
STATUTORY INSTRUMENTS

1960 No. 1932

The Shipbuilding and Ship-repairing Regulations 1960

PART I

INTERPRETATION AND GENERAL

Obligations under Regulations

4.—(1) It shall be the duty of every employer who is undertaking any of the operations to comply with such of the provisions of the following Regulations as relate to any work, act or operation performed by him, that is to say—

- (a) in so far as they affect any person employed by him—
 - (i) Regulations 6, 8 (2), 11 (1), 13, 14 (1), (2), (3) and (5), 15, 17 (1), (2), (3), (4) and (6), 18, 19 (1), 20 to 24, 25 (2), 28 (1), 48 to 51, 56 (2), 60 (1) and (2), 70 (1) and (4), 73 to 77, 80 and 81;
 - (ii) Regulations 11 (2) and 16, except in so far as the person having the general management and control of a public dry dock is responsible under paragraph (5) of this Regulation;
 - (iii) Regulation 69 (1), except in so far as the person having the general management and control of a public dry dock is responsible under paragraph (5) of this Regulation or the person having the general management and control of a dock, wharf or quay is responsible under paragraph (6) of this Regulation;
 - (iv) Regulation 26, except in so far as the shipowner or master or officer in charge is responsible under paragraph (7) of this Regulation and except in so far as the stevedore or other person carrying on any of the processes of loading, unloading or coaling the ship or vessel is responsible by virtue of the Docks Regulations, 1934(1); and
 - (v) Regulation 70 (2) and (3), except in so far as the shipowner or master or officer in charge is responsible under paragraph (7) of this Regulation.
- (b) in so far as they affect any person whether or not a person employed by him—
 - (i) Regulations 27, 29 (1) and (2), 30 (1), 53, 54 (1), 63 to 66, 71, 72 and 78; and
 - (ii) Regulations 59 and 62, except in so far as the shipowner or master or officer in charge is responsible under paragraph (7) of this Regulation.

(2) It shall be the duty of the owner of any machinery, plant, equipment or appliance to which any of the provisions of Regulations 33 to 39, 67 and 68 applies to comply with those provisions; and in the case of any such machinery, plant, equipment or appliance carried on board a ship not registered in the United Kingdom it shall also be the duty of the master or officer in charge of the ship to comply with those provisions. It shall be the duty of every employer not to use any machinery, plant, equipment or appliance which does not comply with those provisions.

- (a) (3) (a) It shall be the duty of every person who installs or places in position any machinery, plant, equipment or appliance to which any of the provisions of Regulations 42, 55 (1) and (2), 56 (1) (a) and 57 applies to install or place in position such machinery, plant, equipment or appliance in a manner which complies with those provisions;
- (b) It shall be the duty of every person who works or uses any machinery, plant, equipment or appliance to which any of the provisions of Regulations 40 to 47, 55 (1) and (2), 56, 57 (1), (2), (3) and (4), 58 and 69 (4) and (5) applies to work or use such machinery, plant, equipment or appliance in a manner which complies with those provisions.
- (4) In the case of a shipyard other than a public dry dock, it shall be the duty of the person having the general management and control of the shipyard to comply with the provisions of Regulations 7 and 8, Regulation 9 (2) in so far as it relates to hand-holds provided by him, Regulations 17 (5), 25 (1) and 79 and (except in so far as the shipowner or master or officer in charge is responsible under paragraph (7) of this Regulation) Regulations 9 (1), 10, 12, 59 and 62.
- (5) In the case of a public dry dock—
- (a) it shall be the duty of the person having the general management and control of the dock to comply as respects gangways, platforms and stairways provided by him with the provisions of Regulations 7, 9 (1) and 12, other than the provisions relating to use of such gangways, platforms and stairways, and to comply with the provisions of Regulation 8 (1), Regulation 9 (2) in so far as it relates to hand-holds provided by him, Regulation 11 (2) in so far as it relates to the sound construction of scows or floating platforms provided by him, Regulation 16 in so far as it relates to the soundness of any material or appliance provided by him for the construction of staging, Regulations 17 (5) and 25 (1), Regulation 69 (1) as respects lighting of approaches to the edge of the dock, and Regulation 79 (1) and (2); and
- (b) it shall be the duty of every employer who is undertaking any of the operations to comply with such of the provisions of the following Regulations as relate to any work, act or operation performed by him, in so far as those provisions affect any person employed by him, that is to say, Regulations 7, 9 and 12 (except, in the case of each of these Regulations, in so far as the person having the general management and control of the dock is responsible under sub-paragraph (a) of this paragraph and except, in the case of Regulations 9 and 12, in so far as the shipowner or master or officer in charge is responsible under paragraph (7) of this Regulation), and Regulation 10.
- (6) In the case of a ship lying in or at a dock, wharf or quay but not in a shipyard, it shall be the duty of the person having the general management and control of the dock, wharf or quay to comply with Regulation 69 (1) as respects the lighting of approaches to the edge of the dock, wharf or quay.
- (7) It shall be the duty of the shipowner and of the master or officer in charge of a ship or vessel—
- (a) to comply with such of the provisions of Regulations 9 (1), 10 and 12 as relate to any means of access provided by him, Regulation 59 in so far as it relates to any work, act or operation performed by him, and Regulation 62 in so far as it relates to a naked light certificate or a certificate of entry obtained by him; and
- (b) where the control of the ship or vessel apart from the operations remains with the shipowner or master or officer in charge—
- (i) to provide the protection specified in Regulation 26 in so far as concerns those hatches or openings which are not required to be used for the purposes of the operations (but if such protection be removed by or at the request of an employer who is undertaking any of the operations, that employer shall be responsible for its replacement as soon as practicable) and
- (ii) to comply with the provisions of Regulation 69 (2) and Regulation 70 (2) and (3); and

- (c) not to remove any fencing provided in compliance with Regulation 26 at openings used or created in the course of the operations, save as permitted by that Regulation:

Provided that where a stevedore or other person carrying on any of the processes of loading, unloading or coaling the ship or vessel, is responsible under the Docks Regulations, 1934, for the protection of a hatch for the time being, that stevedore or other person shall be solely responsible for maintaining in position, as far as practicable, any protection provided in compliance with Regulation 26.

(8) It shall be the duty of every person employed to comply with such of the provisions of Regulations 14 (4), 19 (2), 28 (2), 29 (3), 30 (2), 46 (2), 48 (2), 54 (2), 55 (3), 56 (2), 57 (4) (b), 59 (3), 60 (3), 69 (6), 70 (4), 72 and 76 (2) as expressly impose a duty on him. It shall further be the duty of every person employed if he discovers any defect in any machinery, plant, equipment or appliance, to report such defect without unreasonable delay to his employer or foreman or to a person appointed by the employer under Regulation 81.

(9) For the purposes of the provisions in this Regulation which impose upon an employer a duty to comply with the requirements of certain specified Regulations in so far as they affect any person employed by him, the requirements of those Regulations, other than Regulations 48 to 51, 59, 60, 65 and 70, shall be deemed not to affect any person employed if and so long as his presence in any place is not in the course of performing any work on behalf of his employer or is not expressly or impliedly authorised or permitted by his employer.