
STATUTORY INSTRUMENTS

1991 No. 2145

MERCHANT SHIPPING

The Merchant Shipping (Official Log Books) (Amendment) Regulations 1991

<i>Made</i>	- - - -	<i>23rd September</i> <i>1991</i>
<i>Laid before Parliament</i>		<i>1st October 1991</i>
<i>Coming into force</i>	- -	<i>22nd October 1991</i>

The Secretary of State for Transport, after consulting with the organisations referred to in section 99(2) of the Merchant Shipping Act 1970(1), in exercise of powers conferred by section 68 of that Act(2) and now vested in him(3), and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement, interpretation and revocation

1. These Regulations may be cited as the Merchant Shipping (Official Log Books) (Amendment) Regulations 1991 and shall come into force on 22nd October 1991.

2. The Merchant Shipping (Official Log Books) Regulations 1981(4) shall be amended as follows:

(a) the following shall be substituted for regulation 1(2):—

“(2) In these Regulations:

“the Act of 1894” means the Merchant Shipping Act 1894(5);

“the Act of 1949” means the Merchant Shipping (Safety Convention) Act 1949(6);

“the Act of 1967” means the Merchant Shipping (Load Lines) Act 1967(7);

“the Act of 1970” means the Merchant Shipping Act 1970;

“the Act of 1979” means the Merchant Shipping Act 1979(8);

(1) 1970 c. 36.

(2) Section 68(5) was amended by the Merchant Shipping Act 1979 (c. 39), section 43(1) and Schedule 6, Part VI, paragraph 4.

(3) See S.I. 1970/1537.

(4) S.I. 1981/569, amended by S.I.s 1983/1801 and 1985/1828.

(5) 1894 c. 60.

(6) 1949 c. 43.

(7) 1967 c. 27.

(8) 1979 c. 39.

“appropriate superintendent or proper officer” means a superintendent or proper officer for the place where the ship is at the time referred to in regulation 10(1) (delivery of official log books);

“the Closing of Openings above the Bulkhead Deck Regulations” means the Merchant Shipping (Closing of Openings in Enclosed Superstructures and in Bulkheads above the Bulkhead Deck) Regulations 1988(9);

“the Closing of Openings in Hulls Regulations” means the Merchant Shipping (Closing of Openings in Hulls and in Watertight Bulkheads) Regulations 1987(10);

“the crew Accommodation Regulations” means the Merchant Shipping (Crew Accommodation) Regulations 1978(11);

“the Deck Officers Regulations” means the Merchant Shipping (Certification of Deck Officers) Regulations 1985(12);

“the Engineering Officers Regulations” means the Merchant Shipping (Certification of Marine Engineer Officers and Licensing of Marine Engine Operators) Regulations 1986(13);

“entry” means an entry in an official log book (including an entry contained in a separate document annexed to any official log book in accordance with regulation 6) of any particulars specified in column 1 in any paragraph of the Schedule to these Regulations and an entry amending or cancelling such an entry;

“the Musters Regulations” means the Merchant Shipping (Musters and Training) Regulations 1986(14);

“Near Continental trading area” means any location within the area bounded by a line from a point on the Norwegian coast in latitude 62° North to a point 62° North 02° West; thence to a point 58° North 10° West; thence to a point 51° North 12° West; thence to Brest, but excluding all waters which lie to the eastward of a line drawn between Kristiansand, Norway and Hanstholm lighthouse on the North Danish coast;

“officer” means an officer qualified for the purposes of section 43 of the Act of 1970 or duly certificated under the 1894 Act;

“Passenger Ship Regulations 1980” means the Merchant Shipping (Passenger Ship Construction) Regulations 1980(15);

“Passenger Ship Regulations 1984” means the Merchant Shipping (Passenger Ship Construction and Survey) Regulations 1984(16);

“the Pilot Ladders and Hoists Regulations” means the Merchant Shipping (Pilot Ladders and Hoists) Regulations 1987(17);

“the Repatriation Regulations” means the Merchant Shipping (Repatriation) Regulations 1979(18);

“seaman” in paragraphs 18 and 20 of the Schedule includes the master of a ship;

“ship” means a ship registered in the United Kingdom but does not include a fishing vessel;

(9) S.I. 1988/317.

(10) S.I. 1987/1298.

(11) S.I. 1978/795, amended by S.I.s 1979/491, 1984/41 and 1989/184.

(12) S.I. 1985/1306, amended by S.I. 1987/884.

(13) S.I. 1986/1935, amended by S.I. 1987/884.

(14) S.I. 1986/1071.

(15) S.I. 1980/535; relevant amendments are S.I.s 1988/1693 and 1990/892.

(16) S.I. 1984/1216; relevant amendments are S.I.s 1988/1693 and 1990/892.

(17) S.I. 1987/1961.

(18) S.I. 1979/97.

“the Steering Gear Regulations” means the Merchant Shipping (Automatic Pilot and Testing of Steering Gear) Regulations 1981(19);

“wages submission” means submission to a superintendent or proper officer under section 10 of the Act of 1970 (which relates to disputes about wages); and

references to the gross or registered tonnage of a ship are, in the case of a ship having alternative gross or alternative register tonnages, references to the larger of its gross tonnages or to the larger of its registered tonnages, as the case may require.”

- (b) in regulation 3—
 - (i) paragraph (b) shall be omitted, and paragraphs (c) and (d) shall be re-numbered accordingly;
 - (ii) in paragraph (b) (as re-numbered) “or a load line exemption certificate has been issued under section 20” shall be inserted after “section 6”;
 - (iii) for paragraph (c) (as re-numbered) the following shall be substituted:
 - “(c) in column 1 in each relevant paragraph of Part IV of that Schedule shall be so made in the official log book kept in any passenger ship referred to in that paragraph.”;
- (c) the following new regulation 6A shall be inserted after regulation 6:

“False, inaccurate or incomplete entries

6A.—(1) No person shall make an entry he knows or has reason to believe is false, inaccurate or incomplete.

(2) Any person who contravenes paragraph (1) above shall be guilty of an offence.”;

- (d) in regulation 9 “a Department of Transport surveyor” shall be inserted after “superintendent.”;
- (e) in regulation 10(2)(a) “fixed term” shall be inserted before “crew agreement” and; for regulation 10(3) the following shall be substituted:
 - “(3) If, at the time specified in paragraph (2) of this regulation there is pending a wages submission, the time referred to in paragraph (1) of this regulation is either the time when all such submissions have been determined by a superintendent or proper officer or withdrawn, or the expiration of 7 days after the time specified in paragraph (2) of this regulation, whichever shall be the earlier.”;
- (f) in regulation 11 delete £50 and insert “level 2 on the standard scale”;
- (g) in the Schedule, in entry 8, for “16” there shall be substituted “17”;
- (h) in the Schedule, in entry 9, for “12” there shall be substituted “19”;
- (i) in the Schedule, in entry 10, the following shall be substituted for column 1;
 - “In accordance with regulation 8 of the Musters Regulations a record of each occasion on which a muster, drill or training of the crew in the use of life saving appliances or fire appliances is held on board the ship, the training and type of drill held, and the occasions on which lifeboats, rescue boats and davit-launched liferafts, as applicable, are lowered or launched. Additionally, a record of each occasion on which the appliances and equipment are examined to see whether they are ready for use.”;
- (j) in the Schedule, in entry 12, the following shall be substituted for the entry in column 1:
 - “Where any of the following accidents have occurred—

- (a) there is loss of life or major injury to any person on board, or any person is lost from, a ship or a ship’s boat; or
- (b) a ship is lost or presumed to be lost, or is abandoned or materially damaged; or
- (c) a ship strands or is in collision; or
- (d) a ship is disabled; or
- (e) any material damage is caused by a ship—
 - a description of the casualty and the place where, or the position of the ship when, it occurred”;
- (k) in the Schedule entry 23 shall be omitted;
- (l) in the Schedule, in entry 26 in (b)(ii), for “the Act of 1970(a)” there shall be substituted “the Act of 1979(a)”; and for the footnote there shall be substituted “SeeS.I.1988/1102”;
- (m) in the Schedule entry 27 shall be omitted;
- (n) in the Schedule in entry 30, the words from the beginning up to “paragraph 9 and 11 thereof,” shall be omitted, and substituted by:
 - “When a seaman is alleged to have committed a breach of a code of conduct promulgated by the employer and that breach is such that the penalties include the option of dismissal from the ship,”;
- (o) in the title to Part III the words “or an exemption certificate has been issued under section 20” shall be inserted after “section 6”, and for “regulation 3(d)” there shall be substituted “regulation 3(c)”;
- (p) in the heading below, Part III after “Entries relating to ships” shall be inserted “excluding ships of Class I, II, IIA, and IV”;
- (q) in the Schedule, in entry 43 in paragraph (b) for “feet” there shall be substituted “feet or metres”;
- (r) in the Schedule, in entry 44, paragraph (c)(ii) shall be omitted;
- (s) in the Schedule, for Part IV the following shall be substituted:

“PART IV

Entries relating to passenger ships

Column 1	Column 2	Column 3
Particulars of entry	Signatory	Witnesses
(All such ships)	The master	An Officer

45 A record of—

- (a) the times of the last closing before the ship proceeds on a voyage of the watertight doors and other appliances referred to in regulation 2 of

Column 1 Particulars of entry	Column 2 Signatory	Column 3 Witnesses
the Closing and Openings in Hulls Regulations, and of the next subsequent opening of such doors and appliances;		
(b) the times of the opening and closing, while the ship is at sea, of any watertight door pursuant to regulation 3(1) of those Regulations;	The master	An Officer
(c) whether the portable plates referred to in regulation 4 of those Regulations are in place when the ship proceeds to sea, and the times, if any, of the removal and replacement of such plates when the ship is at sea; and		
(d) the occasions on which drills are practiced and inspections made in compliance with the provisions of those Regulations, and whether the appliances to which such drills and inspections relate are in good working order.	The master	An Officer
(All such ships)	The master	An Officer

46 A record of—

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Column 1 Particulars of entry	Column 2 Signatory	Column 3 Witnesses
(a) the times of the last closing, in accordance with regulations 2(1) and 4(1) of the Closing of Openings above the Bulkhead Deck Regulations, of the watertight and weathertight doors referred to in those Regulations and of the next opening of such doors;		
(b) the times of the opening and closing of any watertight or weathertight door pursuant to regulations 4(2) and 5 of those Regulations.	The master	An Officer
(a) (All ships of Class I, II, IIA and IV as specified in the Passenger Ship Regulations 1980 or 1984 as the case may be)	The master	An Officer
A record of draughts, trim and vertical distances ascertained in accordance with the Passenger Ship Regulations 1980 and the Passenger Ship Regulations 1984.		
(b) (Ships of Class I, II, and IIA, and ships of	The master	An Officer”

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Column 1 Particulars of entry	Column 2 Signatory	Column 3 Witnesses
Class IV to which regulation 9L of the Passenger Ship Regulations 1980 or regulation 9L of the Passenger Ship Regulations 1984 applies)		
A record of the result of the calculation required by regulation 5(1) of the Loading Regulations.		

Signed by authority of the Secretary of State for Transport

23rd September 1991

Patrick McLoughlin
Parliamentary Under Secretary of State,
Department of Transport

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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Merchant Shipping (Official Log Books) Regulations 1981, primarily to take account of changes made to other regulations in implementing the recommendations of the formal investigation into the loss of the “Herald of Free Enterprise”.

The main amendments consist of:

- (a) the addition at regulation 9(1) of Department of Transport surveyors to the list of persons authorised to demand production of the Official Log Book;
- (b) the insertion at Part IV of the Regulations of a specific reference to passenger ships, together with a new requirement for masters to enter the times of closing and opening the shell and bulkhead doors in accordance with the Merchant Shipping (Closing of Openings in Enclosed Superstructures and in Bulkheads above the Bulkhead Deck) Regulations 1988;
- (c) a new requirement at Part IV to record draughts, trim and vertical distances in accordance with the Passenger Ship Regulations 1980 and 1984.

Other changes include the updating of the citation, commencement, interpretation and revocation at regulation 1, the insertion of a new regulation 6A to make it an offence to make a false entry in the Official Log Book, and provision for indefinite crew agreements in addition to fixed term crew agreements.