

## EXPLANATORY NOTE

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

These Regulations implement Council Directive [92/58/EEC](#) (O.J. No. L245, 26.8.1992, p. 23) on the minimum requirements for the provision of safety and/or health signs at work (“the Directive”) (ninth individual Directive within the meaning of Article 16(1) of Directive [89/391/EEC](#)).

The terms used in the Regulations are defined in regulation 2 and the circumstances in which the Regulations apply are set out in regulation 3. The exclusions include signs used in relation to the supply of dangerous substances or equipment, for the transport of dangerous goods and for the regulation of transport.

Regulation 4 specifies the persons on whom duties are imposed and regulation 5 requires safety signs to comply with the descriptions in the Annexes to the Directive. Safety signs must be provided where the risk assessment made under regulation 7 of the Merchant Shipping and Fishing Vessels (Health and Safety at Work) Regulations 1997 (S.I. 1997/2962) indicates that the risks cannot be avoided or adequately controlled in other ways. The regulation also requires that safety signs are maintained. With certain exceptions (set out in the Schedule), the hand signals to be used are described in Annex IX to the Directive.

Regulation 6 requires that workers receive adequate instruction and training in the meaning of safety signs and the measures to be taken in connection with safety signs.

Regulations 7 to 13 concern enforcement. By regulation 7 contravention of each separate duty in regulations 5 and 6 is a criminal offence. Provision is made for corporate offences (regulation 8) and the burden of showing that compliance with a duty in these Regulations was not reasonably practicable is on the defendant (regulation 9). Inspection and detention of United Kingdom and non-United Kingdom ships are separately provided for (regulations 10 and 11), and sections in the Merchant Shipping Act 1995 dealing with enforcement of detention and with arbitration and compensation are applied (regulations 12 and 13).

These Regulations are made under the powers contained in the Merchant Shipping Act 1995 except in respect of their application to Government ships (regulation 2(1)) where the power is provided by section 2(2) of the European Communities Act 1972.

A Regulatory Impact Assessment has been produced and a copy placed in the Library of both Houses of Parliament. Copies can be obtained from the Maritime Information Centre, Maritime and Coastguard Agency, Spring Place, 105 Commercial Road, Southampton SO15 1EG (telephone number 023 8032 9297).

Copies of the relevant international Codes can be obtained from the International Maritime Organization, 4 Albert Embankment, London SE1 7SR (telephone number 020 7735 7611). Merchant Shipping Notices can be obtained from iForce, Imber Court Business Park, Orchard Lane, East Molesey, Surrey KT8 0BZ (telephone number 020 8957 5028; fax number 020 8957 5012).

Copies of the document referred to at paragraph 1 of the Schedule can be obtained from BSI Standards, 389 Chiswick High Road, London W4 4AL.

**Status:**

Point in time view as at 15/02/2002.

**Changes to legislation:**

There are currently no known outstanding effects for the The Merchant Shipping and Fishing Vessels (Safety Signs and Signals) Regulations 2001.