible liferafts AND *buoyant apparatus	100 10

*The buoyant apparatus shown in columns (4) and (5) may be substituted by lifebuoys, with each such lifebuoy being suitable to support two persons.

+Lifeboats, where fitted, shall be served by their own launching appliances and be capable of launching and recovery. ".

(12) In regulation 8(3)(a)—

(a) at the beginning, insert "Subject to regulation 4B(1) (application)";

(b) for the table substitute–

"*(1)* *Type of ship*	*(2)* *Number of passengers ship is certified to carry*	*(3)* *Standard of survivability ship complies with*	*(4)* *Life-Saving Appliances (LSA)*	*(5)* *Minimum aggregate percentage of LSA for the total number of persons the ship is certified to carry*
i New passenger ship	Not more than 250	Table 1, (16) (one-compartment standard)	+Lifeboats, liferafts or open reversible liferafts AND *buoyant apparatus	100 10
ii Existing passenger ship	Not more than 250	Table 2, (29) (one-	+Lifeboats, liferafts or open	100

		compartment standard) OR Table 2, (29) (Buoyancy Test)	reversible liferafts AND *buoyant apparatus	10
iii Existing passenger ship	Not more than 250	Table 2, (30) (Heel Test)	+Lifeboats, liferafts or open reversible liferafts AND *buoyant apparatus	100 10

*The buoyant apparatus shown in columns (4) and (5) may be substituted by lifebuoys, with each such lifebuoy being suitable to support two persons.

+Lifeboats, where fitted, shall be served by their own launching appliances and be capable of launching and recovery. ".

Amendment to the Merchant Shipping (Fees) Regulations 2018

5.—(1) The Merchant Shipping (Fees) Regulations 2018(**a**) are amended as follows.

(2) In Schedule 1 (fees under the Merchant Shipping Act 1995), in Part 1 (surveys, inspections and applications for exemption), in paragraph 5 (fees for inspections, etc.), in the table—

(a) in section E (fire and life-saving), in respect of the entries for each of—

(i) the Merchant Shipping (Fire Protection: Small Ships) Regulations 1998, and

(ii) the Merchant Shipping (Life-Saving Appliances For Passenger Ships Of Classes III To VI(A)) Regulations 1999,

in the third column, at the end, insert "2022/XXXX";

(b) in section I (construction and equipment), in respect of the entry for the Merchant Shipping (Passenger Ship Construction: Ships of Classes III to VI(A)) Regulations 1998, in the third column, at the end, insert "2022/XXXX".

Review

6.—(1) The Secretary of State must from time to time—

(a) carry out a review of the regulatory provisions contained in these Regulations, and

(b) publish a report setting out the conclusions of the review.

(2) The first report must be published before the fifth anniversary of the date on which these Regulations come into force.

(3) Subsequent reports must be published at intervals not exceeding five years.

(4) Section 30(4) of the Small Business, Enterprise and Employment Act 2015(**b**) requires that a report published under this regulation must, in particular—

(a) set out the objectives intended to be achieved by the regulatory provisions referred to in paragraph (1)(a),

(b) assess the extent to which those objectives are achieved,

(c) assess whether those objectives remain appropriate, and

(d) if those objectives remain appropriate, assess the extent to which they could be achieved in another way which involves less onerous regulatory provision.

(**a**) S.I. 2018/1104, to which there are amendments not relevant to these Regulations.

(**b**) 2015 c. 26. Section 30(3) was amended by the Enterprise Act 2016 (c. 12), section 19 and the European Union (Withdrawal) Act 2018 (c. 16), Schedule 8, Part 2, paragraph 36.

(5) In this regulation, "regulatory provision" has the same meaning as in sections 28 to 32 of the Small Business, Enterprise and Employment Act 2015 (see section 32 of that Act).

Signed by authority of the Secretary of State for Transport

Name
Parliamentary Under Secretary of State
Date Department for Transport

We consent to the making of these Regulations

Names
Date Two of the Lords Commissioners of Her Majesty's Treasury

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend three instruments. Regulation 2 amends the Merchant Shipping (Fire Protection: Small Ships) Regulations 1998 (S.I. 1998/1011), regulation 3 amends the Merchant Shipping (Passenger Ship Construction: Ships of Classes III to VI(A) Regulations 1998 (S.I. 1998/2515), and regulation 4 amends the Merchant Shipping (Life-Saving Appliances for Passenger Ships of Classes III to VI(A)) Regulations 1999 (S.I. 1999/2723).

These Regulations implement the findings of a review into safety standards for older passenger ships which operate domestically and, so far as practicable, bring the safety standards of these older vessels up to the standards of new vessels. The Regulations apply to domestic passenger ships. In relation to the Merchant Shipping (Fire Protection: Small Ships) Regulations 1998 and the Merchant Shipping (Life-Saving Appliances for Passenger Ships of Classes III to VI(A)) Regulations 1999, the amendments to these instruments also apply to non-United Kingdom ships in United Kingdom waters.

The Merchant Shipping (Passenger Ship Construction: Ships of Classes III to VI(A)) Regulations 1998 are supplemented by an updated Merchant Shipping Notice (MSN 1699, Amendment 3) containing further technical detail, and which is made mandatory by way of the reference to it in those Regulations. This MSN is available from the Maritime & Coastguard Agency (MCA) of Spring Place, 105 Commercial Road, Southampton SO15 1EG or can be found on www.gov.uk.

Provision for the postponement of compliance with the updated requirements in each instrument and in MSN 1699, Amendment 3, is included in each instrument. Compliance with the updated requirements must be achieved by the date of the first passenger ship renewal survey after the second anniversary of the date on which these Regulations come into force, unless an exemption from the requirements of the regulations is granted by the Secretary of State pursuant to the relevant power to exempt in each instrument. In practice, this will require the Secretary of State to be satisfied that there is an appropriate implementation plan in place to ensure later compliance with the updated requirements.

The updated requirements are set out in a guidance note, MGN 627(M). This guidance provides detailed explanation as to how the requirements work in practice and what factors the Secretary of State will take into account in granting an exemption beyond the date for compliance in each instrument. MGN 627(M) is available from the MCA or can be found on www.gov.uk.

These Regulations have been notified in draft to the European Commission in accordance with Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015

laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (OJ L 241, 17.9.2015, p.1).

An impact assessment of the effect of this instrument has been produced and is published with the Explanatory Memorandum alongside the instrument at www.legislation.gov.uk.

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