

*The Regulations supersede S.I.1994/422 and are being issued free of charge to all known recipients of that statutory instrument.*

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STATUTORY INSTRUMENTS

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**1994 No. 1383**

**MERCHANT SHIPPING**

**SAFETY**

**The Merchant Shipping (Ro-Ro Passenger Ship Survivability) (No. 2) Regulations 1994**

*Made - - - - 18th May 1994*

*Coming into force - - 19th May 1994*

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 49(4A) and (4B) of the Merchant Shipping Act 1979(1):

Now therefore the Secretary of State for Transport, after consulting the persons referred to in section 22(2) of the said Act of 1979, in exercise of the powers conferred on him by sections 21(1) (a) and (c) and (3) to (6) and 22(1) of that Act(2), 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) (No.2) Regulations 1994 and shall come into force on the day after the day on which they are made.

(2) The Merchant Shipping (Ro-Ro Passenger Ship Survivability) Regulations 1994(3) are hereby revoked.

**Interpretation**

2.—(1) In these Regulations—

“Administration” means the Maritime Administration of a party to the Agreement;

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(1) 1979 c. 39; section 49 was amended by the Safety at Sea Act 1986 (c. 23), section 11 and the Merchant Shipping Act 1988 (c. 12), Schedule 5.  
(2) Section 21(1)(c) was inserted by The Safety at Sea Act 1986, section 11; and section 21(b) was amended by the Criminal Justice Act 1982 (c. 48), section 49(3)(a) and (4).  
(3) S.I.1994/422.

“Agreement” means the Agreement dated 27th July 1993 and set out in Merchant Shipping Notice 1541 between the parties set out in appendix 1 to that Notice and includes any amendment (including the addition of a party to that agreement) to the Agreement considered by the Secretary of State relevant from time to time and set out in a Merchant Shipping Notice;

“Merchant Shipping Notice” means a Notice described as such and issued by the Department of Transport; 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-UK ro-ro assenger ship” means a ro-ro passenger ship which is not a United Kingdom ro-ro passenger ship;

“post-1990 ship” means a passenger ship the keel of which was laid, or was at a similar stage of construction, on or after 29th April 1990 or a cargo ship which is converted to a passenger ship on or after that date;

“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(4);

“the 1984 Regulations” means the Merchant Shipping (Passenger Ship Construction and Survey) Regulations 1984(5);

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

### **Amendment of existing Regulations**

3.—(1) In the 1980 Regulations regulation 11 shall be amended by the insertion at the beginning of paragraph (1)(a) of “Subject to the Merchant Shipping (Ro-Ro Passenger Ship Survivability) (No.2) Regulations 1994”.

(2) In the 1984 Regulations regulation 11A shall be amended by the insertion at the beginning of paragraph (2)(a) of “Subject to the Merchant Shipping (Ro-Ro Passenger Ship Survivability) (No.2) Regulations 1994”.

### **Application**

4. These Regulations apply—

- (a) to all United Kingdom ro-ro passenger ships when operating as ships of Classes I, II and IIA within the meaning of the 1984 Regulations; and
- (b) to all non-UK ro-ro passenger ships when operating as ships of those Classes, whilst they are in ports in the United Kingdom,

which are not post-1990 ships.

### **Value of A/Amax**

5.—(1) The value of A/Amax for each ship 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),

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(4) [S.I.1980/535](#); relevant amendments are [S.I.1988/1693](#), and [S.I.1990/892](#).

(5) [S.I.1984/1216](#); relevant amendment is [S.I.1990/892](#).

developed by the Maritime Safety Committee of the International Maritime Organization at its fifty-ninth session in June 1991 (MSC/Circ.574).

- (a) (2) (a) Subject to sub-paragraph (c) below, in the case of a ship operating to or from ports in the United Kingdom as a ship of Class I, II or IIA on 1st January 1994 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 31st May 1994, unless the ship has ceased to operate in the area to which the Agreement relates at that latter date.
- (b) Subject to sub-paragraph (c) below, in the case of any 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 voyage.
- (c) Sub-paragraphs (a) and (b) shall not apply in relation to any ship for which the value of A/Amax has been approved by the Administration whose flag the ship is entitled to fly as being calculated in accordance with the annex mentioned in paragraph (1) above.
- (3) 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 mentioned in sub-paragraph (c) of paragraph (2) above, the Administration.
- (4) Any approval given pursuant to these Regulations shall be given in writing and shall specify the conditions (if any) on which it is given.

### **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 on the date for compliance in respect of that ship determined in accordance with paragraph (2) below.

(2) In addition to the requirements of regulation 10 of the 1980 Regulations or regulation 10 of the 1984 Regulations (as the case may be) every ship shall comply with the requirements of the Agreement relating to damage stability standards on and after the date for compliance set out in the tables below relevant to that ship:

#### **A) FOR A SHIP WITH A ONE COMPARTMENT STANDARD OF SUBDIVISION**

<i>Value of A/Amax</i>	<i>Date for compliance</i>
less than 70%	1st October 1994
70% or more but less than 75%	1st December 1995
75% or more but less than 85%	1st December 1996
85% or more but less than 90%	1st December 1997
90% or more but less than 97%	1st December 1999
97% or more	1st December 2004

#### **B) FOR A SHIP WITH A TWO COMPARTMENT STANDARD OF SUBDIVISION**

<i>Value of A/Amax</i>	<i>Date for compliance</i>
less than 70%	1st October 1994
70% or more but less than 75%	1st December 1996
75% or more but less than 85%	1st December 1998

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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<i>Value of A/Amx</i>	<i>Date for compliance</i>
85% or more but less than 90%	1st December 1999
90% or more but less than 97%	1st December 2004
97% or more	1st December 2007 Penalties

7.—(1) If there is any contravention of regulation 5, 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 the 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 and a fine.

(3) It shall be a good 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**

8. In any case where a ship does not comply with the requirements of these Regulations, the ship shall be liable to be detained and section 692(1)-(3) of the Merchant Shipping Act 1894<sup>(6)</sup> (which relates to the detention of a ship) shall have effect in relation to the ship, subject to the modification that for the words “this Act” wherever they appear, there shall be substituted the words “the Merchant Shipping (Ro-Ro Passenger Ship Survivability) (No.2) Regulations 1994”.

Signed by authority of the Secretary of State for Transport

Department of Transport  
18th May 1994

*Mackay of Ardbrecknish*  
Parliamentary Under Secretary of State,

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(6) 1894 c. 60; subsections (1) and (2) of section 692 were amended by the Merchant Shipping Act 1979, Schedule 7, Part VII.

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## EXPLANATORY NOTE

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

These Regulations implement an international Agreement dated 27th July 1993, entitled “Agreement Concerning The Stability of Existing Ro-Ro Passenger Ships Operating Services To Or From Ports Within A Designated Sea Area Of North West Europe”. They replace similar Regulations (S. I. 1994/422) made under an inappropriate Parliamentary procedure.

They extend to all ro-ro passenger ships built before 29th April 1990 the survivability standards required for passenger ships built on or after 29th April 1990. The extension takes effect between 1st October 1994 and 1st December 2004 or 2007 depending upon whether the ship is of one or two compartment standard of subdivision, in accordance with a timescale based on an A/Amax ratio calculation for each ship.

The Regulations require the calculation of an A/Amax ratio for each ship to be submitted to, and approved by, the Secretary of State, or to be approved by the Maritime Administration of the party to the Agreement whose flag the ship is entitled to fly.

The 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 IIA built before 29th April 1990.

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 Organization, 4 Albert Embankment, London SE1 7SR.

Merchant Shipping Notices may be obtained from the Marine Safety Agency, Department of Transport, Spring Place, 105 Commercial Road, Southampton SO15 1EG, or any Department of Transport Marine Office.