
STATUTORY INSTRUMENTS

1988 No. 1693

MERCHANT SHIPPING

SAFETY

The Merchant Shipping (Stability of Passenger Ships) Regulations 1988

<i>Made</i>	<i>4th October 1988</i>
<i>Laid before Parliament</i>	<i>11th October 1988</i>
<i>Coming into force</i>	<i>1st November 1988</i>

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:-

1. These Regulations may be cited as the Merchant Shipping (Stability of Passenger Ships) Regulations 1988 [...].

2. The Merchant Shipping (Passenger Ship Construction) Regulations 1980 ^(b) shall be amended as follows:-

(1) In regulation 1(2) for the definition of “watertight” the following shall be substituted:-

“ “Watertight” in relation to a structure means capable of preventing the passage of water through the structure in any direction under the maximum head of water which it might have to sustain in the event of damage to the ship, but for structures below the bulkhead deck at least the head of water up to the ship's margin line;” .

(2) There shall be added after regulation 1(4) the following paragraph:-

“ (5) 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.” .

(3) Regulation 9(1) shall be renumbered regulation 9(1)(a) and an additional sentence shall be added after “regulation” as follows:-

“The information relating to stability shall, before being supplied to the master, be submitted to the *Department of Trade and Industry* for approval, together with a copy thereof for his retention and shall incorporate such additions and

amendments as the *Department of Trade and Industry* may in any particular case require.”.

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- (a) 1979 c.39; section 21(6) was amended by section 49(3) of the Criminal Justice Act 1982 (c.48).
(b) S.I. 1980/535, to which there are amendments not relevant to these Regulations.

Text of the Regulations as applied to the Isle of Man by GC 361/92. Amendments indicated by *bold italics*

(4) After the renumbered regulation 9(1)(a) there shall be inserted the following new sub-paragraphs:-

- “(b) Every *Manx* ro/ro passenger ship shall be inclined within each period of four years. Such a period shall commence on the date of issue of either a Passenger and Safety Certificate or Passenger Certificate subsequent to a previous inclining, whichever date is the earliest. Every inclining made for this purpose shall be carried out in the presence of a *Surveyor appointed under section 2 of the Merchant Shipping (Registration) Act 1984 (an Act of Tynwald)*. The interval between inclinings of any such ship may be extended by the *Department of Trade and Industry* for a period of not more than one year if *it* is satisfied, on the production to *it* of relevant information about the ship, that inclining is not necessary at the required interval.
- (c) A report of each inclining carried out in accordance with paragraph (b) above and of the calculation therefrom of the lightship condition particulars shall be submitted to the *Department of Trade and Industry* for approval, together with a copy for *its* retention. The approved report shall be placed on the ship by the owner in the custody of the master as an addendum to the stability information and shall incorporate such additions and amendments as the *Department of Trade and Industry* may in any particular case require. The amended lightship condition particulars so obtained from time to time shall be used by the master in substitution for such previously approved particulars when calculating the ship's stability.
- (d) Following any inclining carried out in accordance with the requirements of paragraph (b), on the basis of which the elements of the ship's stability have been then determined, the master shall be supplied by the owner with amended stability information if the *Department of Trade and Industry* so requires. The information so supplied shall be submitted to the *Department of Trade and Industry* for approval, together with a copy thereof for *its* retention and shall incorporate such additions and amendments as the *Department of Trade and Industry* may in any particular case require.”.

(5) Regulation 11(2) shall be renumbered regulation 11(2)(a).

(6) After the renumbered regulation 11(2)(a) there shall be inserted the following new sub-paragraph:-

“(b) The intact stability of every *Manx* ro/ro passenger ship shall be re-examined in accordance with the provisions of Schedule 3 to these Regulations in order to establish the sufficiency of positive stability provided as required by regulation 11(1)(a) and (2)(a) whenever considered necessary by the *Department of Trade and Industry* in connection with amended stability information prepared in accordance with regulation 9(1)(d) and (2). Such re-examinations shall demonstrate to the satisfaction of the *Department of Trade and Industry* that at all stages of flooding there is sufficient positive residual stability after the assumed damage prescribed in Schedule 3.”.

(7) After regulation 134 there shall be inserted a new regulation 135 as follows:-

“135. (1) After any survey required by these Regulations of any new or existing *Manx* ro/ro passenger ship to which Part II of these Regulations applies has been completed and a Passenger and Safety Certificate or a Passenger Certificate, as appropriate, has been issued, the *Department of Trade and Industry* may cancel such certificate if the ship has not been either inclined since 31st October 1984 or inclined thereafter periodically as specified in regulation 9(1)(b).

(2) If at any time the stability information supplied to the master is found to be invalid the *Department of Trade and Industry* may withdraw the certificate until new and valid stability information is supplied.”.

(8) In Schedule 2, paragraph 12, the second sentence shall be amended by deleting the word “may” and substituting “shall” in both places and additional sentences shall be added after “form” as follows:-

“Every *Manx* ro/ro passenger ship shall be provided with this information on the basis of the ship being at level keel and at trims of 0.4%L and 0.8%L by the bow and by the stern over the range of displacements or mean draughts which are likely to occur in service:

provided that for any such ships which are intended to operate at greater trims than are specified in this paragraph additional information shall be included. The *Department of Trade and Industry* may permit the substitution of trims of 0.3%L and 0.6%L for the trims by the bow specified in this paragraph if *it* is satisfied that such a lesser range of trims by the bow is sufficient for the purpose intended because of the characteristics of the particular ship.”.

(9) In Schedule 3 in sub-paragraph 3(a)(i) after “stability” there shall be added “to the satisfaction of the *Department of Trade and Industry*” .

3. The Merchant Shipping (Passenger Ship Construction and Survey) Regulations 1984 ^(c) shall be amended as follows:-

(1) In regulation 1(2) for the definition of “watertight” the following shall be substituted:-

““Watertight” in relation to a structure means capable of preventing the passage of water through the structure in any direction under the maximum head of water which it might have to sustain in the event of damage to the ship, but for structures below the bulkhead deck at least the head of water up to the ship's margin line;”.

(2) There shall be added after regulation 1(3) the following:-

“(4) 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.”.

(3) Regulation 9(1) shall be renumbered regulation 9(1)(a).

(c) S.I. 1984/1216, to which there are amendments not relevant to these Regulations.

(4) After the renumbered regulation 9(1)(a) there shall be inserted the following new sub-paragraphs:-

“(b) Every *Manx* ro/ro passenger ship shall be inclined within each period of four years. Such period shall commence on the date of issue of either a Passenger and Safety Certificate or Passenger Certificate subsequent to a previous inclining, whichever date is the earliest. Every inclining made for this purpose shall be carried out in the presence of a *surveyor appointed under section 2 of the Merchant Shipping (Registration) Act 1984 (an Act of Tynwald)*. The interval between inclinings of any such ship may be extended by the *Department of Trade and Industry* for a period of not more than one year if *it* is satisfied, on the production to *it* of relevant information about the ship, that inclining is not necessary at the required interval.

(c) A report of each inclining carried out in accordance with paragraph (b) and of the calculation therefrom of the lightship condition particulars shall be submitted to the *Department of Trade and Industry* for approval, together with a copy for *its* retention. The approved report shall be placed on board the ship by the owner in the custody of the master and shall incorporate such additions and amendments as the *Department of Trade and Industry* may in any particular case require. The amended lightship condition particulars so obtained from time to time shall be used by the master in substitution for such previously approved particulars when calculating the ship's stability.

- (d) Following any inclining carried out in accordance with the requirements of paragraph (b) on the basis of which the elements of the ship's stability have been then determined the master shall be supplied by the owner with amended stability information if the **Department of Trade and Industry** so requires. The information so supplied shall be submitted to the **Department of Trade and Industry** for approval, together with a copy thereof for *its* retention and shall incorporate such additions and amendments as the **Department of Trade and Industry** may in any particular case require.” .
- (5) Regulation 11(2) shall be renumbered regulation 11(2)(a).
- (6) After the renumbered regulation 11(2)(a) there shall be inserted the following new sub-paragraph:-
- “(b) The intact stability of every **Manx** ro/ro passenger ship shall be re-examined in accordance with the provisions of Schedule 3 to these Regulations in order to establish the sufficiency of positive stability provided as required by regulation 11(1)(a) and (2)(a) whenever considered necessary by the **Department of Trade and Industry** in connection with amended stability information prepared in accordance with regulation 9(1)(d) and (2). Such re-examinations shall demonstrate to the satisfaction of the **Department of Trade and Industry** that at all stages of flooding there is sufficient positive residual stability after the assumed damage prescribed in Schedule 3.” .

(7) After regulation 87 there shall be inserted a new regulation 88 as follows:-

“88.- (1) After any survey required by these Regulations of any *Manx* ro/ro passenger ship to which Part II(A) of these Regulations applies has been completed and a Passenger and Safety Certificate or a Passenger Certificate, as appropriate, has been issued, the *Department of Trade and Industry* may cancel such certificate if the ship is not inclined thereafter periodically as specified in regulation 9(1)(b).

(2) If at any time the stability information supplied to the master is found to be invalid the *Department of Trade and Industry* may withdraw the certificate until new and valid stability information is supplied.”.

(8) In Schedule 2, paragraph 12, the second sentence shall be amended by deleting “may” and substituting “shall” in both places and additional sentences shall be added after “form” as follows:-

“Every *Manx* ro/ro passenger ship shall be provided with this information on the basis of the ship being at level keel and at trims of 0.4%L and 0.8%L by the bow and by the stern over the range of displacements or mean draughts which are likely to occur in service:

provided that for any such ships which are intended to operate at greater trims than are specified in this paragraph additional information shall be included. The *Department of Trade and Industry* may permit the substitution of trims of 0.3%L and 0.6%L for the trims by the bow specified in this paragraph if he is satisfied that such a lesser range of trims by the bow is sufficient for the purpose intended because of the characteristics of the particular ship.” .

(9) In Schedule 3 in sub-paragraph 2(1)(a) after “stability” there shall be added “to the satisfaction of the *Department of Trade and Industry*” .

Paul Channon
Secretary of State for Transport
4th October 1988

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Merchant Shipping (Passenger Ship Construction) Regulations 1980 and the Merchant Shipping (Passenger Ship Construction and Survey) Regulations 1984.

These amendments apply to *Manx* passenger ships. They require ro/ro passenger ships to be inclined at regular intervals to determine the lightship condition particulars, they provide for the confirmation of the sufficiency of the stability if necessary as a result of any inclining and for the amendment of the stability information provided to the ship.

The Regulations provide for the cancellation or withdrawal of the ship's passenger certificate if the ship is either not inclined as required or if the results of the inclining show that the ship's stability information is no longer valid.

The information provided to the master as to the required metacentric height or maximum allowable vertical centre of gravity of the ship must cover a range of draughts and a specified number of trims.

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