
STATUTORY INSTRUMENTS

1989 No. 567

MERCHANT SHIPPING

THE MERCHANT SHIPPING (LOADING AND STABILITY ASSESSMENT OF RO/RO PASSENGER SHIPS) (NON-UNITED KINGDOM SHIPS) REGULATIONS 1989

Text of the Regulations as they have effect in the Isle of Man. Amendments are indicated by ***bold italics***

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| <i>MANX EXTENDING INSTRUMENT</i> | <i>UK S.I.s APPLIED</i> |
| Merchant Shipping (Safety Provisions) (Application) Order 1992 (GC 361/92) | 1989/567 |
| Amended by SD502/07 Merchant Shipping (SOLAS Chapter II-1 Construction) Regulations 2007 | |

TEXT REVISED : JUNE 1998

PRICE : 90p

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THE MERCHANT SHIPPING (LOADING AND STABILITY ASSESSMENT OF RO/RO PASSENGER SHIPS) (NON-UNITED KINGDOM SHIPS) REGULATIONS 1989

Made

28th March 1989

Coming into force

regulation 8(2)

29th April 1990

all other regulations : in accordance with regulation 1

Whereas a draft of these Regulations has been laid before Parliament and has been approved by a resolution of each House of Parliament in accordance with section 49(4A) of the Merchant Shipping Act 1979¹;

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

Citation and interpretation

1. (1) These Regulations may be cited as the Merchant Shipping (Loading and Stability Assessment of Ro/Ro Passenger Ships) (Non-United Kingdom Ships) Regulations 1989 [...].

(2) In these Regulations the following expressions have the following meanings respectively :-

“deadweight” has the same meaning as in the Merchant Shipping (Passenger Ship Construction and Survey) Regulations 1984² ;

“deadweight monment” means the total vertical moment about the moulded base line amidships of all the component weights of the total deadweight;

¹ 1979 c. 39; section 21(6) was amended by section 49(3) of the Criminal Justice Act 1982 (c. 48) and sections 21 and 49 were amended by section 11 of the Safety at Sea Act 1986 (c.23).

² S.I. 1984/1216; relevant amendment is S.I. 1985/661.

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

“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 normally in a horizontal direction;

“stability information booklet” means the booklet required to be provided in compliance with regulation 9(3) of the Merchant Shipping (Passenger Ship Construction) Regulations 1980³ or regulation 9(3) of the Merchant Shipping (Passenger Ship Construction and Survey) Regulations 1984, as applicable;

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

“Manx ship” has the meaning assigned to it by section 1 of the Merchant Shipping Registration Act 1991 (an Act of Tynwald)⁴;

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

- (a) construction identifiable with a particular ship began; and***
- (b) assembly of that ships has commenced comprising of at least 50 tonnes or one per cent of the estimated mass of all structural material whichever is the less;⁵***

“voyage” includes excursion.

(3) 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.

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

Application

2. (1) ***Subject to paragraph (2) these Regulations apply to non-Manx ro/ro passenger ships, which are operating as ships of Classes I or II within the meaning of the Merchant Shipping (Passenger Ship Construction and Survey) Regulations 1984, while they are within a port in the Isle of Man.***

(2) ***These Regulations do not apply to ro/ro passenger ships keels of***

³ S.I. 1980/535; relevant amendment is S.I. 1985/660.

⁴ 1991 c. 15

⁵ Definition inserted by SD502 /07

which are laid or which are at a similar stage of construction prior to 1 July 1986.

Information on stability during loading

3. (1) The owner of every ship shall ensure that the master is provided with information relating to its stability during the process of loading and unloading. The information shall be included in the ship's stability information booklet.

(2) This information shall be so arranged as to enable the master to extract the particular data he requires quickly and easily.

(3) Where any alterations are made or changes occur to the ship so as materially to affect the information supplied to the master in accordance with paragraph (1) of this regulation, amended information shall be provided.

(4) The information provided pursuant to paragraphs (1)-(3) inclusive of this regulation shall be kept on board the ship at all times in the custody of the master.

Stability and freeboard during loading and unloading

4. The master shall use the information provided in accordance with regulation 3 and, when necessary, make calculations or cause calculations to be made in order to ensure that the process of loading and unloading is carried out safely; in particular, he shall ensure that :-

- (a) the ship has adequate stability; and
- (b) the freeboard at any door giving access to the hull or to an enclosed superstructure is sufficient to prevent the entry of water.

Recording of draught, trim and freeboard prior to departure

5. (1) On completion of the loading of the ship and before it proceeds on a voyage, the master, or an officer appointed for the purpose by the master shall ascertain :-

- (a) the ship's draught at the bow and at the stern;
- (b) the trim of the ship by the bow or the stern; and
- (c) the vertical distance from the waterline to the appropriate subdivision load line mark on each side of the ship.

(2) The draughts, trim and vertical distances ascertained in accordance with paragraph (1) of this regulation shall be recorded in respect of each voyage in a book retained on board for that purpose.

Calculation of stability prior to departure

6. (1) On completion of the loading of the ship and before the ship proceeds on a voyage the master shall cause the stability of the ship to be calculated and satisfy himself that it is adequate.

(2) The calculation performed in accordance with paragraph (1) of this regulation shall be made using the actual weights of goods vehicles and other items of cargo required to be determined by *regulations made sections 1 and 2 of the Merchant Shipping Act 1985 (an Act of Tynwald)* ⁶. For weights of items not required to be so determined, the declared weight or weights estimated as accurately as possible shall be used.

(3) The calculation in accordance with paragraph (1) of this regulation shall be made using an on-board loading and stability computer, or a reliable shoe-based loading and stability computer system, or by such other means as will enable accurate results to be obtained.

(4) The master shall record the result of the calculation in a book specially retained on board for that purpose.

(5) A copy of any print-out of the calculation referred to in paragraph (1), or of any written working of a calculation made in substitution therefor, shall be retained on the ship for at least one calendar month after the calculation was made.

Condition of loading prior to departure to be satisfactory

7. Before the ship proceeds on a voyage the master shall ensure that the condition of loading of the ship, as recorded in accordance with regulations 5(2) and 6(4), satisfies all the relevant requirements prescribed in the stability information booklet.

Draught marks and automatic draught gauge system

8. (1) Every ship shall have a scale of draughts at the bow and stern on each side of the ship.

(2) Every ship shall be provided with a reliable automatic gauge system.

Offences and Penalties

9. (1) Any contravention of regulation 3(1) and (3) or 8 shall be an offence on the part of the owner and any contravention of regulations 3(4) and 4 to 7 inclusive shall be an offence on the part of the master (except so far as regulation 5(1) imposes a duty on an officer). Any such offence shall be punishable on summary conviction by a fine not exceeding **£5,000** or on conviction on *information* by imprisonment for a term not exceeding two years, or a fine, or both.

⁶ 1985 c. 3

(2) Any contravention of his duty under regulation 5(1) by an officer appointed in accordance with that paragraph shall be an offence on his part punishable on summary conviction by a fine not exceeding **£1,000**.

Defence

10. It shall be a defence for a person charged with committing an offence under these Regulations to show that he took all reasonable steps to avoid committing the offence.

Detention

11 In any case where a ship does not comply with the requirements of these Regulations, the ship shall be liable to be detained and ***section 74 of the Merchant Shipping Registration Act 1991 (an Act of Tynwald)*** (which relates to the detention of a ship) shall have effect in relation to the ship, subject to the modification that for the words “this Act” wherever they appear, there shall be substituted “the Merchant Shipping (Loading and Stability Assessment of Ro/Ro Passenger Ships) (Non-United Kingdom Ships) Regulations 1989”.

Exemption

12. The ***Department of Trade and Industry*** may exempt individual ships from the provisions of any of these Regulations, subject to such conditions as ***it*** may specify and may, subject to giving reasonable notice, alter or cancel any exemption so granted.

28th March 1989
Transport

The Lord Brabazon of Tara
Parliamentary Under Secretary of State
Department of

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations have the effect of applying to non-**Manx** ro/ro passenger ships, ***the keels of which are laid or which are at a similar stage of construction prior to 1 July 1986***, engaged in international voyages from the ***Isle of Man*** the principal requirements of the Merchant Shipping (Loading and Stability Assessment of Ro/Ro Passenger Ships) Regulations 1989 (S.I. 1989/100) (which apply only to **Manx** ships) while they are within a port in the ***Isle of Man***. These Regulations include requirements for the safe loading and unloading of ro/ro passenger ships, the provision of draught marks and the fitting of an automatic draught gauge system.

The Regulations also require records to be made of the ship's draught of water, trim and freeboards and the components of its stability before proceeding on any voyage from a port in the ***Isle of Man***.

SD502/07 Merchant Shipping (SOLAS II-1 Construction) Regulations 2007 has the effect of limiting the application to ro/ro passenger ships built prior to 1 July 1986.