
 STATUTORY INSTRUMENTS

1982 No. 876

MERCHANT SHIPPING

SAFETY

**The Merchant Shipping (Safety Officials and Reporting of
Accidents and Dangerous Occurrences) Regulations 1982**

<i>Made</i>	- - - -	25th June 1982
<i>Laid before Parliament</i>		8th July 1982
<i>Coming into Operation</i>		1st October 1982

The Secretary of State, after consulting with the persons referred to in section 22(2) of the Merchant Shipping Act 1979 (a) ("the Act of 1979") in exercise of powers conferred on him by sections 21(1)(a), (3)(e), (n), (o) and (q), (4)(a), (5)(a) and (6)(b), and section 22(1)(a) of that Act, and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

Citation, commencement, interpretation

1.—(1) These Regulations may be cited as the Merchant Shipping (Safety Officials and Reporting of Accidents and Dangerous Occurrences) Regulations 1982 and shall come into operation on 1st October 1982.

(2) In these Regulations:—

"access" means the process of embarking on or disembarking from a ship from or to the quayside, by whatever means employed;

"Code of Safe Working Practices" means the Department of Trade publication entitled "Code of Safe Working Practices for the Safety of Merchant Seamen" published in 1978 by Her Majesty's Stationery Office; any reference to the Code shall include references to any document amending the same which is considered by the Secretary of State to be relevant from time to time and notified in a Merchant Shipping Notice;

"crew" means all persons, including the master, employed or engaged by the employer in any capacity on board a ship;

"dangerous occurrence" means any occurrence of a kind specified in the Schedule hereto;

"employer" means the person for the time being employing the master;

"fishing vessel" means a vessel which is for the time being employed in sea fishing but does not include a vessel used otherwise than for profit;

(a) 1979 c.39.

“incapacitated from work” means, in the case of a member of the crew, unable to undertake the full range of duties normally undertaken, and in any other case means a comparable impairment of the person’s physical condition;

“major injury” means:—

- (a) fracture of the skull, spine or pelvis;
- (b) fracture of any bone:—
 - (i) in the arm other than a bone in the wrist or hand;
 - (ii) in the leg, other than a bone in the ankle or foot;
- (c) amputation of a hand or foot;
- (d) the loss of sight of an eye; or
- (e) any other impairment of a person’s physical condition which results in the person injured:—
 - (i) being admitted to hospital as an in-patient for more than 24 hours; or
 - (ii) if at sea, being confined to bed on board, and which would have resulted in admission to hospital for more than 24 hours as an in-patient if the ship had been in port;

“Merchant Shipping Notice” means a Notice described as such and issued by the Department of Trade;

“non-sea-going ships” includes any ship, except a passenger ship, which normally remains within the seaward limits of a port or, if she goes outside those seaward limits, returns to her port of departure within 24 hours without having called at any other port;

“occupational health and safety” means the health and safety of the crew whilst on board the ship and whilst boarding or leaving the ship;

“offshore installation” means any offshore installation within the meaning of section 1(3) of the Mineral Workings (Offshore Installations) Act 1971 (a) or any such installation as is mentioned in section 44(1) of the Petroleum and Submarine Pipe-lines Act 1975 (b);

“pleasure craft” means a vessel primarily used for sport or recreation;

“tanker” means a cargo ship constructed or adapted for the carriage in bulk of oil, chemicals or gas;

“United Kingdom ship” has the same meaning as in section 21(2) of the Act of 1979.

(a) 1971 c.61.
(b) 1975 c.74.

PART I

SAFETY OFFICIALS

Application

2.—(1) This Part of these Regulations applies to United Kingdom ships in which a crew of more than five are employed, other than non-sea-going ships, fishing vessels, offshore installations whilst on their working stations, and pleasure craft.

(2) This Part of these Regulations shall not be construed as giving any person a right to inspect any place, article, substance or document which is the subject of restrictions on the grounds of national security unless he satisfies any test or requirement imposed on those grounds by or on behalf of the Crown.

Appointment and election of safety officials

3.—(1) In every ship to which these Regulations apply:—

(a) the employer shall appoint a safety officer, and

(b) the officers and ratings may elect:—

(i) in ships carrying fewer than 16 crew, one safety representative elected by the officers and ratings;

(ii) in ships carrying more than 15 crew, one safety representative elected by the officers and

(A) one safety representative elected by the ratings, or

(B) in ships carrying more than 30 ratings, one safety representative elected by the ratings in each of the deck, engine and catering departments, general purpose ratings being regarded for this purpose as included in the deck department.

(2) The employer shall make rules for the election of safety representatives.

(3) In every election for a safety representative the candidate receiving most votes shall be elected.

(4) No safety officer or safety representative shall be appointed or elected who has less than two years' consecutive sea service since attaining the age of 18, which in the case of a safety officer or safety representative on board a tanker shall include at least six months' service on such a ship.

(5) In all ships in which a safety representative is elected, the employer shall appoint a safety committee which shall include the master as chairman, the safety officer and every safety representative.

(6) The appointment of every safety officer, safety representative and safety committee shall be recorded by the master in the official log book.

(7) The Secretary of State may grant exemptions from the above provisions of this regulation for classes of cases or individual cases on such terms (if any) as he may specify in the exemption and may, subject to giving reasonable notice, alter or cancel any such exemption.

Termination of appointment

4.—(1) The appointment of a safety officer or safety representative shall terminate:—

- (a) on that person ceasing to be employed in the ship;
- (b) in the case of a safety officer, from the date his appointment is terminated by the employer;
- (c) in the case of a safety representative, from the date of his resignation from that position or the election of another duly elected person in his stead.

(2) The appointment of a safety committee may be terminated by the master when there is no longer a safety representative.

Duties of safety officers

5. It shall be the duty of the safety officer to use his best endeavours to ensure that the provisions of the Code of Safe Working Practices and the employer's occupational health and safety policies are complied with, to improve the standard of safety consciousness among the crew, and to:—

- (1) investigate:—
 - (a) every accident required to be notified under regulation 10(1);
 - (b) every dangerous occurrence; and
 - (c) all potential hazards to occupational health and safety;

and make recommendations to the master to prevent the recurrence of an accident or to remove the hazard: provided that the duty to investigate shall not extend to accidents arising from a casualty to the ship;

(2) investigate all complaints by crew members about occupational health and safety unless he has reason to believe that a complaint is of a frivolous or vexatious nature;

(3) carry out occupational health and safety inspections of each accessible part of the ship at least once every three months or more frequently if there have been substantial changes in the conditions of work;

(4) make representations and, where appropriate, recommendations to the master and through him to the employer about any deficiency in the ship in respect of:—

- (a) any legislative requirement relating to occupational health and safety;
- (b) any relevant Merchant Shipping Notice; or
- (c) any provision of the Code of Safe Working Practices;

(5) ensure so far as possible that safety instructions, rules and guidance are complied with;

(6) maintain a record book describing all the circumstances and detail of all accidents and dangerous occurrences (including the date, the persons involved and the nature of the injuries suffered) and containing all statements made by witnesses thereof, recommendations to prevent future similar accidents or

dangerous occurrences, details of other investigations, complaints and inspections under paragraphs (2) and (3) above and any representations and recommendations made under paragraph (4) above together with the outcome thereof;

(7) make the records kept under paragraph (6) above available on request to any safety representative, to the safety committee, to the master and to the Department of Trade;

(8) stop any work which he reasonably believes may cause a serious accident, and immediately to inform the master or his deputy who shall be responsible for deciding when work can safely be resumed;

(9) carry out any occupational health or safety investigation or inspection required by the safety committee:

provided that nothing in this regulation shall require a safety officer to take any action at a time when emergency action to safeguard life or the ship is being taken.

Powers of safety representatives

6. A safety representative may:—

(1) participate, subject to the concurrence of the safety officer, in any of the investigations or inspections carried out by the safety officer under regulation 5, or, after notification to the master or his deputy, undertake similar investigations or inspections himself, whether or not such investigations or inspections have already been carried out by the safety officer;

(2) on behalf of the crew on matters affecting the occupational health and safety of the crew he represents:—

(a) consult with the master, his deputy and the safety officer and make recommendations to them, including recommendations to the master that any work which the safety representative believes may cause an accident should be suspended;

(b) make representations through the master to the employer;

(c) request through the safety committee an investigation by the safety officer of any such matter;

(3) inspect any of the records required by regulation 5 to be kept by the safety officer.

Duties of safety committees

7.—(1) It shall be the duty of the safety committee to use their best endeavours to ensure that the provisions of the Code of Safe Working Practices are complied with, to improve the standard of safety consciousness among the crew, and to:—

(a) make representations and recommendations on behalf of the crew to the employer on matters affecting the occupational health and safety of the crew;

(b) inspect any of the records required by regulation 5 to be kept by the safety officer;

- (c) ensure the observance of the employer's occupational health and safety policies and to make recommendations for their improvement;
 - (d) consider and take any appropriate action in respect of any occupational health and safety matters affecting the ship and its crew, reports of accidents on board the ship, Merchant Shipping Notices and other publications relating to occupational health and safety issued by the Government or by safety organisations and similar bodies, and any new legislation on occupational health and safety;
 - (e) keep a record of their deliberations, conclusions and any representations made to the master or his deputy, of the replies thereto and of any action resulting therefrom.
- (2) In performing the duties set out above, a safety committee may require the safety officer to carry out any occupational safety inspection they consider necessary and to report his findings to them.

Duties of employer and master

8. It shall be the duty of the employer and master to facilitate the work of the safety officer, safety representatives and safety committee in carrying out their occupational health and safety functions, and in particular to:—

- (1) provide access to any necessary information, documents and similar material including any relevant legislation and Merchant Shipping Notices promulgated by the Department of Trade;
- (2) inform the safety officer, safety representatives and safety committee of any dangerous cargoes on board and of the dangers which may arise therefrom and of any hazards on board the ship known to them which may endanger the ship or her crew;
- (3) provide any necessary accommodation, office equipment supplies and similar materials;
- (4) permit occupational health and safety inspections of the whole or part of the ship;
- (5) allow the safety officer and safety representatives such absence from ship duties without loss of pay as may be necessary to enable them to fulfil their functions, or to undertake any necessary training on board in the exercise of their functions as safety officer or safety representatives;
- (6) display in a place where it may easily be read by any member of the crew a notice listing the names of the safety officer and safety representatives aboard;
- (7) receive, at any reasonable time, representations about occupational health and safety from the safety officer, the safety representatives or the safety committee, including recommendations under regulation 6(2)(a) by a safety representative that certain work should be suspended, discuss their representations with them and implement any agreed measures as soon as may be reasonable and practicable;
- (8) specify in writing the reasons for refusing to implement suggested occupational health or safety measures;

(9) provide to the safety officer, the safety representatives and the safety committee on request any relevant information about accidents and dangerous occurrences to which regulation 5 applies;

(10) provide to the safety officer and safety representatives on request any information or plans necessary to enable them to undertake the investigations and inspections specified in regulations 5 and 6 above;

(11) arrange the election of a safety representative within three days of being requested to do so by any two persons entitled to vote in such an election and give publicity to any such election:

provided that the employer and master need not make available any information the disclosure of which would in their view be contrary to the national interest.

PART 2

REPORTING OF ACCIDENTS AND DANGEROUS OCCURRENCES

Application

9. This Part of these Regulations applies in relation to United Kingdom ships other than fishing vessels and pleasure craft.

Notification of accidents and dangerous occurrences

10. The following shall be notifiable in accordance with regulation 11(1):—

(1) every accident on board or during access to any person employed or carried in the ship which results in death or personal injury involving incapacity for more than three consecutive days excluding the day of the accident;

(2) any accident involving impairment of a person's physical condition if the person concerned is put ashore and the ship sails without him, unless the incapacity is known or advised to be of three consecutive days or less, excluding the day of the accident;

(3) every dangerous occurrence on board or during access:

provided that the requirement to notify shall not apply in respect of any person employed:—

(a) as a docker in any process in respect of which the Docks Regulations 1934(a) or the Docks Regulations (Northern Ireland) 1934(b) apply;

(b) in any work as respects which the Shipbuilding and Ship-repairing Regulations 1960(c) or the Shipbuilding and Ship-repairing Regulations (Northern Ireland) 1971(d) apply;

(a) S.R. & O. 1934/279, to which there is an amendment not relevant to these Regulations.

(b) S.R. & O. (N.I.) 1934 No. 37.

(c) S.I. 1960/1932, to which there are amendments not relevant to these Regulations.

(d) S.R. & O. (N.I.) 1971 No. 372.

- (c) in any activity in relation to which notice of any casualty is required to be given to the Secretary of State for Energy by the Offshore Installations (Inspectors and Casualties) Regulations 1973(a);
- (d) as a diver in any diving operation to which the Diving Operations at Work Regulations 1981(b) apply;
- (e) in any activity in relation to which a report of any occurrence is required to be given to the Secretary of State for Energy by the Submarine Pipelines (Inspectors etc) Regulations 1977(c); or
- (f) as a docker, shipbuilder, shiprepairer or diver in a country other than the United Kingdom, to whom sub-paragraphs (a), (b) or (d) above do not apply

unless:—

- (i) such injured person is a member of the crew and
- (ii) in respect of a person mentioned in sub-paragraph (f) above, the accident involved failure of the ship's equipment.

Reporting and investigation of accidents and dangerous occurrences

11. The following provisions shall apply in any case where there is an accident or dangerous occurrence which is required by regulation 10 to be notified:—

- (1) (a) the master, or if he is not available, the most senior officer available shall report every accident involving death or major injury as quickly as possible, and in any case not later than 24 hours after the arrival of the ship at its next port, to any Department of Trade Marine Office or to the Marine Division, Department of Trade, Sunley House, London WC1V 6LP;
 - (b) every such report shall include the name and official number of the ship, its position, the number of people involved in the accident and the injuries, details of any damage to the ship or its equipment or any defect in its equipment, and the next port of call and estimated date and time of arrival if at sea.
- (2) In the case of a ship carrying a safety officer the master or, if he is not available, the most senior officer available shall, in addition to the report made under paragraph (1), report every accident and every dangerous occurrence by completing and signing a report in a form approved by the Secretary of State, and shall forward that report to the Department of Trade within seven days of the date of the accident or dangerous occurrence or, if the ship is at sea, within seven days of the ship's arrival at the next port of call.
- (3) In the case of a ship which is not carrying a safety officer, the employer shall, in addition to any report made under paragraph (1), ensure that:—
- (a) the master or most senior officer available or the owner's representative ashore responsible for safety shall:—

(a) S.I. 1973/1842.
(b) S.I. 1981/399.
(c) S.I. 1977/835.

- (i) investigate every accident and dangerous occurrence;
 - (ii) complete and sign a report of each such incident in a form approved by the Secretary of State; and
 - (iii) forward that report to the Department of Trade within the time limits prescribed in paragraph (2) above;
- (b) the master or the owner's representative ashore responsible for safety shall maintain a written record describing:—
- (i) all the circumstances and details of all such accidents and dangerous occurrences, (including the date, the persons involved and the nature of the injuries suffered);
 - (ii) all statements made by witnesses thereof; and
 - (iii) any recommendations to prevent future similar accidents or dangerous occurrences; and
- (c) any such record shall be made available on request to the Department of Trade.

Penalties

12.—(1) Any person who fails to comply with any of the provisions of these Regulations shall 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 or a fine or both.

(2) In any proceedings for an offence under these Regulations it shall be a defence for the person to show that all reasonable steps had been taken by him to ensure compliance with the Regulations.

Iain Sproat,
Parliamentary Under-Secretary of State,
Department of Trade.

25th June 1982.

Regulation 1(2)

SCHEDULE

NOTIFIABLE DANGEROUS OCCURRENCES

The following occurrences shall be notifiable as dangerous occurrences provided that they are not notifiable under these Regulations as accidents and provided that they might have been liable, taking into account the circumstances of the occurrence, to cause major injury or to cause damage to the health of any person:—

- (1) the collapse or overturning of any lift, hoist, crane, davit, derrick, ramp, mobile powered access platform, access equipment, staging or bosun's chair or failure of any load bearing part thereof;

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- (2) the explosion, collapse or bursting of any closed vessel including a boiler or boiler tube in which there was any gas (including air), any liquid or any vapour at a pressure greater than atmospheric pressure;
 - (3) any electrical short circuit or overload resulting in fire or explosion;
 - (4) the sudden, uncontrolled release of highly flammable liquid, flammable gas or flammable liquid above its boiling point from any system, plant or pipe-line;
 - (5) the uncontrolled release or escape of any harmful substance or agent;
 - (6) either of the following occurrences in respect of any pipe-line, valve or any piping system in a ship:—
 - (a) the bursting, explosion or collapse of a pipe-line or any part thereof excluding minor leaks in pipes carrying non-noxious substances; or
 - (b) the accidental ignition of anything in a pipe-line or of anything which, immediately before it ignited, was in a pipe-line;
 - (7) any contact with loose asbestos fibre except when full protective clothing is being worn;
 - (8) any collapse or significant movement of cargo;
 - (9) the failure or collapse of any hatch cover or hatch cover control wire or mechanism;
 - (10) any fall overboard;
 - (11) the parting of a towrope.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

Part 1 of these Regulations requires the employer of crew on board every seagoing United Kingdom ship carrying a crew of more than five (except fishing vessels, offshore installations while on site and pleasure craft) to appoint a safety officer, and enables the officers and ratings of such a ship to elect safety representatives (regulation 3(1)). If a safety representative is elected the employer is also required to appoint a safety committee (regulation 3(5)). The Regulations require safety officers to use their best endeavours to ensure that the provisions of the Department of Trade publication entitled "Code of Safe Working Practices for the Safety of Merchant Seamen" are complied with and to investigate accidents, make recommendations to prevent a recurrence and carry out inspections (regulation 5). They also prescribe the powers of safety representatives and the duties of safety committees, which include instituting investigations or inspections where appropriate in the interests of occupational health and safety and making representations to the employer (regulations 6 and 7). Specified duties in respect of access to information and other duties are placed on the employer and master (regulation 8).

Part 2 of these Regulations applies to United Kingdom ships other than pleasure craft and fishing vessels. They provide for the notification of specified accidents and dangerous occurrences to persons employed or carried on board, with exceptions in respect of certain categories of workers (regulation 10). The master or, if he is not available, the most senior officer available is required to report every accident involving death or major injury as quickly as possible and to make a written report of every accident or dangerous occurrence (regulation 11(1)). This report is required to be on an approved form and forwarded within a specified time to the Department of Trade; the approved form will be notified by means of a Merchant Shipping Notice and will be available from the Department of Trade or from any Department of Trade Marine Office. The master, a senior officer or the owner's representative ashore responsible for safety, is required to report orally and in writing every accident and dangerous occurrence to persons employed or carried in the ship (regulation 11). Penalties are prescribed for failure to comply with the duties imposed by these Regulations (regulation 12).

The Regulations give effect in part to the Merchant Shipping (Minimum Standards) Convention 1976 (International Labour Organisation Convention 147) (Cmnd. 7163) which was laid before Parliament on 24th April 1978, ratified by the United Kingdom on 28th November 1980, is in force internationally and requires provisions to be made substantially equivalent to those of (amongst other Conventions) the Prevention of Accidents (Seafarers) Convention 1970 (International Labour Organisation Convention 134) (Cmnd. 4800) which is in force but has not been ratified by the United Kingdom.

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