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STATUTORY INSTRUMENTS

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**1998 No. 2514**

**The Merchant Shipping (Passenger Ship Construction:  
Ships of Classes I, II and II(A)) Regulations 1998**

**PART I  
PRELIMINARY**

**Citation, commencement and revocation**

**1.**—(1) These Regulations may be cited as the Merchant Shipping (Passenger Ship Construction: Ships of Classes I, II and II(A)) Regulations 1998 and shall come into force on 12th November.

(2) The following Regulations are hereby revoked—

- (a) the Merchant Shipping (Passenger Ship Construction) Regulations 1980**(1)**;
- (b) the Merchant Shipping (Passenger Ship Construction) (Amendment) Regulations 1981**(2)**;
- (c) the Merchant Shipping (Passenger Ship Classification) Regulations 1981**(3)**;
- (d) the Merchant Shipping (Passenger Ship Construction and Survey) Regulations 1984**(4)**;
- (e) the Merchant Shipping (Passenger Ship Construction) (Amendment) Regulations 1985**(5)**;
- (f) the Merchant Shipping (Application of Construction and Survey Regulations to Other Ships) Regulations 1985**(6)**;
- (g) the Merchant Shipping (Passenger Ship Construction) (New and Existing Ships) (Amendment) Regulations 1986**(7)**;
- (h) the Merchant Shipping (Passenger Ship Construction) (Amendment) Regulations 1987**(8)**;
- (i) the Merchant Shipping (Closing of Openings in Hulls and in Watertight Bulkheads) Regulations 1987**(9)**;
- (j) the Merchant Shipping (Stability of Passenger Ships) Regulations 1988**(10)**;
- (k) the Merchant Shipping (Closing of Openings in Enclosed Superstructures and in Bulkheads above the Bulkhead Deck) Regulations 1988**(11)**;

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- (1) S.I. 1980/535.
  - (2) S.I. 1981/580.
  - (3) S.I. 1981/1472.
  - (4) S.I. 1984/1216.
  - (5) S.I. 1985/660.
  - (6) S.I. 1985/661.
  - (7) S.I. 1986/1074.
  - (8) S.I. 1987/1886.
  - (9) S.I. 1987/1298.
  - (10) S.I. 1988/1693.
  - (11) S.I. 1988/317.

- (l) the Merchant Shipping (Closing of Openings in Enclosed Superstructures and in Bulkheads above the Bulkhead Deck) (Application to Non-United Kingdom Ships) Regulations 1988<sup>(12)</sup>;
- (m) the Merchant Shipping (Loading and Stability Assessment of Ro-Ro Passenger Ships) (Non-United Kingdom Ships) Regulations 1989<sup>(13)</sup>;
- (n) the Merchant Shipping (Passenger Ship Construction and Survey) (Amendment) Regulations 1990<sup>(14)</sup>;
- (o) the Merchant Shipping (Passenger Ship Construction and Survey) (Amendment) Regulations 1992<sup>(15)</sup>; and
- (p) the Anchors and Chain Cables Rules 1970<sup>(16)</sup>.

## Interpretation

### 2.—(1) In these Regulations—

- (a) a reference to a ship constructed on or after a specified date is a reference to a ship the keel of which is laid or which is at a similar stage of construction on or after that date; but in the case of a ship the keel of which was laid or which was at a similar stage of construction before a specified date, but which was not a passenger ship, which is converted to a passenger ship after that date, the ship is to be treated as constructed on the date on which such conversion commences;
- (b) a reference to a numbered regulation is, unless otherwise stated, a reference to the regulation of that number in these Regulations;
- (c) a reference in a regulation to a numbered paragraph is, unless otherwise stated, a reference to the paragraph of that number in that regulation; and
- (d) where a sub-heading refers to “requirements” or to “additional requirements” for certain ships, the text following such a sub-heading in that regulation (or until the next sub-heading in that regulation) shall (unless the context otherwise requires) relate only to such ships.

### (2) In these Regulations the following expressions have the following meanings respectively, except where the context requires otherwise—

“approved” means approved by the Secretary of State or, in relation to any equipment or arrangement mentioned in Merchant Shipping Notice No. M1645, by any persons specified in that Notice in relation to such equipment or arrangement;

“auxiliary steering gear” means the equipment, other than any part of the main steering gear, necessary to steer the ship in the event of failure of the main steering gear but not including the tiller, quadrant or components serving the same purpose;

“breadth of the ship” means the greatest moulded breadth at or below the ship’s deepest subdivision load waterline;

“bulkhead deck” means the uppermost deck up to which transverse watertight bulkheads are carried;

“Certifying Authority” means the Secretary of State or any person authorised by the Secretary of State;

“control room” means a room either within or outside a propelling machinery space, from which propelling machinery and boilers may be controlled;

<sup>(12)</sup> S.I. 1988/642.

<sup>(13)</sup> S.I. 1989/567.

<sup>(14)</sup> S.I. 1990/892.

<sup>(15)</sup> S.I. 1992/2358.

<sup>(16)</sup> S.I. 1970/1453.

“crew space” means crew accommodation within the meaning of section 43 in the Merchant Shipping Act 1995;

“dangerous goods” means goods defined as such in the Merchant Shipping (Dangerous Goods and Marine Pollutants) Regulations 1997<sup>(17)</sup>, and any reference to a particular Class of dangerous goods is a reference to that Class of dangerous goods as defined in those Regulations;

“dead ship condition” means the condition under which the main propulsion plant, boilers and auxiliaries are not in operation due to the absence of power;

“draught” unless stated otherwise, means the vertical distance from the underside of keel amidships to a subdivision load waterline;

“EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th May 1993<sup>(18)</sup>;

“EEA State” means a State which is a Contracting Party to the EEA Agreement;

“emergency condition” means a condition under which any services needed for normal operational and habitable conditions are not in working order due to failure of the main source of electrical power;

“emergency source of electrical power” means a source of electrical power intended to supply the emergency switchboard in the event of failure of the main source of electrical power;

“emergency switchboard” means a switchboard which in the event of failure of the main electrical power supply system is directly supplied by the emergency source of electrical power or the transitional source of emergency electrical power and is intended to distribute electrical energy to the emergency services;

“enclosed superstructure” means a superstructure—

- (a) which has enclosing bulkheads of efficient construction in which all access openings are fitted with sills and weathertight doors; and
- (b) in which all other openings in the sides or ends thereof are fitted with efficient weathertight means of closing;

but does not include a bridge or poop fulfilling these requirements unless access to machinery and other working spaces within the bridge or poop is provided by alternative means which are available at all times when access openings in the bulkheads of the bridge or poop are closed;

“factor of subdivision” in relation to any ship or portion thereof means the factor of subdivision determined in accordance with such provisions of Schedule 2 in Merchant Shipping Notice MSN 1698(M) as apply to that ship or portion as the case may be;

“forward perpendicular” means the forward extremity of the length of the ship;

“freeboard deck” has the same meaning as in the Merchant Shipping (Load Line) Rules 1998<sup>(19)</sup>;

“hazardous area” means an area in which explosive gas-air mixtures are, or may be expected to be, present in quantities such as to require special precautions for the construction and use of electrical apparatus or other apparatus which otherwise would constitute a source of ignition;

“high speed craft” is a craft capable of a maximum speed in metres per second (m/s) equal to or exceeding—

$$3.7\sqrt[0.1667]{\text{m/s}}$$

where

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<sup>(17)</sup> S.I. 1997/2367.

<sup>(18)</sup> Cm. 2073.

<sup>(19)</sup> S.I. 1998/2241.

# = volume of displacement corresponding to the design waterline (m<sup>3</sup>);

“IMO” means the International Maritime Organization;

“IMO Resolution A.265 (VIII)” means Resolution A.265 (VIII) adopted by IMO, entitled “Regulations on Subdivision and Stability of Passenger Ships as an Equivalent to Part B of Chapter II of the International Convention for the Safety of Life at Sea 1960”;

“independent power pump” means a pump operated by power otherwise than from the ship’s main engines;

“length” in relation to a ship, unless otherwise defined, means the length of a ship measured between perpendiculars taken at the extremities of the deepest subdivision load waterline;

“lightweight” means the displacement of a ship in tonnes without cargo, fuel, lubricating oil, ballast water, fresh water and feed water in tanks, consumable stores and passengers and crew and their effects;

“machinery space”, except in Parts II to VI, means any space which contains propelling machinery, boilers, oil fuel units, steam and internal combustion engines, generators and major electrical machinery, oil filling stations, refrigerating, stabilising, ventilation and air conditioning machinery and similar spaces, and where the context so admits any trunk to such a space;

“machinery space” in Parts II to VI means any space extending from the moulded base line of the ship to the bulkhead deck and between the extreme transverse watertight bulkheads bounding the spaces containing the main and auxiliary propelling machinery, generators and boilers serving the needs of propulsion, when installed;

“machinery spaces of Category A” means a machinery space which contains—

- (a) internal combustion type machinery used either for main propulsion purposes or for other purposes where such machinery has in the aggregate a total power output of not less than 375 kilowatts; or
- (b) any oil-fired boiler or oil fuel unit;

“main generating station” means the space in which the main source of electrical power is situated;

“main source of electrical power” means a source intended to supply electrical power to the main switchboard for distribution to all services necessary for maintaining the ship in a normal operational and habitable condition;

“main steering gear” means the machinery, rudder actuators, steering gear power units, if any, and auxiliary equipment and the means of applying torque to the rudder stock, such as the tiller or quadrant, necessary for effecting movement of the rudder for the purpose of steering the ship under normal service conditions;

“main switchboard” means a switchboard which is directly supplied by the main source of electrical power and is intended to distribute electrical energy to the ship’s services;

“margin line” means a line at least 76 millimetres below the upper surface of the bulkhead deck at the side of a subdivided ship;

“Maritime and Coastguard Agency” means the Maritime and Coastguard Agency, an executive agency of the Department of the Environment, Transport and the Regions;

“maximum ahead service speed” means the greatest speed which the ship is designed to maintain in service at sea at her deepest seagoing draught;

“Merchant Shipping Notice”, “Marine Guidance Note” or “Marine Information Note” means a Notice/Note described as such and issued by the Maritime and Coastguard Agency;

“mile” means a nautical mile of 1852 metres;

“navigable speed” means the minimum speed at which a ship can be effectively steered in the ahead direction;

“noise level” means “A” weighted sound pressure level in decibels dB(A) as defined and tabulated in the British Standards specification number EN 60651: 1994;

“nominated surveyor” means a surveyor nominated by the Secretary of State to undertake the surveys required by these Regulations and includes a marine surveyor of the Maritime and Coastguard Agency;

“normal operational and habitable condition” means a condition under which the ship as a whole, the machinery, services, means and aids ensuring propulsion, ability to steer, safe navigation, fire and flooding safety, internal and external communications and signals, means of escape, and winches for emergency boats, as well as the designed comfortable conditions of habitability are in working order and functioning normally;

“oil fuel unit” means the equipment used for the preparation of oil fuel for delivery to an oil-fired boiler or the equipment used for the preparation for delivery of heated oil to an internal combustion engine, and includes any oil pressure pumps, filters and heaters dealing with oil at a pressure greater than 1.8 bar;

“open ro-ro cargo spaces” means ro-ro cargo spaces which are open at both ends, or open at one end and provided with adequate natural ventilation effective over their entire length through permanent openings in the side plating or deckhead;

“passenger” means any person carried in a ship except—

- (a) a person employed or engaged in any capacity on board the ship on the business of the ship;
- (b) a person on board the ship either in pursuance of the obligation laid upon the master to carry shipwrecked, distressed or other persons, or by reason of any circumstances that neither the master nor the owner nor the charterer (if any) could have prevented; and
- (c) a child under one year of age.

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

“passenger space” means a space provided for the use of passengers, except as otherwise defined in paragraph 1(4) of section 1 of Schedule 2 in Merchant Shipping Notice MSN 1698 (M);

“permeability” in relation to a space means the percentage of that space, on the assumption that it is in use for the purpose for which it was appropriated, that can be occupied by water;

“periodic survey” means a periodical survey pursuant to regulation 4(b) of the Merchant Shipping (Survey and Certification) Regulations 1995<sup>(20)</sup>;

“pleasure vessel” has the same meaning as in the Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) Regulations 1993<sup>(21)</sup>;

“public spaces” includes halls, dining rooms, bars, smoke rooms, lounges, recreation rooms, nurseries, libraries and similar public permanently enclosed spaces;

“relevant standard of an EEA state other than the United Kingdom”, in relation to a reference to an International Standard or a British Standard means—

- (a) a relevant standard or code of practice of a national standards body or equivalent body of an EEA State other than the United Kingdom;

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<sup>(20)</sup> S.I. 1995/1210, to which there is an amendment not relevant to these Regulations.

<sup>(21)</sup> S.I. 1993/1072.

- (b) a relevant international standard recognised for use in an EEA State other than the United Kingdom; or
- (c) a relevant specification acknowledged for use as a standard by a public authority of an EEA State other than the United Kingdom;

being a standard, code of practice or specification which provides, in use, levels of safety, suitability and fitness of purpose equivalent to those provided by the International Standard or the British Standard.

“ro-ro cargo spaces” means spaces not normally subdivided in any way and extending to either a substantial length or the entire length of the ship in which goods (packaged or in bulk, in or on rail or road cars, vehicles (including road or rail tankers), trailers, containers, pallets, demountable tanks or in or on similar stowage units or other receptacles) can be loaded and unloaded normally in a horizontal direction;

“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;

“settling tank” means an oil storage tank having a heating surface of not less than 0.183 square metre per tonne of oil capacity;

“similar stage of construction” means the stage at which—

- (a) construction identifiable with a specific ship begins; and
- (b) assembly of that ship has commenced comprising at least 50 tonnes or one per cent of the estimated mass of all structural material, whichever is less.

“special category space” means any enclosed space above or below the bulkhead deck intended for the carriage of motor vehicles with fuel in their tanks for their propulsion, into and from which such vehicles can be driven and to which passengers have access;

“SOLAS” means the Safety of Life at Sea Convention 1974<sup>(22)</sup>, and its 1978 Protocol<sup>(23)</sup> and amendments in force on 1st July 1998;

“stability information” means the information required to be provided in compliance with regulation 38;

“steering gear power unit” means—

- (a) in the case of electric steering gear, the electric motor and its associated electrical equipment;
- (b) in the case of electro-hydraulic steering gear, the electric motor, its associated electrical equipment and connected pump; or
- (c) in the case of steam-hydraulic or pneumatic-hydraulic steering gear, the driving engine and connected pump;

“subdivided ship” means a ship which has a factor of subdivision of unity or 0.5;

“subdivision load waterline” means the waterline assumed in determining the subdivision of the ship in accordance with these Regulations;

“suitable” in relation to material means approved as suitable for the purpose for which it is used;

“superstructure” means a decked structure situated on or above the bulkhead deck which either extends from side to side of the ship or is such that its side plating is not inboard of the shell plating of the ship by more than 4 per cent of the breadth of the ship and, where the bulkhead

<sup>(22)</sup> Cmnd. 7874.

<sup>(23)</sup> Cmnd. 7346.

deck of the ship consists of a lower deck, includes that part of the hull of the ship which extends above the bulkhead deck;

“superstructure deck” means a deck forming the top of a superstructure;

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

“voyage” includes an excursion; and shall be taken to commence when a ship leaves its berth or anchorage at a port;

“watertight” in relation to a structure means capable of preventing the passage of water through the structure in any direction under the maximum head of water which it might have to sustain in the event of damage to the ship, but for structures below the bulkhead deck at least the head of water up to the ship’s bulkhead deck;

“weathertight” in relation to a structure means capable of preventing the passage of sea water through the structure in the worst sea and weather conditions likely to be encountered by the ship.

(3) Any reference in these Regulations to—

- (a) a British Standard;
- (b) a Merchant Shipping Notice;
- (c) SOLAS; or
- (d) any other specified Code, Circular, Resolution or Guidelines;

shall include—

- (i) a reference to any document amending that publication which is considered by the Secretary of State to be relevant from time to time and is specified in a Merchant Shipping Notice, Marine Guidance Note or Marine Information Note; and
- (ii) with respect to a British Standard, a reference to a relevant standard of an EEA State other than the United Kingdom.

(4) Where a ship is operated 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.

(5) 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.

- (a) (6) (a) For the purposes of these Regulations passenger ships shall be arranged in Classes as follows—

*Ships engaged on international voyages*

Class I	Ships engaged on voyages any of which are long international voyages.
Class II	Ships engaged on voyages any of which are short international voyages.

*Ships not engaged on international voyages*

Class II(A)	Ships engaged on voyages of any kind other than international voyages, which are not ships of Classes III to VI(A) as defined in the Merchant Shipping (Passenger Ship
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Construction: Ships of Classes III to VI(A))  
Regulations 1998(24).

(b) For the purposes of this regulation the following expressions have the following meanings respectively—

“long international voyage” means a voyage from a port in one country to which SOLAS applies to a port in another country or conversely and which is not a short international voyage;

“short international voyage” means an international voyage—

- (i) in the course of which a ship is not more than two hundred nautical miles from a port or place in which the passengers and crew could be placed in safety; and
- (ii) which does not exceed six hundred nautical miles in distance between the last port of call in the country in which the voyage begins and the first port of destination.

### Application

3.—(1) Subject to paragraphs (2) to (6) below, these Regulations apply to passenger ships of Classes I, II and II(A).

(2) These Regulations apply to United Kingdom ships wherever they may be, and to other ships whilst they are in United Kingdom waters.

- (a) (3) (a) Regulations 22, 24 to 26, 31(2) and (3), 34(b), 35, 36 and 43(2) shall not apply to ships which are not United Kingdom ships; and
- (b) any requirement that ships comply with Section 4 of Schedule 4 in Merchant Shipping Notice MSN 1698 (M) shall not apply to passenger ships constructed on or after 1st September 1984 which are not United Kingdom ships; but such ships shall comply instead with Section 3 of Schedule 4 in Merchant Shipping Notice MSN 1698 (M).

(4) These Regulations shall not apply to high-speed craft to which the Merchant Shipping (High Speed Craft) Regulations 1996(25) apply.

(5) No account shall be taken of any deviation by a ship from her intended voyage due solely to stress of weather or any other circumstances that neither the master nor the owner nor the charterer (if any) of the ship could have prevented or forestalled.

(6) Part IV of these Regulations applies only to—

- (a) United Kingdom ro-ro passenger ships; and
- (b) non-United Kingdom ro-ro passenger ships with the exception of—
  - (i) regulation 31(2) and (3);
  - (ii) regulation 34(b) to the extent that it relates to regulation 31(2); and
  - (iii) regulation 35(1) and (2) to the extent that it relates to any berth which is not situated within a port in the United Kingdom.

(7) Where any requirement relates to a ship constructed on or after a certain date, then to the extent that the Secretary of State deems reasonable and practical that requirement shall apply in respect of any major repair, alteration or modification carried out on or after that date to a United Kingdom ship constructed before that date.

(24) S.I. 1998/2515.

(25) S.I. 1996/3188.



### **Exemptions for certain classes of ships and individual ships**

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

- (a) any ship the keel of which was laid, or which was at a similar stage of construction before 25th May 1980, or any other ship which was converted to a passenger ship before that date, to the extent that he is satisfied that compliance therewith is unreasonable or impracticable in the circumstances;
- (b) any ship of Class II or II(A) which does not proceed more than 20 miles from the nearest land, to the extent that he is satisfied that compliance therewith is unreasonable or unnecessary by reason of the sheltered nature and conditions of the intended services of the ship;
- (c) any ship which is not normally engaged on international voyages but which, in exceptional circumstances is required to undertake a single international voyage, provided that it complies with safety requirements which are adequate for the voyage which is to be undertaken by the ship;
- (d) any ship which embodies features of a novel kind, if the application might seriously impede research into the development of such features and their incorporation in ships engaged on international voyages. Any such ship shall, however, comply with safety requirements which are adequate for the service for which it is intended and are such as to ensure the overall safety of the ship;
- (e) any ship of Class I or II employed in special trades for the carriage of large numbers of special trade passengers, such as the pilgrim trade, provided that it complies fully with the provisions of—
  - (a) the Final Act of the International Conference on Special Trade Passenger Ships 1971(26); or
  - (b) the Protocol on Space Requirements for Special Trade Passenger Ships 1973(27);  
and
- (f) pleasure vessels.

### **Approved standards**

5. In complying with the requirements of these Regulations with respect to construction or maintenance relating to hull, machinery, electrical installations and control installations United Kingdom ships shall comply with the approved standards listed in Merchant Shipping Notice No. M.1672 which are relevant to it.

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(26) Cmnd. 5103.

(27) Cmnd. 5530.