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STATUTORY INSTRUMENTS

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**1997 No. 647**

**MERCHANT SHIPPING**  
**SAFETY**

**The Merchant Shipping (Ro-Ro Passenger  
Ship Survivability) Regulations 1997**

*Made* - - - - *6th March 1997*  
*Coming into force* - - *1st April 1997*

Whereas a draft of the following Regulations has been laid before Parliament and has been approved by a resolution of each House of Parliament in accordance with section 86(5) and (6) of the Merchant Shipping Act 1995(1) :

Now therefore the Secretary of State, after consulting the persons referred to in section 86(4) of the said Act of 1995, in exercise of the powers conferred on him by sections 85(1)(a) and (b), (3) and (5) to (7) and 86(1) of that Act, and of all other powers enabling him in that behalf, hereby makes the following Regulations:

**Citation, commencement and revocation**

1.—(1) These Regulations may be cited as the Merchant Shipping (Ro-Ro Passenger Ship Survivability) Regulations 1997 and shall come into force on 1st April 1997.

(2) The Merchant Shipping (Ro-Ro Passenger Ship Survivability) (No. 2) Regulations 1994 are hereby revoked(2).

**Interpretation**

2.—(1) In these Regulations:

“Agreement” means the Agreement concluded at Stockholm on 27 and 28 February 1996 and set out in Merchant Shipping Notice M1673 and includes any amendment to the Agreement (including the addition of a party to that agreement) considered by the Secretary of State relevant from time to time and set out in a Merchant Shipping Notice;

“Contracting Government” means the Government of a party to the Agreement;

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(1) 1995 c. 21.  
(2) S.I.1994/1383.

“established regular scheduled service” means a regular scheduled service which has been in operation for a period of at least 12 months;

“first periodical survey” means the periodical survey required by regulation 4 of the Merchant Shipping (Survey and Certification) Regulations 1995<sup>(3)</sup> to renew the ship’s Passenger Ship Safety Certificate or Passenger Certificate within the meaning of those Regulations or the periodical survey required by regulation 5(1) of the Merchant Shipping (High-Speed Craft) Regulations 1996<sup>(4)</sup>;

“High-Speed Craft Code” means the High-Speed Craft Code adopted by the International Maritime Organisation on 20th May 1994;

“Merchant Shipping Notice” means a Notice described as such and issued by the Marine Safety Agency; 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;

“non-United Kingdom ro-ro passenger ship” means a ro-ro passenger ship which is not a United Kingdom ro-ro passenger ship;

“regular scheduled service” means an advertised service which provides for the carriage of passengers at specified intervals along specified routes to or from any port in a State which is party to the Agreement;

“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 in a horizontal direction;

“the 1980 Regulations” means the Merchant Shipping (Passenger Ship Construction) Regulations 1980<sup>(5)</sup>;

“the 1984 Regulations” means the Merchant Shipping (Passenger Ship Construction and Survey) Regulations 1984<sup>(6)</sup>;

“United Kingdom ro-ro passenger ship” means a ro-ro passenger ship which is a United Kingdom ship.

(2) Any approval given pursuant to these Regulations shall be given in writing and shall specify the conditions (if any) on which it is given.

### **Amendment of Regulations**

3.—(1) In the 1980 Regulations, in regulation 11(1)(a), for the words “Subject to the Merchant Shipping (Ro-Ro Passenger Ship Survivability) (No. 2) Regulations 1994” there shall be substituted the words “Subject to the Merchant Shipping (Ro-Ro Passenger Ship Survivability) Regulations 1997”.

(2) In the 1984 Regulations, in regulation 11A(2)(a), for the words “Subject to the Merchant Shipping (Ro-Ro Passenger Ship Survivability) (No. 2) Regulations 1994” there shall be substituted the words “Subject to the Merchant Shipping (Ro-Ro Passenger Ship Survivability) Regulations 1997”.

### **Application**

4. These Regulations apply to—

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(3) S.I. 1995/1210.

(4) S.I. 1996/3188.

(5) S.I. 1980/535; relevant amendments are S.I. 1988/1693, S.I. 1990/892 and S.I. 1994/1383.

(6) S.I. 1984/1216; relevant amendments are S.I. 1990/892 and S.I. 1994/1383.

- (a) all United Kingdom ro-ro passenger ships when operating on a voyage on a regular scheduled service as ships of Classes I, II and II(A) within the meaning of the 1984 Regulations; and
- (b) all non-United Kingdom ro-ro passenger ships when operating on a voyage on a regular scheduled service as ships of those Classes, whilst they are within United Kingdom waters while proceeding to or from a port in the United Kingdom.

**Value of A/Amax**

5.—(1) The value of A/Amax for each ship to which these Regulations apply shall be established by calculation in accordance with the annex to the Calculation Procedure to Assess the Survivability Characteristics of Existing Ro-Ro Passenger Ships When Using a Simplified Method Based Upon Resolution A.265 (VIII), developed by the Maritime Safety Committee of the International Maritime Organisation at its fifty-ninth session in June 1991 (MSC/Circ.574).

(2) Subject to paragraph (3) below—

- (a) in the case of a ship operating to or from ports in the United Kingdom as a ship of Class I, II or II(A) on 1st January 1997 a calculation made in accordance with paragraph (1) above, and the resulting value, shall be submitted by the owner to the Secretary of State for approval not later than 1st April 1997, unless the ship has ceased to operate in the area to which the Agreement relates by that latter date;
- (b) in the case of a ship for which the value and calculation have not been submitted under sub-paragraph (a) above, such value and calculation shall be submitted by the owner to the Secretary of State for approval not later than 3 months before the ship engages on any regular scheduled voyage.

(3) Sub-paragraphs (a) and (b) of paragraph (2) above shall not apply in relation to any ship for which the value of A/Amax has been approved by the Contracting Government whose flag the ship is entitled to fly as being calculated in accordance with the annex mentioned in paragraph (1) above.

(4) For the purposes of these Regulations the value of A/Amax for a ship shall be the value approved by the Secretary of State or, in the case of a ship to which paragraph (3) above applies, the Contracting Government.

**Construction**

6.—(1) Regulation 11 of the 1980 Regulations and regulation 11A of the 1984 Regulations shall cease to apply to a ship to which these Regulations apply at the first periodical survey of the ship following the date for compliance in respect of the ship, determined in accordance with paragraph (2) below, or the date on which the ship complies with the requirements of the Agreement, whichever is the earlier.

(2) Subject to regulation 7 below, in addition to the requirements of regulation 10 of the 1980 Regulations or regulations 10 and 11B of the 1984 Regulations or regulation 4(1) of the Merchant Shipping (High-Speed Craft) Regulations 1996 in so far as it implements Chapter 2 Part B of the High-Speed Craft Code (as the case may be) every ship to which these Regulations apply shall comply with the requirements of the Agreement relating to specific stability standards not later than at the first periodical survey of the ship following the date for compliance set out in the table below relevant to the ship:

| <i>Value of A/Amax</i> | <i>Date for compliance</i> |
|------------------------|----------------------------|
| less than 85%          | 1 April 1997               |
| less than 90%          | 31 December 1998           |

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| <i>Value of A/Am<sub>ax</sub></i> | <i>Date for compliance</i>                                     |
|-----------------------------------|--|
| less than 95%                     | 31 December 1999   |
| less than 97.5%                   | 31 December 2000   |
| 97.5% or higher                   | 31 December 2001 but in any case not later than 1 October 2002 |

### **Seasonal Operation**

7.—(1) If an operator operating an established regular scheduled service on a year round basis between a port within the United Kingdom and a port in the territory of another Contracting Government (in this regulation the “other port”) wishes to operate one or more additional ro-ro passenger ships for a shorter season on that service he shall notify the Secretary of State not later than three months before the said additional ships are operated on that service.

(2) The significant wave heights which shall be used for determining the height of water when applying the technical standards contained in annex 2 to the Agreement in relation to such additional ships shall be those agreed between the Secretary of State and the Contracting Government of the territory in which the other port is situated.

(3) If an operator fails to notify the Secretary of State of his intention to operate additional ships on a service in accordance with paragraph (1) of this regulation the significant wave heights which shall be used for determining the height of water when applying the technical standards contained in annex 2 to the Agreement in relation to such additional ships shall be those set out in annex 1 to the Agreement.

### **Significant wave heights for domestic routes**

8. In the case of ships operating as Class II(A) ships the Secretary of State may approve the use of significant wave heights other than the significant wave heights specified in Annex 1 to the Agreement for the purpose of determining the height of water when applying the technical standards contained in Annex 2 to the Agreement.

### **Certificates**

9.—(1) Every United Kingdom ship to which these Regulations apply which complies with the requirements of the Agreement relating to specific stability standards shall be issued with a certificate confirming this by the Secretary of State.

(2) A non-United Kingdom Contracting Government ship flying its State’s flag shall be deemed to comply with the requirements of the Agreement relating to specific stability standards if that ship has a certificate indicating its compliance with those requirements issued by the Government of its flag State.

(3) Every ship to which these Regulations apply shall carry on board a certificate issued by its flag State or a Contracting Government confirming its compliance with the requirements of the Agreement relating to specific stability standards.

### **Exemptions**

10.—(1) The Secretary of State may exempt from any or all of the specific stability standards set out in the Agreement a ro-ro passenger ship which is not normally engaged on a regular scheduled voyage but which is required to undertake a single passage to or from a United Kingdom port.

(2) Before exempting any ro-ro passenger ship under paragraph (1) above the Secretary of State shall satisfy himself that that ship complies with any relevant international safety requirements.

(3) In paragraph (2) above “relevant international safety requirements” means those international safety requirements which in the opinion of—

- (a) the Secretary of State; and
- (b) the Contracting Government of the ship’s flag state (if this is a state other than the United Kingdom); and
- (c) the Contracting Government of the state or states to or from whose ports the voyage is to take place (if this is a state or states other than the United Kingdom),

are adequate for the intended voyage.

### **Penalties**

**11.**—(1) If there is any contravention of regulation 5(2) or 9(3) in respect of a ship, the owner shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(2) If a ship to which these Regulations apply proceeds on any voyage without complying with the requirements of regulation 6(2), the owner and master of that ship shall each be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum or on conviction on indictment, to imprisonment for a term not exceeding two years or a fine, or both.

(3) It shall be a defence to a charge under this regulation to prove that the person charged took all reasonable steps to avoid committing the offence.

### **Power to detain**

**12.** In any case where a ship does not comply with the requirements of these Regulations, that ship shall be liable to be detained and section 284(1)—(6) and (8) of the Merchant Shipping Act 1995 (which relates to the detention of a ship) shall have effect in relation to that ship, subject to the modification that for the words “this Act” wherever they appear, there are substituted the words “the Merchant Shipping (Ro-Ro Passenger Ship Survivability) Regulations 1997”.

Signed by authority of the Secretary of State for Transport

Department of Transport  
6th March 1997

*Goschen*  
Parliamentary Under Secretary of State,

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations implement an International Agreement concluded in Stockholm on 27—28 February 1996 and entitled “Agreement Concerning Specific Stability Requirements for Ro-Ro Passenger Ships Undertaking Regular Scheduled International Voyages Between or to or from Designated Ports in North West Europe and the Baltic Sea”.

The Regulations revoke the Merchant Shipping (Ro-Ro Passenger Ship Survivability) (No. 2) Regulations 1994 which implemented an earlier International Agreement dated 27th July 1993. The 1993 Agreement has been superseded by the Agreement implemented by these Regulations.

The Regulations apply the requirements of the Agreement to all United Kingdom ro-ro passenger ships operating on regular scheduled voyages as ships of Classes I, II and II(A) and to all such non-United Kingdom ships when they are in United Kingdom waters while proceeding to or from a port in the United Kingdom (regulation 4). The Agreement is applied progressively to such ships between 1st April 1997 and 1st October 2002 in accordance with a timescale based on the A/Amax value for the ship (regulation 6).

The Regulations require the calculation of an A/Amax value for each ship to be submitted to, and approved by, the Secretary of State, or to be approved by the Contracting Government to the Agreement whose flag the ship is entitled to fly (regulation 5).

These Regulations amend the Merchant Shipping (Passenger Ship Construction) Regulations 1980 and the Merchant Shipping (Passenger Ship Construction and Survey) Regulations 1984 to the extent that they apply to ro-ro passenger ships of Classes I, II and II(A).

A compliance cost assessment has been prepared and copies can be obtained from the Marine Safety Agency, Department of Transport, Spring Place, 105 Commercial Road, Southampton SO15 1EG. A copy has been placed in the library of each House of Parliament.

The annex to the Calculation Procedure referred to in regulation 5(1) may be obtained from the International Maritime Organisation, 4 Albert Embankment, London SE1 7SR. Merchant Shipping Notices may be obtained from Eros Marketing Support Services, Unit B, Imber Court Trading Estate, Orchard Lane, East Molesley, Surrey KT8 0BN.

These Regulations have been notified to the European Commission pursuant to Directive [83/189/EEC](#) of 28 March 1983 laying down a procedure for the provision of information in the field of technical standards and regulations (OJ 1983 L 109, p. 8) as amended by Council Directive [88/182/EEC](#) of 22 March 1988 (OJ 1988 L 81, p. 75) and European Parliament and Council Directive [94/10/EEC](#) of 23 March 1994 (OJ 1994 L 100 p. 30).