

1988 No. 2272

**MERCHANT SHIPPING**

**SAFETY**

**The Merchant Shipping (Emergency Equipment Lockers  
for Ro/Ro Passenger Ships) Regulations 1988**

*Made* - - - - 22nd December 1988

*Laid before Parliament* 10th January 1989

*Coming into force* - 1st April 1989

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 sections 21(1)(a) and (3) to (6) and 22(1) of that Act and of all powers enabling him in that behalf, hereby makes the following Regulations:-

**Citation**

1. These Regulations may be cited as the Merchant Shipping (Emergency Equipment Lockers for Ro/Ro Passenger Ships) Regulations 1988 and shall come into force on 1st April 1989.

**Interpretation**

2.—(1) In these Regulations, “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.

(2) 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.

(3) A reference to Merchant Shipping Notice No M 1359 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.

**Application**

3. These Regulations apply to United Kingdom ro/ro passenger ships when operating as passenger ships of Classes I, II, II(A) and IV within the meaning of the Merchant Shipping (Passenger Ship Construction and Survey) Regulations 1984(b).

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

### **Emergency Lockers**

4.—(1) Every ro/ro passenger ship to which these Regulations apply shall be provided with at least one weathertight emergency locker constructed of steel, or glass re-inforced plastic (GRP) or other suitable material, at each side of the ship. Such lockers shall contain the equipment specified in Merchant Shipping Notice No M1359. Such equipment shall be of good quality and shall be regularly maintained.

(2) The lockers shall be clearly marked and so located on an open deck and as high up in the ship and as near the ship's side as possible that in all foreseeable circumstances the locker, or lockers, on at least one side will be accessible.

### **Exemptions**

5. The Secretary of State may exempt any ship or description of ship from all or any of the provisions of these Regulations (as may be specified in the exemption) if he is satisfied that compliance with such provision is either impracticable or unreasonable in the case of that ship or description of ships on such terms (if any) as he may specify and may, subject to giving reasonable notice, alter or cancel any such exemption.

### **Power to detain**

6. 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 692(1)–(3) of the Merchant Shipping Act 1894(a) (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 (Emergency Equipment Lockers for Ro/Ro Passenger Ships) Regulations 1988'.

### **Penalties and defence**

7.—(1) If a ship to which these Regulations apply proceeds on any voyage or excursion without complying with the requirements of these Regulations, the owner and master of the ship shall each be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale or on conviction on indictment to imprisonment for a term not exceeding two years or a fine or both.

(2) It shall be a defence to a charge under these Regulations for the defendant to show that all reasonable steps were taken to avoid commission of the offence and that, in relation to any requirement in regulation 4 above relating to the provision of emergency lockers, the equipment such lockers contain or their location, the guidance relating thereto given in Merchant Shipping Notice No M1359 was followed.

Signed by authority of the Secretary of State  
22nd December 1988

*Michael Portillo*  
Minister of State,  
Department of Transport

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(a) 1894 c.60.

## **EXPLANATORY NOTE**

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

These Regulations introduce requirements for the provision on United Kingdom ro/ro passenger ships of Classes I, II, II(A) and IV of lockers containing equipment for use in emergency situations including a situation when the ship is at a large angle of heel.