



# Merchant Shipping Act 1948

## 1948 CHAPTER 44

### *Crew Accommodation and Food and Catering*

#### **1 Accommodation for seamen**

- (1) The Minister may, after consultation with such organisation or organisations as appear to him to be representative both of owners of British ships and of seamen employed therein, make regulations with respect to the crew accommodation to be provided in ships of any class specified in the regulations, being ships in respect of which such regulations are authorised to be made by the next following section.
- (2) Without prejudice to the generality of the foregoing subsection, regulations made thereunder may, in particular—
  - (a) prescribe the minimum space per man which must be provided in any ship to which the regulations apply by way of sleeping accommodation for seamen and apprentices, and the maximum number of persons by whom any specified part of such sleeping accommodation may be used ;
  - (b) regulate the position in any such ship in which the crew accommodation or any part thereof may be located, and the standards to be observed in the construction, equipment and furnishing of any such accommodation ;
  - (c) require the submission to a surveyor of ships of plans and specifications of any works proposed to be carried out for the purpose of the provision or alteration of any such accommodation, and authorise the surveyor to inspect any such works ;
  - (d) provide for the maintenance and repair of any such accommodation, and prohibit or restrict the use of any such accommodation for purposes other than those for which it is designed ;

and may make different provision in respect of different classes of ships and in respect of crew accommodation provided for different classes of persons.

- (3) In this Act the expression " crew accommodation " includes sleeping rooms, mess rooms, sanitary accommodation, hospital accommodation, recreation accommodation, store rooms and catering accommodation provided for the use of

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seamen and apprentices, not being accommodation which is also used by or provided for the use of passengers :

Provided that regulations made under this section may provide that any store rooms comprised in the crew accommodation of a ship shall, to such extent as may be prescribed by the regulations, be disregarded in estimating the space to be deducted from the tonnage of the ship under section seventy-nine of the principal Act in respect of crew accommodation.

- (4) If the provisions of any regulations made under this section are contravened in the case of a ship, the owner or master of the ship shall be liable to a fine not exceeding one hundred pounds.

## 2 Application of section one

- (1) Subject to the provisions of this section, regulations made under section one of this Act may apply—

- (a) to any British ship for the time being registered in the United Kingdom, whether so registered before or after the date on which the regulations come into force ; and
- (b) to any ship which, at any time after that date, is being constructed to the order of a person qualified under the principal Act to be the owner of a British ship and has not been registered in the United Kingdom or elsewhere,

not being a fishing boat or a ship being constructed for use as a fishing boat :

Provided that, subject to the provisions of any Order in Council made under section nine of this Act, such regulations shall not apply to any ship under construction which is being constructed at any place in His Majesty's dominions outside the United Kingdom or in any foreign country or territory in which His Majesty has for the time being jurisdiction, or is intended on her first registration to be registered at any such place.

- (2) Where any ship to which regulations made under section one of this Act apply was a British ship registered in the United Kingdom immediately before the date on which those regulations came into force, then, unless and until, after that date, the ship is re-registered in the United Kingdom or undergoes substantial structural alterations or repairs (not being repairs carried out in consequence of damage or in an emergency)—
- (a) any requirements of the regulations (including any subsequent regulations amending or substituted for those regulations) relating to matters specified in paragraph (a) or paragraph (b) of subsection (2) of section one of this Act (in this section referred to as " the construction requirements " ) shall be deemed to be complied with in the case of the ship if the corresponding requirements of the law in force immediately before that date are so complied with ; and
  - (b) any requirements of any such regulations relating to matters specified in paragraph (c) of the said subsection (2) (in this section referred to as " the survey requirements ") shall not apply to any works other than works proposed to be carried out for the purpose of any such alterations or repairs as aforesaid.
- (3) Where regulations made under section one of this Act become applicable—
- (a) to a ship under construction of which the keel was laid before the date on which those regulations came into force ;

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- (b) to a ship registered as a British ship in the United Kingdom after that date, not being a ship to which such regulations applied while she was under construction,

or where any such ship as is mentioned in the last foregoing subsection is re-registered, altered or repaired as mentioned in that subsection, then, if, upon application made to him by the owner of the ship, the Minister is satisfied, after consultation with the owner of the ship or an organisation which appears to him to be representative of owners of British ships, and with an organisation which appears to him to be representative of seamen employed in British ships, that such steps if any as are reasonable and practicable have been taken for securing compliance with the construction requirements of the regulations in the case of the ship, he shall certify accordingly. .

- (4) In determining for the purposes of the last foregoing subsection what steps for securing compliance with the construction requirements of any regulations are reasonable and practicable, the Minister shall have regard to the age of the ship, to the purpose for which she is or is intended to be used and to the nature of any alterations or repairs which are carried out, or to the extent to which the construction of the ship had been completed before the date on which the regulations came into force, as the case may be.
- (5) Where any such certificate is issued by the Minister as aforesaid, then, subject to compliance with such conditions, if any, as may be specified in the certificate—
  - (a) the construction requirements of the regulations (including any subsequent regulations amending or substituted for those regulations) shall be deemed to be complied ' with in the case of the ship ; and
  - (b) the survey requirements of any such regulations shall not apply to any works other than works proposed to be carried out for the purpose of any such alterations or repairs as are mentioned in subsection (2) of this section :

Provided that on the occurrence of any such event as is mentioned in the said subsection (2), the provisions of this subsection shall cease to have effect in relation to the ship, but without prejudice to the issue of a further certificate under subsection (3) of this section.

### **3 Inspections of crew accommodation**

- (1) Whenever a ship to which regulations made under section one of this Act apply is registered or re-registered in the United Kingdom, whenever a complaint in respect of the crew accommodation in any such ship is duly made in accordance with the regulations, and on such other occasions as may be prescribed by the regulations, a surveyor of ships shall inspect the crew accommodation.
- (2) If, upon any such inspection, the surveyor is satisfied that the crew accommodation complies with the regulations, he shall (except where the inspection is made in consequence of a complaint) give to the registrar of British ships a certificate specifying as space deductible under section seventy-nine of the principal Act the whole of the space comprised in that accommodation, except any part thereof required by the regulations to be disregarded in estimating the space so to be deducted.
- (3) If, upon any such inspection, it appears to the surveyor that the accommodation does not comply in all respects with the regulations, he may give to the registrar a certificate specifying as space deductible as aforesaid such part of the space comprised in the accommodation as he considers appropriate having regard to the extent to which it

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complies with the regulations, but if he does not give such a certificate he shall report to the registrar that no space is deductible as aforesaid :

Provided that the surveyor shall not be required to make such a report as aforesaid—

- (a) if the inspection is made on the occasion of the registration or re-registration of the ship ; or
  - (b) if it appears to him that the failure to comply with the regulations is not substantial and will be remedied within a reasonable time.
- (4) Where any certificate is given or report made under the foregoing provisions of this section in respect of a ship already registered, any certificate previously given thereunder in respect of that ship shall cease to have effect, and the registered tonnage of the ship shall be altered accordingly.
- (5) In respect of any inspection of a ship carried out by a surveyor for the purposes of this section, there shall be paid such fees as may be prescribed by regulations made under section one of this Act.
- (6) Regulations made under section one of this Act may require the master of any ship to which the regulations apply, or any officer authorised by him for the purpose, to carry out such inspections of the crew accommodation as may be prescribed by the regulations, and to record in the official log such particulars of any such inspection as may be so prescribed.

#### **4 Amendments consequential on s. 1**

- (1) In relation to ships to which regulations made under section one of this Act apply, section seventy-nine of the principal Act (which authorises certain deductions in ascertaining the register tonnage of ships) shall have effect as if in sub-paragraph (a) (i) of subsection (1) for the words "any space occupied by seamen or apprentices and appropriated to their use, which is certified under the regulations scheduled to this Act with regard thereto " there were substituted the words " any space provided by way of crew accommodation which is certified under the Merchant Shipping Act, 1948, to be space deductible under this section ".
- (2) In relation to a ship of any foreign country, being a ship to which regulations made under section one of this Act would apply if she were a British ship and were registered in the United Kingdom, subsection (1) of section eighty-four of the principal Act (which as amended by section fifty-five of the Merchant Shipping Act, 1906, provides for the ascertainment of the tonnage of certain foreign ships) shall have effect subject to the following modifications, that is to say :—
- (a) for the words " shall be deemed to have been certified under this Act and to comply with the provisions of this Act which apply to such a space in the case of British ships " there shall be substituted the words " shall be deemed to have been specified in a certificate issued under the Merchant Shipping Act, 1948, and to comply with regulations made under section one of that Act " ;
  - (b) for the words " the standard required under this Act in the case of a British ship " there shall be substituted the words " the standard which would be required under or for the purposes of those regulations if she were a British ship registered in the United Kingdom ".
- (3) Section two hundred and ten of the principal Act and the Sixth Schedule to that Act, and section sixty-four of the Merchant Shipping Act, 1906, shall not apply to any ship to which regulations made under section one of this Act apply (but without prejudice

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to the provisions of subsection (2) of section two of this Act) ; and the proviso to paragraph (a) of subsection (2) of section five hundred and three of the principal Act shall cease to have effect :

Provided that any certificate given in relation to any such ship as aforesaid, under paragraph (3) of the said Sixth Schedule before the date on which the regulations apply thereto shall have effect for the purposes of this Act and of the principal Act as if it had been given under the last foregoing section.