

1988 No. 317

MERCHANT SHIPPING

SAFETY

The Merchant Shipping (Closing of Openings in Enclosed Superstructures and in Bulkheads above the Bulkhead Deck) Regulations 1988

<i>Made - - - -</i>	<i>24th February 1988</i>
<i>Laid before Parliament</i>	<i>26th February 1988</i>
<i>Coming into force:</i>	
<i>Regulation 8(2)</i>	<i>1st November 1988</i>
<i>All other Regulations</i>	<i>9th March 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:—

Citation, interpretation and application

1.—(1) These Regulations may be cited as the Merchant Shipping (Closing of Openings in Enclosed Superstructures and in Bulkheads above the Bulkhead Deck) Regulations 1988 and shall come into force on 9th March 1988, except for regulation 8(2) which shall come into force on 1st November 1988.

(2) In these Regulations the following expressions have the following meanings respectively unless the context otherwise requires:

“bulkhead deck” means the uppermost deck up to which transverse watertight bulkheads are carried;

“doors” includes bow visors and appliances described in regulation 2(1)(c);

“enclosed superstructure” means a superstructure:—

(a) which has enclosing bulkheads of efficient construction in which all access openings are fitted with sills and weathertight doors, and

(b) in which all other openings in the sides or ends or superstructure deck thereof are fitted with efficient weathertight means of closing;

“length” means the ship’s overall length;

“loading doors” means the doors described in regulation 2(1)(a) to (d) inclusive;

“locked” means secured by a device which prevents unauthorised operation;

“margin line” has the same meaning as in the Merchant Shipping (Passenger Ship Construction and Survey) Regulations 1984(b)

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

(a) 1979 c.39; section 21(6) was amended by section 49(3) of the Criminal Justice Act 1982 (c.48).

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

“required to be watertight” and “required to be weathertight” mean required by the Merchant Shipping (Passenger Ship Construction and Survey) Regulations 1984 or the Merchant Shipping (Passenger Ship Construction) Regulations 1980(a) to be watertight or weathertight as the case may be;

“ro/ro passenger ship” means a passenger ship provided with cargo or vehicle spaces in which vehicles or cargo can be loaded or unloaded in a horizontal direction;

“superstructure” means a decked structure situated on or above the bulkhead deck which either extends from side to side of the ship or is such that its side plating is not inboard of the shell plating of the ship by more than 4 per cent of the breadth of the ship and, where the bulkhead deck of the ship consists of a lower deck, includes that part of the hull of the ship which extends above the bulkhead deck;

“superstructure deck” means a deck forming the top of a superstructure;

“United Kingdom passenger ship” means a passenger ship which is a United Kingdom ship;

“watertight” and “weathertight” have the same meanings as in the Merchant Shipping (Passenger Ship Construction and Survey) Regulations 1984 and the Merchant Shipping (Passenger Ship Construction) Regulations 1980.

(3) A voyage for the purpose of these Regulations commences when a ship leaves its berth or anchorage at a port.

(4) For the purpose of these Regulations a door shall be deemed to be above the margin line if the sill of the opening with which it is associated is above that line.

(5) 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.

(6) These Regulations apply to United Kingdom ro/ro passenger ships.

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

(8) 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.

Closure of main loading doors

2.—(1) The following loading doors:—

- (a) gangway and cargo loading doors fitted in the shell or boundaries of enclosed superstructures,
- (b) bow visors so fitted,
- (c) weathertight ramps so fitted and used instead of doors for closing openings for cargo or vehicle loading,
- (d) cargo loading doors in the collision bulkhead,

shall be closed and locked before the ship leaves its berth and shall be kept closed and locked until the ship has been secured at its next berth: Provided that where a bow visor or a weathertight ramp of the type described in sub-paragraph (c) cannot be opened or closed while the ship is secured at its berth it may be opened or left open while the ship approaches or draws away from its berth as the case may be but only so far as is necessary to enable the door to be then opened or closed, but subject to the limitation that in no case shall such a door be open when the ship is more than one ship's length from the cargo loading or discharging position of its berth.

(2) Paragraph (1) shall not apply to small doors intended to be used for pilot access, fuelling or other matters necessary for the operation of the ship, and not intended to be used by passengers or for loading cargo.

Supervision and reporting of closure

3.—(1) Before the ship proceeds on a voyage an officer appointed for the purpose by the master shall—

- (a) verify that every loading door has been closed and locked, and

(a) S.I. 1980/535, to which there are amendments not relevant to these Regulations.

(b) report the fact that it has been so closed and locked to the master or other officer in charge of the bridge.

(2) Save as permitted by the proviso to regulation 2(1) the ship shall not proceed on a voyage until the report referred to in paragraph (1)(b) has been received by the master or other officer in charge of the bridge.

Closure of watertight and weathertight doors in bulkheads

4.—(1) Watertight or weathertight doors above the margin line (except doors fitted in collision bulkheads to which regulation 2 applies) which are fitted in bulkheads which are required to be watertight or weathertight as the case may be and which separate or form the boundary of cargo spaces shall be closed and locked before the ship leaves its berth and be kept closed and locked until the ship has been secured at its next berth.

(2) Watertight and weathertight doors above the margin line fitted in the shell or in bulkheads which are required to be watertight or weathertight, other than those doors described in regulations 2(1) and 4(1), shall be kept closed whilst the ship is on any voyage except when opened on the express authority of the master.

(3) Any watertight or weathertight door which may be opened in accordance with the exception to paragraph (2) of this regulation shall be kept clear of obstructions which might prevent its rapid closure.

Opening of doors in an emergency

5. Notwithstanding the provisions of regulations 2(1) and 4(1), gangway and cargo loading doors may be opened in an emergency but only when the master considers such opening will not put the safety of the ship at risk.

Entries in official log book

6. Entries shall be made in the official log book recording the following:—

- (a) the times of the last closing, in accordance with regulations 2(1) and 4(1), of the watertight and weathertight doors referred to in those regulations and of the next opening of such doors;
- (b) the times of the opening and closing of any watertight or weathertight door pursuant to regulations 4(2) and 5.

List of berths

7.—(1) The owner of the ship shall ensure that the ship is provided with a list ("the Berth List") of all loading berths at which it is intended the ship shall load or discharge cargo or vehicles.

(2) The Berth List shall list separately for each port which the ship is intended to visit to load or discharge cargo or vehicles—

- (a) the loading berths at which the ship in question can, when so loading or discharging, comply with the requirements of regulation 2(1) without relying on the proviso thereto; and
- (b) where it is intended that the ship shall so load or discharge in the manner permitted by that proviso, the loading berths at which it will so load or discharge.

The berths of the type described in sub-paragraph (b) shall be listed separately from those of the type described in sub-paragraph (a).

(3) A copy of the ship's Berth List shall be supplied to the Secretary of State.

(4) No ro/ro passenger ship shall except in an emergency load or discharge cargo or vehicles through a loading door at any berth which is not listed in the ship's Berth List and in the copy thereof supplied to the Secretary of State.

8.—(1) The owner of a ship shall ensure that the ship is provided with written instructions concerning the doors to which these Regulations apply.

(2) Such written instructions shall be approved by the Secretary of State.

- (3) The instructions shall include the following information:—
- (a) the circumstances in which the doors to which these Regulations apply may be opened and are required to be closed;
 - (b) a list of the small doors described in regulation 2(2);
 - (c) the requirements of verifying and reporting the closure of doors;
 - (d) procedures for opening doors in an emergency;
 - (e) the entries required by these Regulations to be made in the official log book;
 - (f) a reference to the Berth List and any extra information relating thereto which may be necessary together with a clear statement that loading and discharging may be done only at the berths listed in the Berth List;
 - (g) warning of the penalties for not complying with these Regulations.
- (4) The instructions shall be kept on the ship at all times in the custody of the master.

Compliance with written instructions

9. No door shall be opened or closed on any ship to which these Regulations apply except in compliance with the written instructions provided in accordance with regulation 8.

Penalties

10.—(1) If there is any breach of regulation 2, 3, 4, 6, 7(4), 8(4) or 9 the owner and master of the ship shall each be guilty of an offence.

(2) If there is any breach of regulation 7(1), (2) or (3) or 8(1) or (2) the owner shall be guilty of an offence.

(3) If any officer appointed in accordance with regulation 3(1) reports a door to be closed when it is not in fact closed and locked he shall be guilty of an offence.

(4) Any offence described in paragraphs (1), (2) or (3) of this regulation shall be punishable on summary conviction by a fine not exceeding £2,000 or, on conviction on indictment, to imprisonment for a term not exceeding two years and a fine.

(5) It shall be a good defence to a charge under these Regulations to prove that the person charged took all reasonable steps to avoid commission of the offence.

11.—(1) Where an offence under any of these Regulations committed by a body corporate is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or a person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, the preceding paragraph shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

Exemptions

12. The Secretary of State may exempt individual ships from the provisions of any of these Regulations, subject to such conditions as he may specify, and may, subject to giving reasonable notice, alter or cancel any exemption so granted.

24th February 1988

Paul Channon
Secretary of State for Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations apply to United Kingdom ro/ro passenger ships. They impose precise requirements for the control of cargo and vehicle loading doors fitted in the hull and enclosed superstructures above the bulkhead deck and for the supervision of their closing. They also impose requirements for the control of watertight and weathertight doors fitted in bulkheads above the bulkhead decks.

The Regulations also require entries of closures and openings of doors to be made in the official log book and require the provision of operational instructions for weathertight and watertight doors and provision of lists of suitable loading berths.