



Merchant Shipping Act 1979

1979 CHAPTER 39

Safety and health on ships

21 Safety and health on ships

- (1) The Secretary of State may by regulations make such provision as he considers appropriate for all or any of the following purposes, namely—
 - (a) for securing the safety of United Kingdom ships and persons on them and for protecting the health of persons on United Kingdom ships ;
 - (b) for giving effect to any provisions of an international agreement ratified by the United Kingdom so far as the agreement relates to the safety of other ships or persons on them or to the protection of the health of persons on other ships.
- (2) In the preceding subsection "United Kingdom ship" means a ship which—
 - (a) is registered in the United Kingdom ; or
 - (b) is not registered under the law of any country but is wholly owned by persons each of whom is either a citizen of the United Kingdom and Colonies or a body corporate which is established under the law of a part of the United Kingdom and has its principal place of business in a part of the United Kingdom ;and the power conferred by the preceding subsection to make provision for giving effect to an agreement includes power to provide for the provision to come into force although the agreement has not come into force.
- (3) Regulations in pursuance of subsection (1) of this section (hereafter in this section and in the following section referred to as " safety regulations ") may in particular make provision with respect to any of the following matters, namely—
 - (a) the design, construction, maintenance, repair, alteration, inspection, surveying and marking of ships and their machinery and equipment;
 - (b) the packaging, marking, loading, placing, moving, inspection, testing and measuring of cargo and anything on a ship which is not cargo, machinery or equipment;
 - (c) the carrying out of any operation involving a ship ;
 - (d) the use of the machinery and equipment of a ship and of anything on a ship which is not cargo, machinery or equipment;

Status: This is the original version (as it was originally enacted).

- (e) the manning of ships, including the employment on ships of persons qualified to attend to the health and safety of persons on the ships;
 - (f) the arrangements for ensuring communication between persons in different parts of a ship and between persons in the ship and other persons ;
 - (g) the access to, presence in and egress from a ship, and different parts of it, of persons of any description;
 - (h) the ventilation, temperature and lighting of different parts of a ship ;
 - (i) the steps to be taken to prevent or control noise, vibration and radiation in and from a ship and the emission in or from a ship of smoke, gas and dust;
 - (j) the steps to be taken to prevent, detect and deal with outbreaks of fire on a ship;
 - (k) the steps to be taken to prevent any collision involving a ship and in consequence of any collision involving a ship;
 - (l) the steps to be taken, in a case where a ship is in distress or stranded or wrecked, for the purpose of saving the ship and its machinery, equipment and cargo and the lives of persons on or from the ship, including the steps to be taken by other persons for giving assistance in such a case ;
 - (m) the removal, by jettisoning or otherwise, of its equipment and of other things from a ship for the purpose of avoiding, removing or reducing danger to persons or property;
 - (n) the steps to be taken, in a case where danger of any kind occurs or is suspected on a ship, for removing or reducing the danger and for warning persons who are not on the ship of the danger or suspected danger ;
 - (o) the making of records and the keeping of documents relating to ships and the keeping and use on a ship of information to facilitate the navigation of the ship ;
 - (p) the keeping of registers and the issue of certificates in cases for which registration or a certificate is required by virtue of the regulations ;
 - (q) the furnishing of information ; and
 - (r) the payment of fees of amounts determined with the approval of the Treasury.
- (4) Safety regulations—
- (a) may make provision in terms of approvals given by the Secretary of State or another person and in terms of any document which the Secretary of State or another person considers relevant from time to time ;
 - (b) may provide for the cancellation of an approval given in pursuance of the regulations and for the alteration of the terms of such an approval; and
 - (c) must provide for any approval in pursuance of the regulations to be given in writing and to specify the date on which it takes effect and the conditions (if any) on which it is given.
- (5) Without prejudice to subsection (1)(b) of the following section, safety regulations may provide—
- (a) for the granting by the Secretary of State or another person, on such terms (if any) as the Secretary of State or other person may specify, of exemptions from specified provisions of the regulations for classes of cases or individual cases; and
 - (b) for the alteration or cancellation of exemptions granted in pursuance of the regulations.
- (6) Safety regulations may provide—

- (a) that in such cases as are prescribed by the regulations a ship shall be liable to be detained and that section 692 of the Merchant Shipping Act 1894 (which relates to the detention of a ship) shall have effect, with such modifications (if any) as are prescribed by the regulations, in relation to the ship;
- (b) that, in such cases of contraventions of the regulations as are prescribed by the regulations, such persons as are so prescribed shall each be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000 or, on conviction on indictment, to imprisonment for a term not exceeding two years and a fine;
- (c) that, notwithstanding anything in the preceding paragraph, a person convicted summarily of an offence under the regulations of a kind which is stated by the regulations to correspond to an offence under an enactment specified in the regulations which authorises or authorised a fine on summary conviction of a maximum amount exceeding £1,000 shall be liable to a fine not exceeding that maximum amount.

22 Provisions supplementary to s. 21

- (1) Safety regulations may—
 - (a) make different provision for different circumstances and, in particular, make provision for an individual case;
 - (b) be made so as to apply only in such circumstances as are prescribed by the regulations ;
 - (c) be made so as to extend outside the United Kingdom;
 - (d) contain such incidental, supplemental and transitional provisions as the Secretary of State considers appropriate.
- (2) Where the Secretary of State proposes to make safety regulations or he or another person proposes to give an approval in pursuance of safety regulations it shall be the duty of the Secretary of State or other person, before he gives effect to the proposal, to consult such persons in the United Kingdom (if any) as he considers will be affected by the proposal.
- (3) The Secretary of State may by regulations—
 - (a) make such repeals or other modifications of provisions of the Merchant Shipping Acts, of any instruments made under those Acts and of the Anchors and Chain Cables Act 1967 as he considers appropriate in consequence or in anticipation of the making of safety regulations;
 - (b) make such repeals or other modifications of provisions of any enactment passed and any instrument made before the passing of this Act as he considers appropriate in connection with any modification made or to be made in pursuance of the preceding paragraph ;
 - (c) provide for anything done under a provision repealed or otherwise modified by virtue of either of the preceding paragraphs to have effect as if done under safety regulations and make such other transitional provision and such incidental and supplemental provision as he considers appropriate in connection with any modification made by virtue of either of those paragraphs.
- (4) Nothing in subsections (3) to (6) of the preceding section or subsection (1) of this section shall be construed as prejudicing the generality of subsection (1) of the preceding section.