
STATUTORY INSTRUMENTS

1989 No. 100

MERCHANT SHIPPING

**Merchant Shipping (Loading and Stability Assessment
of Ro/Ro Passenger Ships) Regulations 1989**

<i>Made</i>	- - - -	<i>25th January 1989</i>
<i>Laid before Parliament</i>		<i>30th January 1989</i>
<i>Coming into force</i>		
<i>regulation 8</i>		<i>1st May 1989</i>
<i>all other regulations</i>		<i>20th February 1989</i>

The Secretary of State for Transport, after consulting 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) to (6) and 22(1) of that Act and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, interpretation and application

1.—(1) These Regulations may be cited as the Merchant Shipping (Loading and Stability Assessment of Ro/Ro Passenger Ships) Regulations 1989 and shall come into force on 20th February 1989, except for regulation 8 which shall come into force on 1st May 1989.

(2) In these Regulations the following expressions have the following meanings respectively:—

“approved” means approved by the Secretary of State;

“deadweight” has the same meaning as in the Merchant Shipping (Passenger Ship Construction and Survey) Regulations 1984⁽²⁾;

“deadweight moment” means the total vertical moment about the moulded baseline amidships of all the component weights of the total deadweight;

“Merchant Shipping Notice” means a Notice described as such and issued by the Department of Transport; and any reference to a particular Merchant Shipping Notice includes a reference to any document amending or replacing that Notice which is considered by the Secretary of State to be relevant from time to time and is specified in a Merchant Shipping Notice;

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

(2) S.I.1984/1216, to which there are amendments not relevant to these Regulations.

“passenger ship” means a ship carrying more than 12 passengers and propelled by electricity or other mechanical power;

“ro/ro passenger ship” means a passenger ship provided with cargo or vehicle spaces not normally subdivided in any way and extending to either a substantial length or the entire length of the ship in which vehicles or cargo can be loaded or unloaded normally in a horizontal direction;

“stability information booklet” means the booklet required to be provided in compliance with regulation 9(3) of the Merchant Shipping (Passenger Ship Construction) Regulations 1980⁽³⁾ or regulation 9(3) of the Merchant Shipping (Passenger Ship Construction and Survey) Regulations 1984, as applicable;

“United Kingdom ro/ro passenger ship” means a ro/ro passenger ship which is a United Kingdom ship;

“voyage” includes an excursion.

(3) Where a ship is managed by a person other than its owner (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 including a reference to that person.

(4) A reference to ships of a particular class is a reference to ships of that Class as defined in the Merchant Shipping (Passenger Ship Construction and Survey) Regulations 1984.

(5) These Regulations apply to United Kingdom ro/ro passenger ships of Classes I, II, II(A) and IV, including every ship in respect of which there is in force a Passenger and Safety Certificate or Passenger Certificate appropriate to a ship of any of those classes even when it is for the time being engaged on voyages for which a Class III, V, VI or VI(A) Passenger Certificate is appropriate.

(6) A reference in these Regulations to a numbered regulation is a reference to the regulation of that number in these Regulations.

(7) Any approval given pursuant to these Regulations shall be given in writing and shall specify the date when it is to come into force and the conditions (if any) on which it is given.

Information on stability during loading

2.—(1) The owner of every ship shall ensure that the master is provided with information relating to its stability during the process of loading and unloading. This information shall be included in the ship’s stability information booklet.

(2) Where any alterations are made or changes occur to the ship so as materially to affect the information supplied to the master in accordance with paragraph (1) of this regulation, amended information shall be provided.

(3) The information provided pursuant to paragraphs (1) and (2) of this regulation shall be kept on board the ship at all times in the custody of the master.

Stability and freeboard during loading and unloading

3. The master shall use the information provided in accordance with regulation 2 and, when necessary, make calculations or cause calculations to be made in order to ensure that the process of loading and unloading is carried out safely; in particular, he shall ensure that:—

- (a) the ship has adequate stability; and
- (b) the freeboard at any door giving access to the hull or to an enclosed superstructure is sufficient to prevent the entry of water.

(3) S.I. 1980/535, to which there are amendments not relevant to these Regulations.

Recording of draught, trim and freeboard prior to departure

4.—(1) On completion of the loading of the ship and before it proceeds on a voyage, the master or an officer appointed for the purpose by the master shall ascertain:—

- (a) the ship's draught at the bow and at the stern;
- (b) the trim of the ship by the bow or the stern; and
- (c) the vertical distance from the waterline to the appropriate subdivision load line mark on each side of the ship.

(2) The draughts, trim and the vertical distances ascertained in accordance with paragraph (1) of this regulation shall be recorded in the official log book.

Calculation of stability prior to departure

5.—(1) On completion of the loading of a ship of Class I, II or II(A) and before the ship proceeds on a voyage the master shall cause the vertical position of the ship's centre of gravity relative to its keel (KG), or its transverse metacentric height (GM), or the deadweight moment, whichever is appropriate for the ship, to be calculated.

(2) In the case of ships of Class II or II(A) the actual weights of goods vehicles and other items of cargo required to be provided in accordance with the Merchant Shipping (Weighing of Goods Vehicles and other Cargo) Regulations 1988(4) shall be used for the calculation. For items not required to be so weighed, the declared weights or weights estimated as accurately as possible shall be used.

(3) The calculation required by paragraph (1) of this regulation shall be made using an on board loading and stability computer, or an approved shore-based loading and stability computer system, or by such other means as will enable accurate results to be obtained. The method by which the calculation is made shall be in accordance with Merchant Shipping Notice No. M1366.

(4) The master shall record the result of the calculation in the official log book.

(5) Where the calculation is made by means of a shore-based loading and stability computer system, a print-out of the calculation shall be presented to the master before the ship proceeds on its voyage.

(6) A full record of the calculation referred to in paragraph (1) of this regulation, or a copy thereof, shall be retained on the ship for at least one calendar month after the calculation is made and shall be made available for inspection at any time during that period. In the case of a ship of Class II or II(A) a copy of the record, or the record itself, shall be forwarded as soon as is practicable to the person designated by the owner under regulation 6 of the Merchant Shipping (Operations Book) Regulations 1988(5) and retained by him for a period of at least one calendar month.

Permissible standard of stability to be recorded

6. Before a ship of Class I, II or II(A), or a ship of Class IV to which regulation 11 applies, proceeds on a voyage the master shall cause the maximum permissible height of the ship's KG, or the minimum permissible GM, or the maximum permissible deadweight moment, whichever is appropriate to the ship, to be determined and recorded in the official log book.

Condition of loading prior to departure to be satisfactory

7. Before a ship of Class I, II or II(A), or a ship of Class IV to which regulation 11 applies, proceeds on a voyage the master shall ensure that the condition of loading of the ship as recorded in

(4) S.I. 1988/1275.

(5) S.I. 1988/1716.

accordance with regulations 4(2) and 5(4) is within the permissible standard of stability determined in accordance with regulation 6 and satisfies all the relevant requirements prescribed in the stability information booklet.

Draught marks and automatic draught gauge system

8.—(1) Every ship of Class I or II shall be provided with a reliable automatic draught gauge system, complying with the requirements of Merchant Shipping Notice No. M1366.

- (a) (2) (a) Every ship of Class II(A) engaged on services which afford only short periods in port or where insufficient lighting is available during periods of darkness, or which include the use of berths exposed to adverse weather, shall be provided with a reliable automatic draught gauge system as prescribed in paragraph (1) of this regulation.
- (b) Every other ship of Class II(A) shall be provided with such an automatic draught gauge system, except where the draught marks are located where they can be easily read.

Approval of loading conditions for Class IV ships

9.—(1) Where a ship of Class IV plies regularly to and from the same places, in conditions of loading which correspond closely to conditions of loading which are clearly specified in the stability information booklet, the owner may apply to the Secretary of State for approval of the adoption of the conditions so specified for the purposes of loading in accordance with this regulation.

(2) The Secretary of State may, subject to such conditions as he thinks fit, approve the conditions of loading so specified for the purposes of this regulation if he is satisfied that each such specified condition of loading allows a sufficient margin of stability beyond the minimum required for safety purposes, to allow for small variations which might occur between a specified condition of loading and the actual loading of the ship.

Loading of Class IV ships in accordance with approved conditions

10.—(1) The master of a ship of Class IV in respect of which the Secretary of State has approved conditions of loading in accordance with regulation 9 shall, before the ship proceeds on a voyage:—

- (a) ensure that the actual condition of loading of the ship corresponds closely to one of the specified conditions of loading so approved; and
- (b) record in the official log book the specified condition of loading so approved to which the actual condition of loading corresponds.

(2) A copy of the information required by paragraph (1)(b) of this regulation shall be forwarded, as soon as is practicable, to a person nominated by the owner as being responsible and retained in his custody for a period of at least one calendar month.

(3) As an alternative to complying with paragraph (1) of this regulation the master of such a ship may comply with the requirements of regulation 11.

Class IV ships which are not loaded in accordance with approved loading conditions

11. Where ships of Class IV are not loaded in a manner corresponding to specified conditions of loading which have been approved in accordance with regulation 9, the requirements of regulations 5, 6 and 7 shall apply as they apply in the case of ships of Classes I, II and II(A), except that a copy of the record of the stability calculation shall be retained ashore, by a person nominated by the owner as being responsible, for a period of not less than one calendar month.

Penalties

12.—(1) Any contravention of regulation 2(1), 2(2), or 8 shall be an offence on the part of the owner, any failure to provide correct computer calculations in accordance with regulation 5(3) and (6) shall be an offence on the part of the person or persons which has or have been contracted to perform these calculations, and any contravention of regulations 3, 4, 5(1), (2), (3) and (4), 6, 7, 10(1) or 11 shall be an offence on the part of the master. Any such offence shall be punishable on summary conviction by a fine not exceeding the statutory maximum or on conviction on indictment by imprisonment for a term not exceeding two years, or a fine or both.

(2) Where an approved shore-based computer system is used in accordance with regulations 3, 5(1) and (5) it shall be an offence by the person responsible for that system to fail to provide calculations required by the master, or to provide calculations which are not substantially correct. Any such offence shall be punishable on summary conviction by a fine not exceeding the statutory maximum or on conviction on indictment by a fine.

(3) If any officer appointed in accordance with regulation 4(1) fails to ascertain the information required by that regulation, or does not use due care in ascertaining that information, he shall be guilty of an offence. Any such offence shall be punishable on summary conviction by a fine of £400 or on conviction on indictment by a fine.

(4) If the master or any person designated by the owner as being responsible in accordance with the Regulations referred to in regulation 5(6) fails to carry out the requirements of that regulation he shall be guilty of an offence. Any such offence shall be punishable on summary conviction by a fine of £400 or on conviction on indictment by a fine.

Defence

13. It shall be a defence for a person charged with committing an offence under these Regulations to show that he took all reasonable steps to avoid committing the offence.

Detention

14. In any case where a ship does not comply with the requirements of these Regulations, the ship shall be liable to be detained and section 692 of the Merchant Shipping Act 1894(6) (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 (Loading and Stability Assessment of Ro/Ro Passenger Ships) Regulations 1989”.

Exemption

15. The Secretary of State may exempt individual ships from the provisions of any of these Regulations, subject to such conditions as he may specify and may, subject to giving reasonable notice, alter or cancel any exemption so granted.

25th January 1989

Paul Channon
Secretary of State for Transport

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations apply to United Kingdom ro/ro passenger ships of Classes I, II, II(A) and IV to the extent specified, and include such requirements as appear necessary to ensure that such ships are loaded in accordance with the statutory provisions, relating to stability, of the Merchant Shipping (Passenger Ship Construction) Regulations 1980 or the Merchant Shipping (Passenger Ship Construction and Survey) Regulations 1984, as amended in each case.

In the case of ships of Classes I, II or II(A) the Regulations require the provision of a loading and stability computer or an equivalent means of making stability calculations, and, except in the case of certain Class II(A) ships, of an automatic draught gauge system.

The Regulations also require records to be made of the ship's draught of water, trim and freeboards and the components of its stability before proceeding on any voyage and for such records to be retained for a specified period.