
STATUTORY INSTRUMENTS

1997 No. 2962

The Merchant Shipping and Fishing Vessels (Health and Safety at Work) Regulations 1997

Part IV

Special responsibility for health and safety and consultation with workers

Protective and preventive services

14.—(1) One or more competent persons shall be appointed by the employer in order to provide such protective and preventive services for the undertaking as are necessary to enable him to comply with the requirements of these Regulations.

(2) Where there is no competent person available within the undertaking, the employer shall employ an external person who is a competent person.

(3) If he is a competent person, the employer may appoint himself to undertake the responsibilities specified in paragraph (1).

(4) The number of persons appointed under paragraph (1) shall be sufficient in number to carry out the requirements of these Regulations, and the appropriate persons shall have the necessary time, resources and means, to carry out their duties.

Appointment of safety officers

15.—(1) This regulation and regulations 16 to 18 below apply to sea-going ships in which more than five workers are employed, other than fishing vessels.

(2) In every ship to which this regulation applies, the Company shall appoint a competent person as safety officer.

(3) The Secretary of State may grant exemptions from the provisions in paragraphs (1) and (2) 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.

Duties of safety officers

16.—(1) Subject to paragraph (2), it shall be the duty of the safety officer to use his best endeavours to—

- (a) improve the standard of safety consciousness among the crew and ensure that the provisions of the Code and safety instructions, rules and guidance for the ship relating to health and safety are complied with;
- (b) investigate, so far as is reasonably practicable,

- (i) every accident involving death, major or serious injury and every dangerous occurrence as defined in the Merchant Shipping (Accident Investigation and Reporting) Regulations 1994⁽¹⁾,
 - (ii) all potential hazards to health and safety, and
 - (iii) all reasonable complaints by workers about health and safety,
- and making recommendations to the master to prevent the recurrence of such an accident or to remove any hazard, provided that the duty to investigate shall not extend to accidents arising from a casualty to the ship;
- (c) ensure that health and safety inspections of each accessible part of the ship are carried out at least once every three months and more frequently if there have been substantial changes in the conditions of work;
 - (d) make representations and, where appropriate, recommendations to the master, about any deficiency in the ship in respect of—
 - (i) any legislative requirement relating to health and safety,
 - (ii) any relevant Merchant Shipping Notice, or
 - (iii) any provision of the Code,
 and also suggest whether those representations and recommendations should be passed by the master on to the employer or other person who has control of the matter;
 - (e) maintain a record of every accident involving death, major or serious injury and every dangerous occurrence, and make it available on request to any elected representative, to the master and to any person duly authorised by the Secretary of State;
 - (f) stop any work which he observes in progress and reasonably believes may cause a serious accident, and immediately inform the master or the master's deputy who shall decide when work can safely be resumed.

(2) 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.

Election of safety representatives and safety committees

17.—(1) In every ship to which this regulation applies, and where there is no existing arrangement under the Safety Representatives and Safety Committee Regulations 1977⁽²⁾ the Company shall make rules for the election and appointment of safety representatives.

(2) In every election for a safety representative the candidate receiving most votes shall be elected, provided that no safety representative shall be appointed who has less than two years' consecutive sea service since attaining the age of 18, which in the case of a safety representative on board a tanker shall include at least six months' service in such a ship.

(3) The appointment of a safety representative shall terminate—

- (a) on that person ceasing to be employed in the ship; or
- (b) from the date on which that person resigns from that position or on which another duly elected person is elected in his place.

(4) In all ships where a safety representative is elected, the Company shall appoint a safety committee which shall include the master as chairman, the safety officer and every safety representative, and may also include any other person appointed under regulation 14(1).

(1) [S.I. 1994/2013](#).

(2) [S.I. 1977/500](#).

(5) The appointment of every person under regulations 14(1), 15(2) and 17(1) and the appointment of any of those persons onto a safety committee shall be recorded in writing.

Powers of safety representatives and safety committees

18. Safety representatives and safety committees may—

- (a) participate, subject to the concurrence of the safety officer, in any of the investigations or inspections carried out by the safety officer under regulation 16, or after notification to the master or his deputy, undertake similar investigations or inspections themselves, whether or not such investigations or inspections have already been carried out by the safety officer;
- (b) make representations to the employer on potential hazards and dangerous occurrences at the workplace which affect, or could affect, workers on the ship;
- (c) make representations to the master and the employer on general matters affecting the health and safety of workers on the ship and, in particular, on such matters as those on which the employer carries out consultation under regulation 20;
- (d) request the safety officer to carry out any occupational health and safety inspection they consider necessary and to report the findings to them.

Duties of the Company and master

19.—(1) It shall be the duty of the Company and master, in co-ordination with the employer, to facilitate the work of any person appointed under regulations 14(1), 15(2) and 17(1) in carrying out their health and safety functions, and in particular to—

- (a) provide for use by them a copy of the Code (where appropriate), and access to any necessary information, documents and similar material including relevant legislation and Merchant Shipping Notices;
- (b) provide them with relevant information about—
 - (i) the risks and measures for protection identified under regulation 7,
 - (ii) factors known, or suspected, by them to affect the health and safety of the workers on board the ship, and
 - (iii) arrangements for fire-fighting, first aid and other emergency procedures;
- (c) ensure that those persons have the necessary resources and means to carry out their functions and duties;
- (d) allow any of those persons 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 in health and safety matters;
- (e) receive at any reasonable time, representations about health and safety from the safety officer, safety representatives or the safety committee, discuss their representations with them and implement any agreed measures as soon as may be reasonable and practicable.

(2) Where no safety officer is appointed under regulation 15, the Company shall maintain a record of every accident involving death, major or serious injury, and every dangerous occurrence and make it available on request to any worker and any person duly authorised by the Secretary of State.

Consultation with workers

20.—(1) Workers or their elected representatives shall be consulted in advance and in good time by the employer, and in the case of sub-paragraphs (c) and (d) where applicable by the Company, on all matters relating to their health and safety, and in particular on—

- (a) the arrangements for appointing a competent person under regulation 14 to provide protective and preventive services for the undertaking;
 - (b) the findings of the risk assessment;
 - (c) arrangements for health and safety training under regulation 12;
 - (d) the introduction of new technology.
- (2) Employers shall allow workers or their elected representatives to make representations about health and safety, and shall implement any agreed measures as soon as may be reasonable and practicable.
- (3) Workers or their elected representatives shall be given access by the employer and, where applicable by the Company, to any relevant information about—
- (a) health and safety matters from inspection agencies and health and safety authorities; and
 - (b) every accident involving death, major or serious injury, and every dangerous occurrence.
- (4) Elected representatives shall be given adequate time off work without loss of pay in order to exercise their rights and functions under this regulation, and shall be provided with appropriate training.
- (5) Workers or their elected representatives shall not be placed at a disadvantage (whether economic or otherwise) because of their activities under this regulation.