

1981 No. 578

MERCHANT SHIPPING

SAFETY

**The Merchant Shipping (Musters) (Amendment)
Regulations 1981**

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| <i>Made - - - -</i> | <i>8th April 1981</i> |
| <i>Laid before Parliament</i> | <i>10th April 1981</i> |
| <i>Coming into Operation</i> | <i>1st May 1981</i> |

The Secretary of State, after consulting with the persons referred to in section 22(2) of the Merchant Shipping Act 1979(a), in exercise of the powers conferred on him by subsections (1)(a) and (b), (3)(d), (e), (f), (g), (j), (l) and (o) and (6)(b) of section 21 and by section 22(1)(a) and (c) of that Act and of all other powers enabling him in that behalf, hereby makes the following Regulations:-

1. These Regulations may be cited as the Merchant Shipping (Musters) (Amendment) Regulations 1981 and shall come into operation on 1st May 1981.

2. The Merchant Shipping (Musters) Rules 1965(b) are hereby revoked to the extent that they apply to ships which are within the United Kingdom or the territorial waters thereof.

3. The Merchant Shipping (Musters) Regulations 1980(c) shall be amended as follows:

- (1) in regulation 2(1) the definition of "Safety Convention ship" shall be deleted;
- (2) in regulation 2(2) the words "Safety Convention" shall be deleted;
- (3) in regulation 3(b) the words "Safety Convention" shall be deleted;
- (4) in the proviso to regulation 5(1), for "24th May 1981" there shall be substituted "24th May 1982";
- (5) in regulation 6 at the end there shall be added the following paragraph:
 "(7)(a) The following matters shall be recorded by the master in the official logbook:
 - (i) upon each occasion on which, in accordance with these Regulations, a muster or training and drills in fire-fighting are held on board the ship or on which the appliances and equipment required by the Merchant Shipping (Life-Saving Appliances) Regulations 1980(d) to be carried are examined to see whether they are fit and ready for use;

(a) 1979 c. 39.
(d) S.I. 1980/538.

(b) S.I. 1965/1113.

(c) S.I. 1980/542.

- (aa) a record of the date upon which the musters are held;
 - (bb) details of training and drills in firefighting carried out on board;
 - (cc) a record of the occasions on which life-boats are swung out and lowered;
 - (dd) on cargo ships, a report of the examination of the boat's equipment;
- (ii) upon each occasion on which a muster is not held or only a part muster is held on board the ship when a muster is required by these Regulations:
- (aa) a record of why the muster was not so held; or
 - (bb) where a part muster is held, a record of the extent of the muster held.
- (b) In ships not required to keep an official logbook, a record of each matter specified in sub-paragraph (a) shall be made by the master or person responsible for maintaining such records and be retained on board for a period of not less than 12 months.”;
- (6) in regulation 8:
- (a) in paragraph (1) for “6” there shall be substituted “6(1) to (6)”;
 - (b) after paragraph (2) there shall be added:
 - “(3) Any person who fails to comply with regulation 6(7)(b) shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50.”

8th April 1981.

Trefgarne,
Parliamentary Under Secretary of State,
Department of Trade.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations revoke the Merchant Shipping (Musters) Rules 1965 to the extent that they still apply to ships within the United Kingdom or United Kingdom territorial waters. They also amend the Merchant Shipping (Musters) Regulations 1980 and give effect to the Protocol of 1978 relating to the International Convention for the Safety of Life at Sea 1974 (Cmnd. 7346) which was laid before Parliament in October 1978. Pursuant to the Protocol the application of the 1980 Regulations is extended to all sea-going ships (except fishing vessels), whether or not registered in a country to which a Safety of Life at Sea Convention applies, while they are within the United Kingdom or United Kingdom territorial waters.

The 1980 Regulations are further amended as follows:

- (1) regulation 5(1) required the masters of certain existing passenger ships, by 24th May 1981, to prepare and maintain muster lists in a form approved by the Secretary of State. This requirement need not now be complied with until 24th May 1982;
- (2) certain entries are required to be made in the official logbook, or, where the ship is not required to keep an official logbook, for a record to be maintained. A maximum penalty of £50 is prescribed for failure to keep such a record. A similar penalty for failure to make the entries required in the official logbook is prescribed in the Merchant Shipping (Official Logbooks) Regulations 1981 (S.I. 1981/569).

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