
STATUTORY INSTRUMENTS

1990 No. 892

The Merchant Shipping (Passenger Ship Construction and Survey) (Amendment) Regulations 1990

PART A

AMENDMENTS TO 1980 REGULATIONS

3.—(1) The Merchant Shipping (Passenger Ship Construction) Regulations 1980⁽¹⁾ shall be amended in accordance with the following:

(1) In regulation 1(2) the following definitions shall be inserted in the appropriate alphabetical order:

““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;”

““Stability Information Book” means the book required to be provided in compliance with regulation 9A.—(8) of these Regulations.”.

(2) Regulation 1(3) shall be replaced by the following:—

(a) “(3) Subject to sub-paragraphs (b) and (c) below, these Regulations apply to United Kingdom passenger ships wherever they may be and to other passenger ships while they are within the United Kingdom or the territorial waters thereof except:—

(i) ships, the keels of which were laid, or which were at a similar stage of construction, on or after 1st September 1984;

(ii) ships which, although constructed before that date, were subsequently converted to passenger ships, such conversions having commenced on or after that date.

(b) Regulations 9B to 9L shall not apply to ships which are not United Kingdom ships.

(c) Part VIIB shall only apply to ro/ro passenger ships which are not United Kingdom ships while they are within the United Kingdom or the territorial waters thereof.”.

(3) Regulation 9 shall be replaced by the following regulations 9A to 9L:

“Inclining, Stability information, loading and stability assessment

Inclining and Stability information

9A.—(1) This regulation applies to every United Kingdom passenger ship to which these Regulations apply.

(1) S.I.1980/535, as amended by S.I. 1981/580, 1985/660, 1986/1074, 1987/1886 and 1988/1693.

(2) Every ship on her completion shall be inclined and the elements of her stability determined. The master shall be supplied by the owner with reliable information relating to the stability of the ship in accordance with the following provisions of this regulation. The information relating to stability shall, before issue to the master, be submitted to the Secretary of State for approval, together with a copy thereof for his retention and shall incorporate such additions and amendments as the Secretary of State may in any particular case require.

(3) Every ship of Classes I, II and IIA and every ro/ro ship of Class IV shall undergo a lightweight survey, to determine the ship's lightship displacement and longitudinal position of its centre of gravity, before 29th April 1992 unless it has been inclined since 29th April 1987. Every such lightweight survey shall be subject to the conditions specified in paragraph (4) of this regulation.

(4) Every ship of Classes I, II and IIA and every ro/ro ship of Class IV shall have a lightweight survey carried out within each period of five years to verify any changes in lightship displacement and longitudinal centre of gravity. Such periods shall commence on the date of issue of either a Passenger and Safety Certificate or Passenger Certificate subsequent to a previous inclining or lightweight survey, whichever date is the earliest. The ship shall be re-inclined whenever, in comparison with the ship's approved stability information derived from the previous inclining experiment, a deviation from the lightship displacement exceeding 2% or a deviation of the longitudinal centre of gravity exceeding 1% of the ship's length is found or anticipated. Every inclining or lightweight survey made for this purpose or for the purpose of paragraph (3) of this regulation shall be carried out in the presence of a Department of Transport Surveyor. The interval between lightweight surveys of any such ship may be extended by the Secretary of State for a period of not more than one year if he is satisfied, on the production to him of relevant information about the ship, that the lightweight survey is not necessary at the required interval.

(5) A report of each inclining or lightweight survey carried out in accordance with paragraphs (3) and (4) of this regulation and of the calculation therefrom of the lightship condition particulars shall be submitted to the Secretary of State for approval, together with a copy for his 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 Secretary of State 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.

(6) Following any inclining or lightweight survey carried out in accordance with the requirements of paragraphs (3) and (4) of this regulation 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 Secretary of State so requires. The information so supplied shall be submitted to the Secretary of State for approval, together with a copy thereof for his retention and shall incorporate such additions and amendments as the Secretary of State may in any particular case require.

(7) Where any alterations are made to a ship so as materially to affect the stability information supplied to the master, amended stability information shall be provided. The ship shall be re-inclined if the Secretary of State so requires.

(8) Stability information provided pursuant to paragraphs (2), (5), (6) and (7) of this regulation shall be furnished in the form of a book ("the stability information book") which shall be kept on board the ship at all times in the custody of the master. The information shall include particulars appropriate to the ship in respect of the matters specified in Schedule 2 to these Regulations and shall be in the form set out in that Schedule.

(9) Every ship shall have a scale of draughts marked clearly at the bow and stern.

Loading and Stability Assessment

9B. Regulations 9C to 9L apply to United Kingdom ships of Classes I, II, II(A) and to United Kingdom ro/ro ships of Class IV including every ship in respect of which there is in force a Passenger and Safety Certificate or Passenger Certificate appropriate to a ship of any of those classes even when it is for the time being engaged on voyages for which a Class III, V, VI or VI(A) Passenger Certificate is appropriate.

Information on stability during loading

9C.—(1) The owner of every ship to which this regulation applies shall ensure that the master is provided with information relating to its stability during the process of loading and unloading. This information shall be included in the ship's stability information book.

(2) 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.

(3) The information provided pursuant to paragraphs (1) and (2) 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

9D. The master shall use the information provided in accordance with regulation 9C 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

9E.—(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 the vertical distances ascertained in accordance with paragraph (1) of this regulation shall be recorded by the master or such officer as the case may be in the official log book, or in the case of Class IV ships in a book retained on board for that purpose.

Calculation of stability prior to departure

9F.—(1) On completion of the loading of a ship of Class I, II or II(A) and before the ship proceeds on a voyage the master shall cause the vertical position of the ship's centre of gravity relative to its keel (KG), or its transverse metacentric height (GM), whichever is appropriate for the ship, to be calculated.

(2) In the case of ships of Class II or II(A) the actual weights of goods vehicles and other items of cargo required to be provided shall be in accordance with the Merchant Shipping

(Weighing of Goods Vehicles and other Cargo) Regulations 1988(2). In the case of ships of Class I the actual weights of goods vehicles and other items of cargo shall be used and shall be determined in accordance with those Regulations as if the ship was a ship of Class II. For items not required to be so weighed, the declared weights or weights estimated as accurately as possible shall be used.

(3) The calculation shall be made using an on-board loading and stability computer, or an approved shore-based loading and stability computer system, or by such other means as will enable accurate results to be obtained. The method by which the calculation is made shall be in accordance with Merchant Shipping Notice No M 1413.

(4) The master shall record the result of the calculation in the official log book.

(5) Where the calculation is made by means of a shore-based loading and stability computer system, a print-out of the calculation shall be presented to the master before the ship proceeds on its voyage. It shall be the duty of the person responsible for that system to ensure that the calculations are substantially correct.

(6) A full record of the calculation or a copy thereof, shall be retained on the ship for at least one calendar month after the calculation is made and shall be made available for inspection at any time during that period. In the case of a ship of Class II or II(A) a copy of the record, or the record itself, shall be forwarded as soon as is practicable to the person designated by the owner under regulation 6 of the Merchant Shipping (Operations Book) Regulations 1988(3) and retained by him for a period of at least one calendar month. In the case of a ship of Class I a copy of the record, or the record itself, shall be forwarded to a person, nominated by the owner, and retained by him for a period of at least one calendar month.

Permissible standard of stability to be recorded

9G. Before a ship of Class I, II or II(A), or a ro/ro ship of Class IV to which regulation 9L applies, proceeds on a voyage the master shall cause the maximum permissible KG, or the minimum permissible GM, whichever is appropriate to the ship, to be determined and recorded in the official log book, or in the case of Class IV ships in a book retained on board for that purpose.

Condition of loading prior to departure to be satisfactory

9H. Before a ship of Class I, II or II(A) or a ro/ro ship of Class IV to which regulation 9L applies, proceeds on a voyage the master shall ensure that the condition of loading of the ship as recorded in accordance with regulations 9E(2) and 9F(4) is within the permissible standard of stability determined in accordance with regulation 9G and satisfies all the relevant requirements prescribed in the stability information book.

Draught marks and automatic draught gauge system

9I.—(1) Every ship of Class II shall be provided with a reliable automatic draught gauge system, complying with the requirements of Merchant Shipping Notice No M 1413.

- (a) (2) Every ship of Class I or II(A) engaged on services which afford only short periods in port or where insufficient lighting is available during periods of darkness, or which include the use of berths exposed to adverse weather, shall be provided with a reliable automatic draught gauge system as prescribed in paragraph (1) of this regulation.

(2) S.I. 1988/1275, as amended by S.I. 1989/270.

(3) S.I. 1988/1716.

- (b) Every other ship of Class I or II(A) shall be provided with such an automatic draught gauge system, except where the draught marks are located where they can be easily read.

Approval of loading conditions for Class IV ships

9J.—(1) Where a ro/ro ship of Class IV plies regularly to and from the same place, in conditions of loading which correspond closely to conditions of loading which are clearly specified in the stability information book, the owner may apply to the Secretary of State for approval of the adoption of the conditions so specified for the purposes of loading in accordance with this regulation.

(2) The Secretary of State may, subject to such conditions as he thinks fit, approve the conditions of loading so specified for the purposes of this regulation if he is satisfied that each such specified condition of loading allows a sufficient margin of stability beyond the minimum required for safety purposes, to allow for small variations which might occur between a specified condition of loading and the actual loading of the ship.

Loading of Class IV ships in accordance with approved conditions

9K.—(1) The master of a ro/ro ship of Class IV in respect of which the Secretary of State has approved conditions of loading in accordance with regulation 9J(2) shall, before the ship proceeds on a voyage:—

- (a) ensure that the actual condition of loading of the ship corresponds closely to one of the specified conditions of loading so approved; and
- (b) record the specified condition of loading so approved to which the actual condition of loading corresponds, in a book specially retained on board for that purpose.

(2) A copy of the information required by paragraph (1)(b) of this regulation shall be forwarded, as soon as is practicable, to a person nominated by the owner as being responsible and retained in his custody for a period of at least one calendar month.

(3) As an alternative to complying with paragraph (1) of this regulation the master of such a ship may comply with the requirements of regulation 9L.

Class IV ships which are not loaded in accordance with approved loading conditions

9L. Where ro/ro ships of Class IV are not loaded in a manner corresponding to specified conditions of loading which have been approved in accordance with regulation 9J, the requirements of regulations 9F, 9G and 9H shall apply as they apply in the case of ships of Classes I, II and II(A), except that a copy of the record of the stability calculation shall be retained ashore, by a person nominated by the owner as being responsible, for a period of not less than one calendar month.”

(4) In regulation 11(2)(b)(4) for the reference to “9(1)(d) and (2)” there shall be substituted “9A(6) and (7)”.

(5) In regulation 131A for the reference to “1(3)(b)” there shall be substituted “1(3)(c)”.

(6) Regulation 133 shall be replaced by the following:

133.—(1) If a ship to which these Regulations apply, proceeds or attempts to proceed on any voyage without complying with the requirements of these Regulations, other than the requirements of regulations 9(C) to 9(L), the owner or master of the ship shall each be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory

(4) Regulation 11(2)(b) was inserted by the Merchant Shipping (Stability of Passenger Ships) Regulations 1988 (S.I. 1988/1693).

maximum or on conviction on indictment, to imprisonment for a term not exceeding two years and a fine.

(2) Any contravention of regulation 9C(1), 9C(2) or 9I shall be an offence on the part of the owner, and any contravention of regulations 9D, 9E, 9F(1), (2), (3) and (4), 9G, 9H, 9K(1) or 9L shall be an offence on the part of the master. Any such offence shall be 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.

(3) Any contravention of regulation 9F(5) shall be an offence by the person responsible for the approved shore-based system. Any such offence shall be punishable on summary conviction by a fine not exceeding the statutory maximum or on conviction on indictment by a fine.

(4) Any contravention of regulation 9E(1) by an officer appointed in accordance with that regulation shall be an offence punishable on summary conviction by a fine not exceeding level 3 on the standard scale or on conviction on indictment by a fine.

(5) If the master or any person designated by the owner as being responsible in accordance with the Regulations referred to in regulation 9F(6) or 9K(2) fails to carry out the requirements of that regulation he shall be guilty of an offence. Any such offence shall be punishable on summary conviction by a fine not exceeding level 3 on the standard scale or on conviction on indictment by a fine.

(6) 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.”

(7) Regulation 135(5) shall be replaced by the following:–

“**135.**—(1) After any survey required by these Regulations of any new or existing United Kingdom 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 Secretary of State may cancel such certificate if the ship has not carried out a lightweight survey or been inclined before 29th April 1992, or inclined or had a lightweight survey thereafter periodically as specified in regulation 9A(4).

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

(8) Schedule 2, paragraph 12 shall be replaced by the following:–

“**12.** Such information, as is necessary to enable the master by rapid and simple processes to obtain accurate guidance as to the stability of the ship under varying conditions of service, shall be provided in order that regulations 10 and 11 of these Regulations will be complied with. This information shall be presented in the form of either required metacentric height (GM) or maximum allowable vertical centre of gravity (KG) values and shall be presented in either graphical or tabular form. This information shall be provided 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 Secretary of State may approve the substitution of lesser trims by the bow and stern as specified in this paragraph if he is satisfied that such a lesser range of trims are sufficient for the purpose intended because of the characteristics of the particular ship.”

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