

1988 No. 2274

**MERCHANT SHIPPING**

**SAFETY**

**The Merchant Shipping (Safety at Work Regulations)  
(Non-UK Ships) Regulations 1988**

*Made* - - - - *23rd December 1988*

*Coming into force* - *1st January 1989*

Whereas a draft of these Regulations has been laid before Parliament and has been approved by a resolution of each House of Parliament in accordance with section 49(4A) of the Merchant Shipping Act 1979(a).

Now therefore the Secretary of State, after consultation with the persons referred to in section 22(2) of the Merchant Shipping Act 1979, in exercise of the powers conferred on him by section 21(1)(b) and (c), (3), (4), (5) and (6) and section 22(1) of that Act, and of all other powers enabling him in that behalf, hereby makes the following Regulations—

1. These Regulations may be cited as the Merchant Shipping (Safety at Work Regulations) (Non-UK Ships) Regulations 1988 and shall come into force on 1st January 1989.

2. The Merchant Shipping (Guarding of Machinery and Safety of Electrical Equipment) Regulations 1988(b) shall be amended by substituting for regulation 2(1)(b) the following:

“(b) these Regulations other than regulation 7 apply to ships other than United Kingdom ships when they are in a port in the United Kingdom.”.

3. The Merchant Shipping (Means of Access) Regulations 1988(c) shall be amended by substituting for regulation 3(1)(b) the following:

“(b) these Regulations, other than regulations 5, 6, 7(c) and 13, apply to ships other than United Kingdom ships when they are in a port in the United Kingdom.”.

4. The Merchant Shipping (Entry into Dangerous Spaces) Regulations 1988(d) shall be amended by substituting for regulation 3(1)(b) the following:

“(b) these Regulations, other than regulations 6 and 10, apply to ships other than United Kingdom ships when they are in a port in the United Kingdom.”.

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(a) 1979 c.39. Sections 21(1) and (3) and 49 were amended by section 11 of the Safety at Sea Act 1986 (c.23), section 21(6) was amended by section 49(3) of the Criminal Justice Act 1982 (c.48) and section 49 was amended by the Merchant Shipping Act 1988 (c.12), Schedule 5.

(b) S.I. 1988/1636.

(c) S.I. 1988/1637.

(d) S.I. 1988/1638.

5. The Merchant Shipping (Hatches and Lifting Plant) Regulations 1988(a) shall be amended as follows:-

(a) the following shall be substituted for regulation 3(1)(b):-

“(b) these Regulations other than regulation 13 apply to ships other than United Kingdom ships when they are in a port in the United Kingdom.”;

(b) in regulation 10:-

(i) the words “Except in relation to ships other than United Kingdom ships” shall be inserted at the start of regulation 10(1);

(ii) there shall be added as regulation 10(3) the following:

“(3) In relation to ships other than United Kingdom ships, paragraph (1) above shall apply with the exclusion of the words “in a form approved by the Secretary of State”.”.

6. The Merchant Shipping (Safe Movement on Board Ship) Regulations 1988(b) shall be amended by substituting for regulation 3(1)(b) the following:

“(b) these Regulations other than regulation 14 apply to ships other than United Kingdom ships when they are in a port in the United Kingdom .”.

Signed by the authority of the Secretary of State

*Michael Portillo*

23rd December 1988.

Minister of State, Department of Transport

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#### EXPLANATORY NOTE

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

These Regulations apply to ships other than United Kingdom ships when in ports of the United Kingdom the provisions of the following Regulations (with minor exceptions of matters not appropriate to foreign ships):-

The Merchant Shipping (Guarding of Machinery and Safety of Electrical Equipment) Regulations 1988

The Merchant Shipping (Means of Access) Regulations 1988

The Merchant Shipping (Entry into Dangerous Spaces) Regulations 1988

The Merchant Shipping (Hatches and Lifting Plant) Regulations 1988

The Merchant Shipping (Safe Movement on Board Ship) Regulations 1988

As previously worded those Regulations only give certain powers of inspection and detention of foreign ships for compliance with the Regulations. These Regulations enable criminal proceedings to be taken for non-compliance.

The Regulations amended give effect in part to the Merchant Shipping (Minimum Standards) Convention 1976 (International Labour Organisation Convention 147) (Cmnd 7163), laid before Parliament on 24 April 1978 and ratified by the United Kingdom on 28 November 1980 which is in force internationally and requires provisions to be made substantially equivalent to those of (amongst other Conventions) the Prevention of Accidents (Seafarers) Convention 1970 (International Labour Organisation Convention 134, Article 4) (Cmnd 4800) which is in force but has not been ratified by the United Kingdom. The Regulations as now amended implement fully certain provisions of the Convention, and a recommendation, concerning occupational safety

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(a) S.I. 1988/1639.

(b) S.I. 1988/1641.

and health in dock work (International Labour Organisation Convention 152) (Cmnd 8118) laid before Parliament in December 1980 and in force internationally, but not ratified by the United Kingdom.

The command papers containing I.L.O. Conventions 147 and 134, Cmnd 7163 and Cmnd 4800, are no longer in print, but photocopies of them may be obtained through Her Majesty's Stationery Office. Copies of I.L.O. Conventions may also be obtained from the UK Office of the I.L.O., Vincent House, Vincent Square, London SW1P 2NB.