
STATUTORY INSTRUMENTS

1988 No. 1716

MERCHANT SHIPPING
SAFETY

The Merchant Shipping (Operations Book) Regulations 1988

<i>Made</i>	- - - -	<i>5th October 1988</i>
<i>Laid before Parliament</i>		<i>14th October 1988</i>
<i>Coming into force</i>		
<i>(a) for the purpose of regulation 6(1)</i>		<i>1st December 1988</i>
<i>(b) for all other purposes</i>		<i>3rd April 1989</i>

The Secretary of State for Transport, after consultation with the persons referred to in section 22(2) of the Merchant Shipping Act 1979(1), in exercise of the powers conferred on him by sections 21(1) (a), (3), (5) and (6) and 22(1) of that Act, and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation and Commencement

1. These Regulations may be cited as the Merchant Shipping (Operations Book) Regulations 1988 and shall come into force on 1st December 1988 for the purpose of regulation 6(1) and on 3rd April 1989 for all other purposes.

Interpretation

2.—(1) In these Regulations:—

“designated person” means the person described in regulation 6(1) below;

“Master’s Standing Orders” means instructions issued in writing by the ship’s Master and includes written instructions issued by the ship’s officers under the authority of the Master;

(2) Where a ship is managed by a person other than her owners (whether on behalf of the owner or some other person, or on his own behalf), a reference in these Regulations to the owner shall be construed as a reference to that person.

(1) 1979 c. 39; section 21(6) was amended by section 49(3) of the Criminal Justice Act 1982 (c. 48).

(3) Reference to classes of ships means ships of those classes within the meaning of the Merchant Shipping (Life-Saving Appliances) Regulations 1986(2).

Application

3. These Regulations apply to all United Kingdom ships of Classes II and IIA.

Operations Book

4. Every ship shall be provided by the owner with a book, hereinafter called the operations book, in which shall be set out instructions and information adequate so far as possible to ensure the safe and efficient operation of the ship, including but not limited to the matters set out in these Regulations and in the Schedule hereto:

Provided that, where the owner is satisfied that sufficient instructions on a particular item in the Schedule are contained in Master's Standing Orders they need not also be given in the operations book.

Duty of Master

5. The Master of every ship shall operate his ship in accordance with the instructions in the operations book, in so far as those instructions relate to safety:

Provided that the Master shall not follow instructions in the operations book if in his opinion the special circumstances of the case render a departure from those instructions necessary in the interests of safety.

Designated Person

6.—(1) The owner of every ship shall designate a person who shall be responsible for monitoring the safe and efficient operation of the ship.

(2) In particular, the designated person shall

- (a) take such steps as are necessary to ensure compliance with the operations book, in so far as it relates to safety;
- (b) ensure that proper provision is made for the ship to be so manned, equipped and maintained that she is fitted to operate in accordance with the operations book and with statutory requirements;
- (c) ensure that the arrangements required by regulation 7 below are effective and are properly implemented; and
- (d) if he is not the owner, have direct access to the owner. Where there is a managing owner, a ship's husband or other person registered under section 59 of the Merchant Shipping Act 1894(3) the designated person shall have direct access to that person, and where the owner is a body corporate he shall have direct access to the board of directors.

(3) The owner shall ensure that the designated person

- (a) is provided with sufficient authority and resources and
- (b) has appropriate knowledge and sufficient experience of the operation of ships at sea and in port

to enable him to comply with regulation 6(1) and (2) above.

(2) S.I.1986/1066.

(3) 1894 c. 60.

(4) The designated person shall be named in the operations book.

Miscellaneous

7. The owner shall ensure that there are arrangements, which shall be set out in the operations book, for it to be kept up to date and for the submission and consideration of suggestions for its amendment and improvement.

8.—(1) In respect of every ship to which these Regulations apply the Master and the designated person shall each keep a copy of the operations book and of the Master's Standing Orders (if any).

(2) The operations book and the Master's Standing Orders (if any) shall be produced by the Master, and by the designated person, to a surveyor of ships on demand at any reasonable time.

Exemption

9. The Secretary of State may grant exemption from all or any of the provisions of these Regulations on such terms (if any) as he may specify and may, subject to giving reasonable notice, alter or cancel any such exemption.

Penalties

10.—(1) Where any of these regulations except Regulation 6(3) is contravened, then the owner, the designated person or the Master (as the case may be) shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £2000.

(2) Where the owner of a ship contravenes regulation 6(3) he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding the statutory maximum⁽⁴⁾ and on conviction on indictment to a fine.

(3) It shall be a defence for a person charged under this regulation to show that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

Power to detain

11. In any case where a ship does not comply with regulation 4 the ship shall be liable to be detained, and section 692(1)—(3) of the Merchant Shipping Act 1894 (which relates to the detention of a ship) shall have effect in relation to the ship, subject to the modification that for the words "this Act" wherever they appear, there shall be substituted "the Merchant Shipping (Operations Book) Regulations 1988".

5th October 1988

Paul Channon
Secretary of State for Transport

(4) See section 74 of the Criminal Justice Act 1982 (c. 48).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

THE SCHEDULE

Regulation 4

1. The instructions and information referred to in regulation 4 shall include the following matters: provided that only those entries with the notation (X) are required for ships of less than 200 grt and 350 kw registered power:

A.

GENERAL

Ship-board organisation

Departmental responsibilities

Reporting procedures

Passenger control (X)

Communication between ship and owner (X)

Inspections by Master and senior officers

Provision and maintenance of documents and records (X)

Medical arrangements

Fitness for duty and avoidance of excessive fatigue

Operational and maintenance instructions for equipment, unless they are provided separately (X)

B.

THE SHIP IN PORT

Accepting cargo (X)

Loading and discharging procedures, including those relating to dangerous goods (X)

Harbour watches and patrols

Liaison with shore authorities

Monitoring trim and stability (X)

Procedures when the ship is temporarily immobilised

C.

PREPARING FOR SEA

Verification of passenger numbers (X)

Checking and recording draughts (X)

Checking stability condition (X)

Assessment of weather conditions (X)

Securing cargo, hatches and all openings in the hull (X)

Tests of engines, steering gear, navigational and communications equipment (X)

Harbour stations

Documentation of sailing condition

D.

THE SHIP AT SEA

Bridge and engine-room watch-keeping arrangements (X)

Special requirements in bad weather and fog (X)

Radio communications, including use of VHF (X)

Manoeuvring data, unless it is provided separately (X)

Emergency procedures other than those covered separately (X)

Security patrols, fire patrols and other arrangements for surveillance

2. Reference may be made to Merchant Shipping Notices, and such notices may be quoted freely without further permission.

3. Any further items may be included at the discretion of the owner or the designated person.

4. Every copy of the operations book shall include the following statement:

Nothing in this book removes from the Master his authority to take any steps and issue any orders, whether or not they are in accordance with the contents of the book, which he considers are necessary for the preservation of life or for the safety of the ship.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply to United Kingdom passenger ships on short sea trades, require all such ships to carry a book (called the operations book) containing instructions and information for safe and efficient operation. Matters to be covered are listed in the Schedule, but provision is made for items adequately covered by Master's Standing Orders to be omitted.

The Regulations also require owners to nominate a person (known as the designated person) to oversee the operation of their ships and to ensure that proper provisions are made so that the requirements of the operation book may be complied with. Owners are required to provide the designated person with sufficient authority and resources to carry out his task.

A Master is required generally to operate his ship in accordance with the operations book, but provision is made to ensure that he retains authority to depart from the book if this is necessary in the interests of safety.

The operations book and Master's Standing Orders (if any) must be made available for inspection by Department of Transport Surveyors. Penalties are provided for breach of the Regulations.