STATUTORY INSTRUMENTS

1988 No. 191

MERCHANT SHIPPING

SAFETY

The Merchant Shipping (Passenger Boarding Cards) Regulations 1988

Made - - - -	*11th February 1988*
Laid before Parliament	*15th February 1988*
Coming into force -	*29th February 1988*

The Secretary of State for Transport, after consulting with the persons referred to in section 22(2) of the Merchant Shipping Act 1979(a), in exercise of the powers conferred on him by section 21(1)(a), (3), (4), (5) and (6) and section 22(1) of that Act, and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, interpretation and application

1.—(1) These Regulations may be cited as the Merchant Shipping (Passenger Boarding Cards) Regulations 1988 and shall come into force on 29th February 1988.

(2) In these Regulations the following expressions have the following meanings respectively unless the context otherwise requires:–

"the Notice" means Merchant Shipping Notice No. M1312;

"passenger" has the meaning given in section 26 of the Merchant Shipping (Safety Convention) Act 1949(b);

"passenger ship" means a ship carrying more than 12 passengers and propelled by electricity or other mechanical power; and

"United Kingdom passenger ship" means a passenger ship which is a United Kingdom ship.

(3) A reference to the Notice shall include reference to any subsequent Merchant Shipping Notice amending or replacing the Notice which specifies the date on which such subsequent Notice takes effect and which the Secretary of State considers relevant from time to time.

(4) These Regulations apply to United Kingdom passenger ships when operating as passenger ships of Classes II and II(A) within the meaning of the Merchant Shipping (Passenger Ship Construction and Survey) Regulations 1984(c).

(5) Where a ship is managed by a person other than its owner (whether on behalf of the owner or some other person or on his own behalf), a reference in these Regulations to the owner shall be construed as including a reference to that person.

(a) 1979 c.39. Section 21 was amended by section 49(3) of the Criminal Justice Act 1982 (c.48) and by section 11 of the Safety at Sea Act 1986 (c.23).
(b) 1949 c.43.
(c) S.I. 1984/1216, to which there are amendments not relevant to these Regulations.

(6) A reference in these Regulations to a numbered regulation is a reference to the regulation of that number in these Regulations.

(7) Any approval given pursuant to these Regulations shall be given in writing and shall specify the date when it is to come into force and the conditions (if any) on which it is given.

Operation of a boarding card system

2.—(1) The owner of a passenger ship shall ensure that there is a system of individual passenger boarding cards which–

(a) conforms to the requirements stated in the Notice; and

(b) if so required by the Notice is approved by the Secretary of State.

(2) No passenger shall be permitted to board a passenger ship unless he has been issued with an individual boarding card.

(3) No passenger ship shall leave its berth before the total number of passengers on board has been determined by means of the boarding card system and the master informed of that number.

Retention of documents

3.—(1) Such relevant records and documents (if any) as are specified for the purposes hereof in the Notice, relating to the issue of boarding cards shall, if on the ship when it sails, be sealed by an officer on the authority of the master before the end of the voyage to which it relates, or, if on shore, within six hours of the commencement of the voyage by a person authorised by the owner.

In this paragraph "relevant records and documents" means, in relation to each occasion on which the ship sails, records and documents relating to the operation of the system of boarding cards on that occasion.

(2) Any person duly authorised by the Secretary of State shall be furnished with such information relating to the operation of the system of boarding cards as he may request including, if he so requests, (for retention by him or otherwise as he may specify) any records or documents sealed under paragraph (1) above which have been retained and records and documents so sealed shall be retained pending any such request for a period of two weeks or such longer or shorter period (if any) as may be specified in, or approved in accordance with, the Notice.

Arrangements for determining the number of passengers remaining on board from a previous voyage

4.—(1) Arrangements shall be made by the owner of the ship for the number of passengers remaining on board from the previous voyage to be determined by a reliable method, and if so required by the Notice, such arrangements shall be approved by the Secretary of State.

(2) The arrangements made in pursuance of the requirement in paragraph (1) shall be described in written instructions which shall be kept on board the ship at all times in the custody of the master.

False statements

5. A person shall not, in connection with the system of individual passenger boarding cards, knowingly or recklessly make any false statement liable or intended to lead to error in the determination of the total number of passengers, or falsify the records or documents referred to in regulation 3, or the sealing thereof.

Offences

6.—(1) If there is any breach of regulation 2(1) then the owner of the ship shall be guilty of an offence and liable on summary conviction to a fine not exceeding £2,000 or on conviction on indictment to imprisonment for a term not exceeding two years or a fine or both.

(2) If there is any breach of regulation 2(2) or 4 then the master and owner of the ship shall each be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.

(3) If there is any breach of regulation 2(3) then the master and owner of the ship shall each be guilty of an offence and liable on summary conviction to a fine not exceeding £2,000 or on conviction on indictment to imprisonment for a term not exceeding two years or a fine or both.

(4) If there is any breach of regulation 3 then the owner of the ship shall be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.

(5) Any person contravening regulation 5 shall be guilty of an offence and liable on summary conviction to a fine not exceeding £2,000 or on conviction on indictment to imprisonment for a term not exceeding two years or a fine or both.

(6) It shall be a good defence to a charge under Regulations to prove that the person charged took all reasonable steps to avoid commission of the offence.

Offences by Bodies Corporate

7.—(1) Where an offence under any of these Regulations committed by a body corporate is proved to have been committed with the consent or connivance of, or to have been 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.

Exemptions

8. The Secretary of State may make such exemptions from the provisions of regulations 2 and 3 in relation to such ships or services or classes thereof, and subject to such conditions, as he may specify and may, subject to giving reasonable notice, alter or cancel any exemption so granted.

Paul Channon
Secretary of State for Transport

11th February 1988

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations apply to United Kingdom passenger ships operating as passenger ships of Classes II and II(A), and require the operation of a boarding card system for all voyages on which passengers are carried. They require documentation to be retained for future inspection by persons duly authorised by the Secretary of State, and supplementary arrangements to be made for the determination of the numbers of passengers who remain on board the ship from a previous voyage. It is to be an offence under the Regulations for a ship to leave its berth before the total number of passengers on board has been determined by means of the boarding card system and the master informed. It is also to be an offence for any person to make a false statement in connection with the boarding card system, or to falsify the documentation.