
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations impose health and safety requirements with respect to lifting operations and the provision and use of lifting equipment on merchant ships and fishing vessels. In doing so they implement in part in respect of these vessels Council Directive [89/655/EEC](#) (O.J. L393, 30.12.89, p.13) as amended by Council Directive [95/63/EC](#) (O.J. L335, 30.12.95, p.28) concerning the minimum safety and health requirements for the use of work equipment by workers at work (second individual Directive within the meaning of Article 16(1) of Directive [89/391/EEC](#)).

In addition for purposes of consolidation and simplification, the Regulations revoke and replace the Merchant Shipping (Hatches and Lifting Plant) Regulations 1988 (S.I. 1988/1639) (“the 1988 Regulations”) which gave effect in part to the Merchant Shipping (Minimum Standards) Convention 1976 (International Labour Organization Convention 147) (Cmnd. 7183).

The terms used in the Regulations are defined in *regulations 2* and *3* and the circumstances in which the Regulations apply are set out in *regulation 4*. This regulation exempts fishing vessels and non-commercially managed government ships from those provisions which are derived from the 1988 Regulations, which did not apply to such vessels. It also creates a further minor exemption from *regulation 12(5)(b)* in relation to such government ships. Finally, *regulation 4* places certain duties (not required by the Directives) upon self-employed persons.

Regulation 5 extends the duties imposed by these Regulations to any person having control of a matter, e.g. by reason of having responsibility for operation of the ship.

Regulation 6 imposes requirements as to the strength of and stability of lifting equipment.

Regulation 7 deals with lifting equipment for lifting persons and *regulation 8* with the positioning and installation of permanently installed lifting equipment.

Regulation 9 requires lifting equipment to be marked with its safe working loads and

regulation 10 requires lifting operations to be properly planned and supervised and for the employer to provide a safe system of work in specified circumstances.

Regulations 11 and *12* deal with the testing, examination and inspection of lifting equipment and *regulations 13* and *14* with certificates and reports in relation to such matters. *Regulation 15* requires any certificate or report to be kept safe and information contained in reports and other records to be made available for inspection as specified.

Regulation 16 deals with hatch covers used on a ship and requires account to be taken of the principles and guidance in the Code of Safe Working Practices for Merchant Seamen, which is derived from the 1988 Regulations.

Regulation 17 requires workers to comply with any reasonable instructions under *regulations 7*, *10* or *16*, as well as with any system of work provided by their employer in accordance with *regulation 10(3)(d)*.

Regulations 18 to *24* concern penalties, offences, inspections and detentions as well as compensation.

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

A Regulatory Impact Assessment and a Transposition Note have been prepared and a copy of each has been placed in the Library of each House of Parliament. Copies can be obtained from the Maritime and Coastguard Agency, Spring Place, 105 Commercial Road, Southampton, SO15 1EG (telephone number 02380 329100).

Merchant Shipping Notices, Marine Guidance Notes and Marine Information Notes can be obtained from Mail Marketing (Scotland), Unit 6, Blooms Grove Industrial Estate, Norton Street, Nottingham, NG7 3JG (telephone 0115 901 3336; fax 0115 901 3334; e-mail orders:

Changes to legislation: *There are currently no known outstanding effects for the The Merchant Shipping and Fishing Vessels (Lifting Operations and Lifting Equipment) Regulations 2006. (See end of Document for details)*

mca@promo-solution.com). They may also be accessed via the Maritime and Coastguard Agency's website <http://www.mcga.gov.uk>. International Labour Organization Conventions are published by the International Labour Office and copies may be obtained from ILO Publications, International Labour Office, CH-1211 Geneva 22, Switzerland.

Changes to legislation:

There are currently no known outstanding effects for the The Merchant Shipping and Fishing Vessels (Lifting Operations and Lifting Equipment) Regulations 2006.