

1999 No. 17

MERCHANT SHIPPING

SAFETY

**The Merchant Shipping (Pilot Transfer Arrangements)
Regulations 1999**

<i>Made</i> - - - -	<i>9th January 1999</i>
<i>Laid before Parliament</i>	<i>20th January 1999</i>
<i>Coming into force</i>	<i>10th February 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(a), in exercise of powers conferred by section 85(1)(a) and (b), (3) and (5) to (7) and section 86(1) of that Act, and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Merchant Shipping (Pilot Transfer Arrangements) Regulations 1999 and shall come into force on 10th February 1999.

Revocations

- 2.** The following Regulations are hereby revoked:
- the Merchant Shipping (Pilot Ladders and Hoists) Regulations 1987(b);
 - the Merchant Shipping (Pilot Ladders and Hoists) (Amendment) Regulations 1993(c).

Interpretation

- 3.—(1)** In these Regulations,
- “EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993(d);
 - “EEA State” means a State which is a Contracting Party to the EEA Agreement;
 - “Merchant Shipping Notice” means a Notice described as such and issued by the Maritime and Coastguard Agency, an executive agency of the Department of the Environment, Transport and the Regions, and reference to any specific Merchant Shipping Notice includes a reference to any document amending or replacing it which is considered by the Secretary of State to be relevant from time to time.

(2) For the purposes of these Regulations ships shall be arranged in the same classes as those in which ships are arranged for the purposes of the Merchant Shipping (Life-Saving Appliances) Regulations 1980(e).

(a) 1995 c. 21; sections 85 and 86 were amended by the Merchant Shipping and Maritime Act 1997 (c. 28), section 8.
(b) S.I. 1987/1961, amended by S.I. 1993/3232.
(c) S.I. 1993/3232.
(d) Cm. 2073.
(e) S.I. 1980/538; relevant amendment is S.I. 1986/1072.

(3) Any approval given in pursuance of 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

4.—(1) These Regulations apply to:

- (a) United Kingdom ships wherever they are, and
- (b) other ships while they are within United Kingdom waters,

which fall within the description of ships in paragraph (2) below.

(2) Those descriptions are ships of:

- (a) Classes I, II II(A), VII, VII(T), VII(A), VIII, VIII(T), VIII(A), and VIII(A)(T);
- (b) Class X where the distance in normal operating conditions, from the water to the point of access to the vessel, exceeds 2.5 metres; and
- (c) Classes III to VI(A) inclusive and IX, IX(A), IX(A)(T), XI, and XII, when engaged on a voyage during the course of which a pilot is likely to be employed.

Pilot transfer arrangements: owners' duties

5. The owner of a ship shall ensure that—

- (a) the ship is provided with the equipment, and has procedures in place, which comply with the pilot transfer arrangements specified in Merchant Shipping Notice MSN 1716 (M+F);
- (b) suitable positions are available on each side of the ship to enable the master to comply with the requirements of Merchant Shipping Notice MSN 1716 (M+F); and
- (c) appropriate manuals for pilot transfer arrangements are available on board the ship.

Pilot transfer arrangements: masters' and responsible officers' duties

6.—(1) The master of a ship shall ensure that—

- (a) all pilot transfer arrangements meet the requirements of the Merchant Shipping Notice MSN 1716 (M+F) and are sufficient for the purpose of enabling pilots and other persons using such arrangements to embark and disembark safely;
- (b) all pilot transfer equipment is properly maintained, stowed and regularly inspected to ensure that, so far as reasonably practicable, it is safe to use;
- (c) the rigging and testing of equipment for pilot transfer, and the procedures in place for such transfers, comply with Merchant Shipping Notice MSN 1716 (M+F); and
- (d) each pilot ladder is used only for the embarkation and disembarkation of pilots and by officials and other persons authorised by the master on arrival at or departure from a port.

(2) An officer of the ship, nominated by the master, (“the responsible officer”) shall supervise the rigging, testing and the use of the pilot transfer arrangements and shall ensure that the crew members engaged in rigging and use of the pilot arrangements have been instructed in the rigging and operating procedures as contained in the appropriate manuals.

Alternative construction and equivalents

7.—(1) Where under these Regulations a particular fitting, material, appliance or apparatus or type thereof is required to be fitted or carried in a ship, or any particular provision is to be made, the Secretary of State shall approve any other fitting, material, appliance or apparatus, or type thereof, to be fitted or carried, or any other provision to be made in that ship, if he is satisfied by test thereof or otherwise that such other fitting, material, appliance or apparatus, or type thereof, or provision, is at least as effective as that required under these Regulations.

(2) For the purposes of these Regulations, the results of a verification or test shall be accepted if the verification or test is carried out—

- (a) in accordance with these Regulations or with a standard, code of practice, specification or technical description of an EEA State other than the United Kingdom offering equivalent levels of safety, suitability and fitness for purpose; and

- (b) by a body or laboratory of an EEA State other than the United Kingdom offering suitable and satisfactory guarantees of technical and professional competence and independence.

Penalties

8.—(1) An owner of a ship who contravenes any provision of regulation 5 shall be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum or, on conviction on indictment, to imprisonment for a term not exceeding two years or a fine or both.

(2) A master of a ship who contravenes any provision of regulation 6 shall be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum or, on conviction on indictment, to imprisonment for a term not exceeding two years or a fine or both.

(3) A responsible officer who fails to supervise as instructed by the master and required by regulation 6(2) shall be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum, or on conviction on indictment to imprisonment for a term not exceeding two years or a fine or both.

(4) It shall be a defence to a charge under this regulation to prove that the person charged took all reasonable steps to avoid commission of the offence.

Exemptions

9. The Secretary of State may grant exemptions from all or any of the provisions of these Regulations (as may be specified in the exemption) for classes of ships or individual ships on such terms (if any) as he may specify, and may, subject to giving reasonable notice, alter or cancel any such exemption.

Powers to detain

9. 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 284 of the Merchant Shipping Act 1995^(a) (which relates to the detention of a ship) shall have effect in relation to the ship, subject to the modification that as if for the words “this Act” wherever they appear, there were substituted “the Merchant Shipping (Pilot Transfer Arrangements) Regulations 1999”.

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

Glenda Jackson
Parliamentary Under Secretary of State,
Department of the Environment, Transport and the Regions

9th January 1999

^(a) Section 284 was amended by the Merchant Shipping and Maritime Security Act 1997 (c. 28), Schedule 1, paragraph 5.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations replace the Merchant Shipping (Pilot Ladders and Hoists) Regulations 1987, as amended. They implement Regulation 17 of Chapter V of the Safety of Life at Sea Convention 1974 (SOLAS).

The detailed requirements relating to pilot ladders, accommodation ladders used in conjunction with pilot ladders, mechanical pilot hoists and access to deck are now contained in a Merchant Shipping Notice MSN 1716 (M+F) which includes International Maritime Organization Resolution (IMO) A.667(16) on Pilot Transfer Arrangements (which amplifies Regulation 17 of Chapter V of SOLAS).

Other changes from the 1987 Regulations are that pre- and post-1994 ships are no longer treated differently, and that United Kingdom requirements in excess of SOLAS are removed.

Merchant Shipping Notices can be obtained from distribution agents Eros Marketing Support Services Ltd, Unit B, Imber Court Trading Estate, Orchard Lane, East Molesey, Surrey KT8 0BN (Tel. 0181 957 5028).

SOLAS, amendments to it, and IMO Resolutions may be obtained from IMO, 4 Albert Embankment, London SE1 7SR.

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