

# Ship safety: amendments to merchant shipping regulations

I am making this statement for the purposes of paragraph 14 of Schedule 8 to the European Union (Withdrawal) Act 2018. The instrument to which this statement relates does not substantively amend EU standards, but the provisions of Schedule 8 apply to a consequential amendment proposed to be made by the instrument to a definition contained in the Merchant Shipping (Fire Protection: Small Ships) Regulations 1998.

The proposed Regulations implement the findings of the review of standards for older passenger ships carried out by the Maritime and Coastguard Agency (MCA) in conjunction with the Domestic Passenger Ships Steering Group (DPSSG), which is a group on which both government and industry representatives sit to discuss safety matter relating to domestically operating passenger vessels.

The review of standards for older passenger ships was driven by recommendations from:

- the Thames Safety Inquiry, which was Lord Justice Clarke's investigation into the Marchioness tragedy, where 51 lives were lost. The investigation and resultant recommendations considered scenarios wider than just that of the Marchioness tragedy itself, and covered a range of possible circumstances anticipated for passenger vessels more generally
- the Formal Safety Assessment Study of Domestic Passenger Ship Safety, published in 2005
- the Marine Accident Investigation Branch

The relevant recommendations from the Thames Safety Inquiry were implemented for newer non-seagoing passenger ships in 2010, but the more challenging task of doing a similar thing for older passenger ships has been carefully considered over subsequent years.

The proposed regulations cover aspects of the following subject areas:

- damage stability (survivability) – the main purpose of this measure is to keep vessels afloat long enough to evacuate them in an emergency
- life-saving equipment – except in the lowest risk areas, this is to ensure there are sufficient spaces in life rafts and lifejackets for all onboard. Vessels operating at night to carry lifejackets with lights
- fire detection – unmanned engine rooms on passenger ships and any passenger sleeping accommodation to be fitted with fire detection to the standard of BS EN54
- fixed firefighting – engine rooms to be fitted with fixed firefighting equipment
- powered pumps: passenger ships to have a means of pumping out bilge water without reliance on hand pumps. Following consultation, a requirement for powered fire pumps was dropped

- bilge alarm: to be fitted in all compartments containing propulsion machinery and in any other compartment where bilge water can accumulate

One of the potentially most significant aspects of these proposals is the damage stability, or survivability, element. The reason vessels need to meet adequate standards in this area is that in the event of an incident, it is vital to keep a vessel afloat for long enough for persons to ascend to the upper deck, don lifejackets and remain above the surface of the water while awaiting rescue services.

Vessels that do not meet modern standards can sink in literally seconds, resulting in persons being cast into the water and possibly trapped beneath a submerged hull. The death toll is expected to be high in such a situation, as passenger vessels can carry anything from 13 to 250 persons. This is a tragedy waiting to happen.

The other measures combat the risks associated with fire and flooding and provide more robust standards for life-saving equipment.

This is a package designed to provide a safety regime that ensures a high level of consistency in safety standards across the range of passenger vessels, so that the public can be assured that on whichever passenger vessel they choose to travel, safety standards on that vessel are fit for the 21st century.

It has been suggested that these measures target historic vessels and even those vessels known as "Dunkirk Little Ships" (DLS). However, the proposals focus on passenger vessels, i.e., those carrying members of the public, regardless of age. A few of these are historic in nature – others simply old – and a very small proportion of DLS included are subject to the measures.

No more than 2% to 3% of the pool of DLS are affected, as most DLS do not operate as passenger vessels.

The draft regulations are an important step forward to ensure standards for all UK passenger ships are suitable for the 21st century and to protect members of the travelling public. I am not prepared to see another tragedy on the scale of the Marchioness. A similar disaster, or one greater, would have an unacceptable social cost and have a damaging effect on the reputation of the tourist industry, which is so important to many areas of the United Kingdom.

The regulations are being published in draft 28 days before they are due to be laid for approval by each House of Parliament.

This is required under paragraph 14 of Schedule 8 to the European Union (Withdrawal) Act 2018, because they make a consequential amendment to a definition that was substituted in the Merchant Shipping (Fire Protection: Small Ships) Regulations 1998 by the Merchant Shipping (Marine Equipment) Regulations 2016, which were made (in part) under section 2(2) of the European Communities Act 1972.

Further details are set out in the annex to the accompanying draft

explanatory memorandum.

The [draft regulations, the accompanying draft explanatory memorandum and the impact assessment](#) can be found on GOV.UK.