



MERCHANT SHIPPING ACT 1985
MERCHANT SHIPPING (RO-RO PASSENGER SHIP
SURVIVABILITY) REGULATIONS 1997

Coming into operation : 1st January, 1998

In exercise of the powers conferred on the Department of Trade and Industry by sections 1 and 2 of the Merchant Shipping Act 1985¹ and of all other enabling powers, after consultation with the Secretary of State and those persons referred to in section 2(2) of the Merchant Shipping Act 1985, the following regulations are hereby made:-

Citation, commencement and revocation

1. (1) These Regulations may be cited as the Merchant Shipping (Ro-Ro Passenger Ship Survivability) Regulations 1997 and shall come into operation on 1st January, 1998.

(2) The Merchant Shipping (Ro-Ro Passenger Ship Survivability) Regulations 1994² are revoked.

Interpretation

2. (1) In these Regulations -

“Agreement” means the Agreement concluded at Stockholm on 27th and 28th February 1996 and set out in Manx Shipping Notice 183 (as revised in January 1998) and includes any amendment to the Agreement (including the addition of a party to that agreement) considered by the Department relevant from time to time and set out in a Manx Shipping Notice;

¹ 1985 c.3. Functions transferred to the Department of Trade and Industry by the Transfer of Functions (Marine Administration) Order 1997 (S.D. 51/97).

² SD 395/94

This text includes amendments, indicated by ***Bold Italics***, made by

- (a) the Merchant Shipping (High-Speed Craft) Regulations 1998 (SD 260/98)
- (b) the Merchant Shipping (Survey and Certification) Regulations 1999 (SD 352/99)
- (c) the Merchant Shipping (SOLAS Chapter II-1 Construction) Regulations 2007(SD502/07)

PRICE : £1.05

“Contracting Government” means the Contracting Government of a party to the Agreement;

“Department” means the Department of Trade and Industry;

“established regular scheduled service” means a regular scheduled service which has been in operation for a period of at least 12 months;

“first periodical survey” means the periodical survey required by regulation 3 of the Merchant Shipping (Survey and Certification) Regulations 1999³ to renew the ship's Passenger Ship Safety Certificate within the meaning of those Regulations or the periodical survey required by regulation 6(1)(b) of the Merchant Shipping (High-Speed Craft) Regulations 1998⁴;

“High-Speed Craft Code” means the High-Speed Craft Code adopted by the International Maritime Organisation on the 20th May 1994;

“Manx ro-ro passenger ship” means a ro-ro passenger ship which is a Manx ship within the meaning of section 1 of the Merchant Shipping Registration Act 1991⁴;

“Manx Shipping Notice” means a Notice described as such and issued by the Department;

“non-Manx ro-ro passenger ship” means a ro-ro passenger ship which is not a Manx ro-ro passenger ship;

“passenger ship” has the same meaning as in section 25 of the Merchant Shipping (Passenger Ships Survey) Act 1979⁵;

“regular scheduled service” means an advertised service which provides for the carriage of passengers at specified intervals along specified routes to or from any port in a State which is party to the Agreement;

“ro-ro passenger ship” means a passenger ship provided with cargo or vehicle spaces not normally subdivided in any way and extending to either a substantial length or the entire length of the ship in which vehicles or cargo can be loaded or unloaded in a horizontal direction;

“similar stage of construction” means a stage at which:

- (a) construction identifiable with a particular ship began; and**
- (b) assembly of that ship has commenced comprising of at least 50 tonnes or one per cent of the estimated mass of all structural material whichever is the less;⁶**

³ SD 352/99

⁴ 1991 c. 15

⁵ 1979 c. 11

“the 1980 Regulations” means the Merchant Shipping (Passenger Ship Construction) Regulations 1980 as they have effect in the Island ⁷;

“the 1984 Regulations” means the Merchant Shipping (Passenger Ship Construction and Survey) Regulations 1984 as they have effect in the Island ⁸;

(2) Any approval given pursuant to these Regulations shall be given in writing and shall specify the conditions (if any) on which it is given.

Amendment of Regulations

3. (1) In the 1980 Regulations, in regulation 11(1)(a), for the words "Subject to the Merchant Shipping (Ro-Ro Passenger Ship Survivability) Regulations 1994" there shall be substituted the words "Subject to the Merchant Shipping (Ro-Ro Passenger Ship Survivability) Regulations 1997".

(2) In the 1984 Regulations, in regulation 11A(2)(a), for the words "Subject to the Merchant Shipping (Ro-Ro Passenger Ship Survivability) Regulations 1994" there shall be substituted the words "Subject to the Merchant Shipping (Ro-Ro Passenger Ship Survivability) Regulations 1997".

(3) In the 1984 Regulations, in regulation 11B, at the beginning of paragraph (2)(a), there shall be added the words "Subject to the Merchant Shipping (Ro-Ro Passenger Ship Survivability) Regulations 1997".

Application

4. These Regulations apply to -

(a) all Manx ro-ro passenger ships “*the keels of which were laid or which were at a similar stage of construction prior to 1 July 1986*” when operating on a voyage on a regular scheduled service as ships of Class I or II within the meaning of the 1984 Regulations; and

(b) all non-Manx ro-ro passenger ships “*the keels of which were laid or which were at a similar stage of construction prior to 1 July 1986*” when operating on a voyage on a regular scheduled service as ships of those Classes, whilst they are within the territorial waters of the Island whilst proceeding to or from a port in the Island.

(Application amended by SD502/07 Merchant Shipping (SOLAS II-1 Construction) Regulations 2007)

⁶ Definition inserted by SD502/07 Merchant Shipping(SOLAS Chapter II-1 Construction)Regulations 2007

⁷ SI 1980/535 as applied to the Island by GC 38/85; relevant amendment is GC 361/92

⁸ SI 1984/1216 as applied to the Island by GC 38/85; relevant amendment is GC 361/92

Value of A/Amax

5. (1) The value of A/Amax for each ship to which these Regulations apply shall be established by calculation in accordance with the annex to the Calculation Procedure to Assess the Survivability Characteristics of Existing Ro-Ro Passenger Ships When Using a Simplified Method Based Upon Resolution A.265(VIII), developed by the Maritime Safety Committee of the International Maritime Organization at its fifty-ninth session in June 1991 (MSC/Circ. 574).

(2) Subject to paragraph (3) -

(a) in the case of a ship operating to or from ports in the Island as a ship of Classes I and II on 1st January 1998 a calculation made in accordance with paragraph (1), and the resulting value, shall be submitted by the owner to the Department for approval not later than the 1st July 1998, unless the ship has ceased to operate in the area to which the Agreement relates by that latter date.

(b) in the case of a ship for which the value and calculation have not been submitted under sub-paragraph (a), such value and calculation shall be submitted by the owner to the Department for approval not later than 3 months before the ship engages on any regular scheduled voyage.

(3) Sub-paragraphs (2)(a) and (b) shall not apply in relation to any ship for which the value of A/Amax has been approved by the Contracting Government whose flag the ship is entitled to fly as being calculated in accordance with the annex mentioned in paragraph (1).

(4) For the purposes of these Regulations the value of A/Amax for a ship shall be the value approved by the Department or, in the case of a ship to which paragraph (3) applies, the Contracting Government.

Construction

6. (1) Regulation 11 of the 1980 Regulations and regulation 11A of the 1984 Regulations shall cease to apply to a ship to which these Regulations apply at the first periodical survey of the ship following the date for compliance in respect of the ship determined in accordance with paragraph (2) or the date on which the ship complies with the requirements of the Agreement, whichever is the earlier.

(2) Subject to regulation 7, in addition to the requirements of regulation 10 of the 1980 Regulations or regulations 10 and 11B of the 1984 Regulations *or regulation 4(1) of the Merchant Shipping (High-Speed Craft) Regulations 1998 in so far as it implements Chapter 2 Part B of the High-Speed Craft Code* (as the case may be) every ship to which these Regulations apply shall comply with the requirements of the Agreement relating to specific stability

standards not later than at the first periodical survey of the ship following the date for compliance set out in the table below relevant to the ship:

TABLE

<i>Value of A/Amax</i>	<i>Date for compliance</i>
less than 85%	1 st January 1998
less than 90%	31st December 1998
less than 95%	31st December 1999
less than 97.5%	31st December 2000
97.5% or higher	31st December 2001 but in any case not later than 1st October 2002

Seasonal Operation

7. (1) If an operator operating on an established regular scheduled service on a year round basis between a port within the Island and a port in the territory of a Contracting Government (in this regulation referred to as the "other port") wishes to operate one or more additional ro-ro passenger ships for a shorter season on that service he shall notify the Department not later than three months before the said additional ships are operated on that service.

(2) The significant wave heights which shall be used for determining the height of water when applying the technical standards contained in annex 2 to the Agreement in relation to such additional ships shall be those agreed between the Department and the Contracting Government of the territory in which the other port is situated.

(3) If an operator fails to notify the Department of his intention to operate additional ships on a service in accordance with paragraph (1) the significant wave heights which shall be used for determining the height of water when applying the technical standards contained in annex 2 to the Agreement in relation to such additional ships shall be those set out in annex 1 to the Agreement.

Certificates

8. (1) Every Manx ro-ro passenger ship to which these Regulations apply which complies with the requirements of the Agreement relating to specific stability standards shall be issued with a certificate confirming this by the Department.

(2) A non-Manx ro-ro passenger ship flying the flag of a Contracting Government shall be deemed to comply with the requirements of the Agreement relating to specific stability standards if that ship has a certificate indicating its compliance with those requirements issued by the Government of its flag State.

(3) Every ship to which these Regulations apply shall carry on board a certificate issued by its flag State or a Contracting Government confirming its compliance with the requirements of the Agreement relating to specific stability standards.

Exemptions

9. (1) The Department may exempt from all or any of the specific stability standards set out in the Agreement a ro-ro passenger ship which is not normally engaged on a regular scheduled voyage but which is required to undertake a single passage to or from a port in the Island.

(2) Before exempting any ro-ro passenger ship under paragraph (1) the Department shall satisfy itself that that ship complies with any relevant international safety requirements.

(3) In paragraph (2) "relevant international safety requirements" means those international safety requirements which in the opinion of -

- (a) the Department; and
- (b) the Contracting Government of the ship's flag State (if this is a state other than the Island); and
- (c) the Contracting Government of the State or States to or from whose ports the voyage is to take place (if this is a State or States other than the Island),

are appropriate for the intended voyage.

Penalties

10. (1) If there is any contravention of regulation 5(2) or 8(3) in respect of a ship, the owner shall be guilty of an offence and liable on summary conviction to a fine not exceeding £500.

(2) If a ship to which these Regulations apply proceeds on any voyage without complying with the requirements of regulation 6(2), the owner and master of the ship shall each be guilty of an offence and liable on summary conviction to a fine not exceeding £5,000 or on conviction on information, to imprisonment for a term not exceeding two years or a fine, or to both.

(3) It shall be a good defence to a charge under this regulation to prove that the person charged took all reasonable steps to avoid committing the offence.

Power to detain

11. In any case where a ship does not comply with the requirements of these Regulations, that ship shall be liable to be detained and section 74 of the Merchant Shipping Registration Act 1991 (which relates to the detention of a ship) shall have effect in relation to that ship, subject to the modification that for the words "this Act" wherever they appear, there shall be substituted the words "the Merchant Shipping (Ro-Ro Passenger Ship Survivability) Regulations 1997".

Made 29th. December, 1997

Pamela M. Crowe,

Signed by authority of
the Minister for Trade and Industry.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement an International Agreement concluded in Stockholm on 27th - 28th February 1996 and entitled "Agreement Concerning Specific Stability Requirements for Ro-Ro Passenger Ships Undertaking Regular Scheduled International Voyages Between or to or from Designated Ports in North West Europe and the Baltic Sea".

The Regulations revoke the Merchant Shipping (Ro-Ro Passenger Ship Survivability) Regulations 1994 which implemented an earlier International Agreement dated 27th July 1993. The 1993 Agreement has been superseded by the Agreement implemented by these Regulations.

The Regulations apply the requirements of the Agreement to all Manx ro-ro passenger ships operating on regular scheduled voyages as ships of Classes I and II and to all such non-Manx ships when they are in Manx territorial waters while proceeding to or from a port in the Isle of Man (regulation 4). The Agreement is applied progressively to such ships between 1st January 1998 and 1st October 2002 in accordance with a timescale based on the A/Amax value for the ship (regulation 6).

The Regulations require the calculation of an A/Amax value for each ship to be submitted to, and approved by, the Department of Trade and Industry, or to be approved by the Contracting Government to the Agreement whose flag the ship is entitled to fly (regulation 5).

The Regulations amend the Merchant Shipping (Passenger Ship Construction) Regulations 1980 and the Merchant Shipping (Passenger Ship Construction and Survey) Regulations 1984 to the extent that they apply to ro-ro passenger ships of Classes I and II.

The annex to the Calculation Procedure referred to in regulation 5(1) may be obtained from the International Maritime Organization, 4, Albert Embankment, LONDON, SE1 7SR.

Manx Shipping Notices may be obtained from the Isle of Man Marine Administration, Department of Trade and Industry, "Peregrine House", Peel Road, DOUGLAS, Isle of Man IM1 5EH.

Amended by:

SD502/07 Merchant Shipping(SOLAS II-1 Construction) Regulations 2007 which inserts a definition of "similar stage of construction" and amends the Application section restricting the application to Manx and Non-Manx Ro-Ro Passenger ships prior to 1 July 1986.