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STATUTORY INSTRUMENTS

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**1999 No. 2722**

**MERCHANT SHIPPING**

**SAFETY**

**The Merchant Shipping (Musters, Training and  
Decision Support Systems) Regulations 1999**

<i>Made</i>	- - - -	<i>30th September 1999</i>
<i>Laid before Parliament</i>		<i>8th October 1999</i>
<i>Coming into force</i>	- -	<i>29th October 1999</i>

The Secretary of State for the Environment, Transport and the Regions, after consulting the persons referred to in section 86(4) of the Merchant Shipping Act 1995<sup>(1)</sup>, in exercise of the powers conferred upon him by sections 85(1)(a) and (b), (3), (5) to (7) and 86(1) of that Act<sup>(2)</sup> and all other powers enabling him in that behalf, hereby makes the following Regulations:—

**Citation, commencement and revocation**

1.—(1) These Regulations may be cited as the Merchant Shipping (Musters, Training and Decision Support Systems) Regulations 1999 and, subject to paragraph (3) below, shall come into force on 29th October 1999.

(2) Subject to paragraph (3) below the following Regulations are hereby revoked:

- (a) the Merchant Shipping (Musters and Training) Regulations 1986<sup>(3)</sup>, and
- (b) the Merchant Shipping (Musters and Training) (Amendment) Regulations 1993<sup>(4)</sup>.

(3) Where a ship to which the Merchant Shipping (Musters and Training) Regulations 1986 apply is in the course of a voyage on 29th October 1999, those Regulations shall continue to apply to that ship until the end of that voyage and these Regulations shall come into force in relation to that ship at the end of that voyage.

**Interpretation**

2.—(1) In these Regulations—

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(1) 1995 c. 21.  
(2) Sections 85 and 86 were amended by the Merchant Shipping and Maritime Security Act 1997 (c. 28), section 8.  
(3) S.I.1986/1071.  
(4) S.I. 1993/3231.

“the 1999 Regulations” means the Merchant Shipping (Life-Saving Appliances for Ships other than Classes III to VI(A)) Regulations 1999<sup>(5)</sup>;

“first periodical survey” means the periodical survey required by regulation 4 or 5 of the Merchant Shipping (Survey and Certification) Regulations 1995<sup>(6)</sup>;

“fishing vessel” includes a fishery research vessel;

“international voyage” means a voyage from a country to which the International Convention for the Safety of Life at Sea, 1974<sup>(7)</sup> applies, to a port outside that country or conversely;

“Marine Evacuation System” means an appliance designed to rapidly transfer large numbers of persons from an embarkation station to survival craft (e.g. inflatable liferaft) consisting of an escape passage which may be either a vertical chute or an inflatable slide leading into associated survival craft directly or via an inflatable floating platform;

“Marine Guidance Note” means a Note described as such and issued by the Maritime and Coastguard Agency, and any reference to a particular Marine Guidance Note includes a reference to any such document amending or replacing that Note which is considered by the Secretary of State to be relevant from time to time;

“Maritime and Coastguard Agency” means the Maritime and Coastguard Agency, an executive agency of the Department of the Environment, Transport and the Regions;

“Merchant Shipping Notice” means a Notice described as such and issued by the Maritime and Coastguard Agency, and any reference to a particular Merchant Shipping Notice includes a reference to any such document amending or replacing that Notice which is considered by the Secretary of State to be relevant from time to time;

“pleasure vessel” means

- (a) a vessel which at the time it is being used is—
  - (i) (aa) in the case of a vessel wholly owned by an individual or individuals used only for the sport or pleasure of the owner or the immediate family or friends of the owner, or
  - (bb) in the case of a vessel owned by a body corporate used only for sport or pleasure, and on which the persons are employees or officers of the body corporate or their immediate family or friends, and
  - (ii) on a voyage or excursion which is one for which the owner does not receive money for or in connection with operating the vessel or carrying any person, other than as a contribution to the direct expenses of the operation of the vessel incurred during the voyage or excursion;
- (b) any vessel wholly owned by or on behalf of a member’s club formed for the purpose of sport or pleasure which, at the time it is being used, is used only for the sport or pleasure of members of that club or their immediate family; and for the use of which any charges levied are paid into club funds and applied for the general use of the club; and
- (c) in the case of any vessel referred to in paragraphs (a) or (b) above no other payments are made by or on behalf of users of the vessel, other than by the owner.

In this definition “immediate family” means in relation to an individual, the husband or wife of the individual, and a relative of the individual or the individual’s husband or wife, and “relative” means brother, sister, ancestor or lineal descendant.

“ro-ro passenger ship” means a ship certified to carry more than 12 passengers which is provided with cargo or vehicle spaces not normally subdivided in any way and extending to

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<sup>(5)</sup> S.I. 1999/2721.

<sup>(6)</sup> S.I. 1995/1210, to which there are amendments not relevant to these Regulations.

<sup>(7)</sup> Cmnd. 7874.

either a substantial length or the entire length of the ship in which cargo or vehicles can be loaded or unloaded in a horizontal direction;

“short international voyage” means—

- (a) subject to paragraph (b) below, an international voyage—
  - (i) in the course of which a ship is not more than 200 miles from a port or place in which the passengers (if any) and crew could be placed in safety; and
  - (ii) which does not exceed 600 nautical miles in distance between the last port of call in the country in which this voyage begins and the final port of destination;
- (b) for the purpose of this definition no account shall be taken of any deviation by a ship from the intended voyage due solely to the stress of weather or any other circumstances that neither the master, owner nor charterer (if any) of the ship could have prevented or forestalled;

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

- (a) construction identifiable with a specific ship begins; and
- (b) assembly of that ship, comprising at least 50 tonnes or 1% of the estimated mass of all structural material, whichever is the less, has commenced;

“tons” means gross tons and a reference to tons—

- (a) in relation to a ship having alternative gross tonnages under paragraph 13 of Schedule 5 to the Merchant Shipping (Tonnage) Regulations 1982<sup>(8)</sup> permitted to be used pursuant to regulation 12(1) of the Merchant Shipping (Tonnage) Regulations 1997<sup>(9)</sup> is a reference to the larger of those two tonnages; and
- (b) in relation to a ship having its gross tonnage determined both under Part II and regulation 12(2) of those Regulations is a reference to its gross tonnage as determined under regulation 12(2);

(2) Where a ship is managed by a person other than the owner (whether on behalf of the owner, of 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.

(3) For the purposes of these Regulations the ships to which these Regulations apply shall be arranged in the same classes in which ships are arranged for the purposes of the 1999 Regulations and the Merchant Shipping (Life-Saving Appliances for Passenger Ships of Classes III to VI(A)) Regulations 1999<sup>(10)</sup> and any reference in these Regulations to a ship of any class shall be construed accordingly.

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

## Application

3.—(1) Unless otherwise stated, these Regulations shall apply to—

- (a) United Kingdom sea-going ships wherever they may be; and
- (b) other sea-going ships while they are within United Kingdom waters.

(2) These Regulations shall not apply to—

- (a) fishing vessels;

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<sup>(8)</sup> S.I. 1982/841: these Regulations have been revoked by S.I. 1997/1510 but the Secretary of State may permit certain ships to continue to use the gross tonnage additionally ascertained under Schedule 5 thereto, *see* regulation 12.

<sup>(9)</sup> S.I. 1997/1510.

<sup>(10)</sup> S.I. 1999/2723.

- (b) ships of Classes VI and VI(A);
- (c) pleasure vessels;
- (d) ships which are not United Kingdom ships which are:–
  - (i) cargo ships of less than 500 tons; or
  - (ii) ships not propelled by mechanical means; and
- (e) craft to which the Merchant Shipping (High-Speed Craft) Regulations 1996(11) apply.

(3) These Regulations shall not apply to a ship flying the flag of a state which is not a party to the International Convention for the Safety of Life at Sea, 1974 by reason of its being within the United Kingdom or the territorial waters thereof if it would not have been there but for stress of weather or any other circumstances which could not have been prevented by the master, the owner or the charterer (if any).

### **Decision support systems**

4.—(1) Subject to paragraph (2) below, this regulation shall apply to any ship of Class I, II or II(A).

(2) Any ship to which this regulation applies the keel of which was laid or which was at a similar stage of construction before 1st July 1997 need not comply with the requirements of this regulation until the ship's first periodical survey after 1st July 1999.

(3) On every ship a decision support system for emergency management shall be provided on the navigation bridge.

(4) The decision support system provided pursuant to paragraph (3) above shall, as a minimum, consist of a printed emergency plan in English and, if different, in the working language of the crew, in respect of each Class in which the ship operates.

(5) The emergency plan or plans provided shall–

- (a) identify all foreseeable emergency situations including, but not limited to–
  - (i) fire;
  - (ii) damage to the ship;
  - (iii) pollution caused or likely to be caused by the ship;
  - (iv) unlawful acts threatening the safety of the ship and the security of its passengers and crew;
  - (v) serious accidents or injuries to the crew or passengers;
  - (vi) serious cargo-related accidents; and
  - (vii) being required to provide emergency assistance to another ship;
- (b) establish emergency procedures for each emergency situation identified;
- (c) provide decision support to the master for handling any combination of the emergency situations identified;
- (d) have a uniform structure and be clear and easy to understand in accordance with Marine Guidance Note 71(M); and
- (e) where applicable, use the actual loading condition as calculated for the ship's voyage stability for damage control purposes.

(6) Subject to paragraph (7) below, in addition to the printed emergency plan or plans required to be carried under this regulation the ship may carry a computer-based decision support system on the navigation bridge and in any other safety control centre.

(7) A computer-based system as mentioned in paragraph (6) above may only be carried on a ship if it—

- (a) provides all the information contained in the emergency plan or plans, including the emergency procedures, and any associated checklists, referred to in paragraph (5)(b) above; and
- (b) is able to present a list of recommended actions to be carried out in any foreseeable emergency situation.

### **Muster list and emergency instructions**

5.—(1) This regulation shall apply to any ship of Class I, II, II(A), III, VII, VII(T), VIII or VIII(T) and any ship of Class IX or XI engaged on international voyages.

(2) The master of a ship to which this regulation applies shall:

- (a) before the ship proceeds to sea prepare a muster list complying with paragraphs (3) to (7) below,
- (b) maintain the muster list for the duration of the voyage for which it was prepared, and
- (c) revise the muster list, or prepare a new muster list, if any change takes place in the crew which necessitates an alteration in the muster list.

(3) The muster list prepared in respect of a ship of Class I, II, II(A) and III shall be in a format approved by the Maritime and Coastguard Agency.

(4) The muster list shall specify:

- (a) the general emergency alarm signal;
- (b) the action to be taken by crew and passengers when the general emergency alarm signal is sounded;
- (c) how the order to abandon ship will be given;
- (d) other emergency signals and action to be taken by the crew hearing such signals;
- (e) on ro-ro passenger ships and on passenger ships the keel of which was laid or which was at a similar stage of construction after 1st July 1998, the location of assembly stations and the procedures for locating and rescuing passengers trapped in their cabins, and
- (f) on ships of Classes I, II, II(A) and III other than those referred to in sub-paragraph (4) (e) above, the location of muster stations and the procedures for locating and rescuing passengers trapped in their cabins.

(5) The muster list shall show the duties assigned to the different members of the ship's crew, including duties as respects:

- (a) closing of the watertight doors, fire doors, valves, scuppers, sidescuttles, skylights, portholes and other similar openings in the ship,
- (b) equipping of the survival craft and other life-saving appliances,
- (c) preparation and launching of survival craft,
- (d) general preparations of other life-saving appliances,
- (e) muster of passengers (if any),
- (f) use of communication equipment,
- (g) manning of fire parties assigned to deal with fires, and

- (h) special duties assigned in respect of the use of fire-fighting equipment and installations.
- (6) The muster list shall show the duties assigned to members of the crew in relation to passengers in case of emergency, including duties as respects:
  - (a) warning the passengers,
  - (b) seeing that they are suitably clad and have donned their lifejackets correctly,
  - (c) mustering passengers at assembly or muster stations (as appropriate),
  - (d) keeping order in the passageways and the stairways and generally controlling the movements of the passengers, and
  - (e) ensuring that a supply of blankets (where carried) is taken to the survival craft.
- (7) The muster list shall specify:
  - (a) which officers are assigned to ensure that life-saving and fire appliances are maintained in good condition and are ready for immediate use; and
  - (b) the substitutes for key persons who may become disabled, taking into account that different emergencies may call for different actions.
- (8) The master of the ship shall ensure that:
  - (a) copies of the muster list are exhibited in conspicuous places throughout the ship including the navigating bridge, engine-room and crew accommodation spaces;
  - (b) clear instructions to be followed in the event of an emergency are provided for every person on board; and
  - (c) illustrations and instructions in English and in any other appropriate languages are posted in passenger cabins and conspicuously displayed at assembly or muster stations (as appropriate) and other passenger spaces to inform passengers of—
    - (i) their assembly or muster station (as appropriate);
    - (ii) the essential actions they must take in an emergency; and
    - (iii) the method of donning lifejackets.

### **General emergency alarm signal**

- 6.—(1) The general emergency alarm signal for summoning passengers and crew to assembly or muster stations and initiating the actions specified in the muster list shall consist of at least seven short blasts followed by one long blast—
- (a) on the ship's whistle or siren; and
  - (b) in the case of ships of Classes I, II, II(A) and III, and of Classes VII, VII(T), VIII, VIII(T) and IX of at least 45.7 metres in length, on an electrically operated bell or klaxon or other equivalent electrically operated warning system.
- (2) The general emergency alarm signal shall be—
- (a) capable of operation from the navigation bridge and, except for the ship's whistle, also from other strategic points; and
  - (b) audible throughout all the accommodation and normal crew spaces.
- (3) Once activated the general emergency alarm signal shall continue to sound until it is manually turned off or is temporarily interrupted by a message on the public address system.

### **Public address systems**

7.—(1) Every ship shall have a public address system consisting of a loudspeaker installation enabling the broadcast of messages into all spaces where crew members or passengers, or both, are normally present and to all assembly or muster stations (as appropriate).

(2) The public address system shall—

- (a) provide for the broadcast of messages from the navigation bridge and other strategic points;
- (b) be installed with regard to acoustically marginal conditions;
- (c) not require any action by the addressee in order to be audible; and
- (d) be protected against any unauthorised use.

### **Practice crew drills**

8.—(1) This regulation shall apply to any ship of Class I, II, II(A), III, VII, VII(T), VIII, VIII(T), VIII(A), VIII(A)(T) or IX, and any ship of Class XI engaged on an international voyage.

(2) On any ship to which this regulation applies each member of the crew shall participate in at least one abandon ship drill and one fire drill every month.

(3) Without prejudice to paragraph (2) above, on any ship of Class I, II, II(A) or III an abandon ship drill and fire drill shall take place weekly.

(4) An abandon ship drill and a fire drill shall take place—

- (a) within 24 hours of the ship leaving a port if more than 25% of the crew have not participated in abandon ship drills and fire drills on board that particular ship in the previous month, unless this is impracticable for any ship in which case other suitable arrangements shall be made; or
- (b) before the ship sails if the ship is entering service for the first time, if the ship is re-entering service after a modification of a major character or if an entirely new crew has been engaged.

### **Practice passenger musters**

9.—(1) On any ship carrying passengers where the passengers are scheduled to be on board the ship for more than 24 hours, musters of the passengers shall take place within 24 hours after their embarkation.

(2) The muster required by paragraph (1) above shall include instruction of the passengers in the use of a lifejacket and the action to be taken in an emergency.

(3) If only a small number of passengers embark at a port after the muster has been held it shall be sufficient, instead of holding another muster, to draw the attention of these passengers to the emergency instructions required by regulation 5(8)(b) and (c) above.

(4) On any ship of—

- (a) Class II, II(A) or III;
- (b) VIII, VIII(T), VIII(A), VIII(A)(T), or IX where passengers are carried; or
- (c) Class XI engaged on an international voyage,

if a muster of the passengers is not held on departure, the attention of the passengers shall be drawn to the emergency instructions required by regulation 5(8)(b) and (c) above.

(5) Whenever passengers embark on any ship, a passenger safety briefing shall be given, either immediately before or immediately after the ship next sails, by way of an announcement which shall—

- (a) be made on the ship's public address system or by other equivalent means likely to be heard at least by the passengers who have not yet heard the announcement during the voyage;
- (b) be made in English and any other appropriate language; and
- (c) include the instructions referred to in regulation 5(8)(b) and (c) above.

(6) The passenger safety briefing required by paragraph (5) above may be included in the muster required by paragraph (1) above if the muster is held immediately before or immediately after the ship next sails.

(7) Information cards, posters or video programmes displayed on a ship's video system may be used to supplement the passenger safety briefing required by paragraph (5) above but shall not be used to replace the announcement required by that paragraph.

### **Abandon ship drills**

**10.**—(1) Each abandon ship drill required by these Regulations shall include—

- (a) summoning passengers and crew to assembly or muster stations (as appropriate) with the general emergency alarm signal followed by drill announcement on the public address system or other equivalent communication system and ensuring that they are made aware of the order to abandon ship specified in the muster list;
- (b) reporting to stations and preparing for the duties described in the muster list;
- (c) checking that passengers and crew are suitably dressed;
- (d) checking that lifejackets are correctly donned;
- (e) where practicable, lowering of at least one lifeboat after any necessary preparation for launching;
- (f) starting and operating each lifeboat engine;
- (g) operation of davits used for launching liferafts;
- (h) a mock search and rescue of passengers trapped in their staterooms; and
- (i) instruction in the use of radio life-saving appliances.

(2) Different lifeboats shall, as far as practicable, be lowered in compliance with the requirements of paragraph (1)(e) at successive abandon ship drills.

(3) An abandon ship drill shall, as far as practicable, be conducted as if there were an actual emergency.

(4) Subject to paragraph (5) below, each lifeboat shall be launched with its assigned operating crew aboard and manoeuvred in the water at least once every 3 months during an abandon ship drill.

(5) If the berthing arrangements in port and the trading patterns of a ship operating on short international voyages make the launching of lifeboats as required by paragraph (4) above on one side impracticable then launching of lifeboats on that side shall not be required.

(6) All such lifeboats as are referred to in paragraph (5) above shall be lowered at least once every 3 months and launched at least annually.

(7) Subject to paragraph (8) below, where carried, rescue boats, other than lifeboats which are also rescue boats, shall be launched with their assigned crew aboard and manoeuvred in the water—

- (a) as far as practicable, each month; and
- (b) in any event, at least once every 3 months.

(8) A lifeboat arranged for free-fall launching may be lowered into the water if—

- (i) free-fall launching is impracticable; and

(ii) subject to paragraph (9) below, the lifeboat is free-fall launched with its assigned operating crew aboard and manoeuvred in the water at least once every 6 months.

(9) If it is impracticable to free-fall launch a lifeboat within a period of 6 months, the Secretary of State, on the owner's application, may, subject to paragraph (10) below, approve an extension of the period to 12 months.

(10) Without prejudice to any other conditions the Secretary of State may impose, an approval pursuant to paragraph (9) above shall be on condition that the lifeboat in respect of which it is given shall be subjected to simulated launchings at intervals not exceeding 6 months.

(11) On a ship fitted with a Marine Evacuation System ("the system"), the drills required by this regulation shall include exercising of the procedures required for the deployment of the system up to the point immediately preceding its actual deployment.

(12) The exercising of the system required by paragraph (11) above shall be augmented by—

- (a) regular instruction of the crew using the on-board training aids carried pursuant to regulation 54(3) or 75(3) of the 1999 Regulations; and
- (b) training of each system party member, as far as practicable, by participation in a full deployment of a similar system into water, either on-board a ship or ashore, at intervals not exceeding 2 years or, if this is impracticable, not exceeding 3 years.

(13) The training required by paragraph (12)(b) above may be carried out in association with the rotational deployments required by regulation 84(8) of the 1999 Regulations.

(14) If lifeboat and rescue boat launching drills are carried out with the ship making headway or anchored or moored in a tideway or current such drills shall, because of the dangers involved, be practised in sheltered waters only under the supervision of an officer experienced in such drills, and in accordance with the guidance specified in Merchant Shipping Notice No.MSN 1722 (M & F).

(15) Emergency lighting for mustering and abandonment shall be tested at each abandon ship drill.

## **Fire drills**

**11.—**(1) Each fire drill required by these Regulations shall include:

- (a) reporting to stations and preparing for the duties specified in the muster list required by regulation 5(2) above;
- (b) starting of a fire pump, using—
  - (i) in the case of a ship of Class II(A) of 21.34 metres in length or less, Class III or Class VII, VII(T), VIII(A), IX, VII(T) or XI of 500 tons or less, at least one jet of water; or
  - (ii) in the case of any other ship, at least two jets of water,in order to demonstrate that the system is in proper working order.
- (c) checking of fireman's outfits and personal rescue equipment;
- (d) checking the relevant communication equipment;
- (e) checking the operation of watertight doors, fire doors, fire dampers and the main inlets and outlets of any ventilation systems in the drill area; and
- (f) checking the necessary arrangements for subsequent abandonment of the ship.

(2) Any equipment used during a fire drill shall—

- (a) immediately be brought back to its fully operational condition at the end of the drill; and
- (b) have any faults or defects discovered during the drill remedied as soon as possible thereafter.

(3) A fire drill shall, as far as practicable, be conducted as if there were an actual emergency.

## **On-board training and instructions**

**12.**—(1) This regulation shall apply to any ship of Class I, II, II(A), III, VII, VII(T), VIII, VIII(T), VIII(A), VIII(A)(T), or IX and to any ship of Class XI engaged on an international voyage.

(2) On-board training in the use of the ship's life-saving appliances, including survival craft equipment and fire-extinguishing appliances, shall, subject to paragraph (3) below, be given to each crew member—

- (a) as soon as possible; or
- (b) in any event not more than 2 weeks,

after he joins the ship.

(3) If a crew member is on a regularly scheduled rotating assignment to the ship, the training required by paragraph (2) above shall be given not later than 2 weeks after the time of his first joining the ship.

(4) Instructions in—

- (i) the use of the ship's life-saving appliances;
- (ii) survival at sea; and
- (iii) the use of the ship's fire-extinguishing appliances,

shall be given at the same interval as the drills required by these Regulations.

(5) Individual instructions may cover different parts of the ship's life saving system and fire-extinguishing appliances, but all the ship's life-saving equipment and fire-extinguishing appliances shall be covered within any period of 2 months.

(6) Each member of the crew shall be given instructions which shall include but not necessarily be limited to:

- (a) operation and use of the ship's inflatable liferafts;
- (b) problems of hypothermia, first-aid treatment for hypothermia and other appropriate first-aid procedures;
- (c) special instructions necessary for the use of the ship's life-saving appliances in severe weather and severe sea conditions; and
- (d) operation and use of fire-extinguishing appliances.

(7) On-board training in the use of davit-launched liferafts shall take place at intervals of not more than 4 months on every ship fitted with such appliances.

(8) Whenever practicable the training required by paragraph (7) above shall include the inflation and lowering of a liferaft.

(9) The liferaft referred to in paragraph (8) above may be a special liferaft intended for training purposes only, which is not part of the ship's life-saving equipment; such a special liferaft shall be conspicuously marked.

(10) Every member of the crew with assigned emergency duties in respect of a voyage shall be familiar with those duties before the voyage begins.

## **Records**

**13.**—(1) The following matters shall be recorded by the master in the official logbook:

- (a) upon each occasion on which a muster, abandon ship drill, fire drill, drill of other life-saving appliances or on-board training is held pursuant to these Regulations:
  - (i) the date upon which the muster, drill or training is held;
  - (ii) details of the training and type of drill held;

- (iii) the date on which lifeboats, rescue boats and davit launched liferafts (as applicable) are lowered or launched; and
- (b) upon each occasion on which a full muster, drill or training session is not held as required by these Regulations:
  - (i) the circumstances which made the full muster, drill or training session impracticable; and
  - (ii) the extent of the muster, drill or training session held.
- (2) In ships not required to keep an official logbook a record of each matter specified in paragraph (1) above shall be made by the master and shall be retained on board for a period of not less than 12 months.

### **Exemptions**

**14.** The Secretary of State may grant exemptions from specified provisions of these Regulations for classes of ships or individual ships, subject to such terms (if any) as he may specify, and may alter or cancel any exemption so granted.

### **Penalties**

**15.**—(1) If, in respect of a ship, there is a breach of any of the requirements of these Regulations the master and the owner shall each be guilty of an offence punishable on summary conviction by a fine not exceeding the statutory maximum or, on conviction on indictment, by imprisonment for a term not exceeding two years, or a fine, or both.

(2) Any person who fails to carry out any duty assigned to him under regulation 5(5), (6) or (7) shall be guilty of an offence punishable on summary conviction by a fine not exceeding the statutory maximum.

(3) In any proceedings for an offence under these Regulations it shall be a good defence for the person charged to prove that he took all reasonable steps to avoid the commission of the offence.

Signed by authority of the Secretary of State for the Environment, Transport and the Regions

*Keith Hill*  
Parliamentary Under-Secretary of State,  
Department of the Environment, Transport and  
the Regions

30th September 1999

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations revoke and replace, with amendments, the Merchant Shipping (Musters and Training) Regulations 1986 and the Merchant Shipping (Musters and Training) (Amendment) Regulations 1993. They give effect to the provisions concerning decision support systems, musters, drills and related training in the International Convention for the Safety of Life at Sea, 1974 (SOLAS), Chapter III and implement, in part, Council Directive [98/35/EC](#) (O.J. L172, 17.6.98, p. 1) amending Directive [94/58/EC](#) (O.J. L319, 12.12.94, p. 28) on the minimum level of training of seafarers.

In addition to drafting changes, the principal change of substance is the introduction of the requirements concerning decision support systems for ships of Class I, II, II(A) (regulation 4). This provision implements regulation 19 of Chapter III adopted on 29 November 1995 by the Contracting Governments to SOLAS.

The provisions of these Regulations also give effect to article 5g1(5) of Directive [94/58/EC](#), as amended by Council Directive [98/35/EC](#).

The Regulations impose criminal penalties on both the master and the owner in respect of a breach of their requirements (regulation 15).

A regulatory impact assessment has been prepared and copies may be obtained from the Maritime and Coastguard Agency, Bay 3/12 Spring Place, 105 Commercial Road, Southampton SO15 1EG (telephone: 01703 329186). A copy has been placed in the library of each House of Parliament.

Merchant Shipping Notices are obtainable from Eros Marketing Support Services, Unit B, Imber Court Trading Estate, Orchard Lane, East Molesey, Surrey KT8 0BN. Copies of SOLAS are obtainable from the International Maritime Organisation, 4 Albert Embankment, London SE1 7SR.