
STATUTORY INSTRUMENTS

1992 No. 1564

**MERCHANT SHIPPING
SAFETY**

**The Merchant Shipping (Safe
Manning Document) Regulations 1992**

<i>Made</i>	- - - -	<i>30th June 1992</i>
<i>Laid before Parliament</i>		<i>7th July 1992</i>
<i>Coming into force</i>	- -	<i>28th July 1992</i>

The Secretary of State for Transport, after consultation with the persons referred to in section 22(2) of the Merchant Shipping Act 1979(1), in exercise of powers conferred by section 21(1) (a) and (b), (3), (5) and (6) and section 22(1) of the Act and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation and Commencement

1. These Regulations may be cited as the Merchant Shipping (Safe Manning Document) Regulations 1992 and shall come into force on 28th July 1992.

Interpretation

2. In these Regulations:

“safe manning document” means a document issued in the case of a United Kingdom ship by the Secretary of State and in the case of any other ship, by or on behalf of the Government of the State whose flag the ship is entitled to fly, and in either case complying with the requirements set out in the Schedule hereto;

“fishing vessel” means a vessel for the time being employed in sea fishing but does not include a vessel used otherwise than for profit;

“tons” means gross tons and shall be—

(a) for a ship having alternative gross tonnages under paragraph 13 of Schedule 5 of the Merchant Shipping (Tonnage) Regulations 1982,(2) the larger of those tonnages, and

(1) 1979 c. 39; section 21(6) was amended by section 49(3) of the Criminal Justice Act 1982 (c. 48).
(2) S.I.1982/841.

(b) for a ship having its tonnage determined both under Part II and regulation 16 of those Regulations its gross tonnage as determined under regulation 16;

“smooth and partially smooth waters” shall be construed in accordance with regulation 3(2) of the Merchant Shipping (Smooth and Partially Smooth Waters) Regulations 1987(3);

“pleasure craft” means a vessel (other than a passenger ship) primarily used for sport or recreation;

“shipowner” includes:

- (i) where the ship is chartered by demise, the demise charterer;
- (ii) where the ship is managed by a ship management company, the manager.

Application

3. Subject to regulation 4, these Regulations apply to all United Kingdom ships of 500 tons or over, which go to sea beyond the limits of smooth or partially smooth waters, and to other ships of 500 tons or over while they are within the United Kingdom or the territorial waters thereof other than fishing vessels and pleasure craft.

Exemptions

4. The Secretary of State may grant exemptions from regulation 5 of these Regulations for classes of ships or individual ships on such terms (if any) as he may think fit and may, subject to giving reasonable notice, alter or cancel any such exemption.

Provision of Safe Manning Document

5.—(1) It shall be the duty of the shipowner of every ship to which these Regulations apply to ensure that—

- (a) a safe manning document is in force in respect of the ship and the manning of the ship,
- (b) the safe manning document that is kept aboard the ship at all times, and
- (c) the manning of the ship is maintained at all times to at least the levels specified in the safe manning document.

(2) The master of any ship to which these Regulations apply shall ensure that the ship does not proceed to sea unless there is on board a valid safe manning document issued in respect of the ship and the manning of the ship complies with that document.

(3) (a) If a shipowner or master fails to comply with any of the provisions of this regulation he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

- (b) It shall be a defence for a person charged under this regulation to show that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

Detention of United Kingdom Ships

6. Any person duly authorised by the Secretary of State may inspect any United Kingdom ship and if he is satisfied that there has been a failure to comply in relation to that ship with the requirements of these Regulations he may detain the ship, but shall not in the exercise of these powers detain or delay the ship unreasonably.

Inspection and detention of other ships

7.—(1) Any person duly authorised by the Secretary of State may inspect any ship to which these Regulations apply other than a United Kingdom ship when the ship is in a United Kingdom port, and if he is satisfied that there has been a failure to comply in relation to the ship with the requirements of regulation 5 he may:

- (a) send a report to the government of the country in which the ship is registered; and
- (b) detain the ship.

(2) If he detains the ship the person duly authorised shall forthwith notify the nearest maritime, consular or diplomatic representative of the state whose flag the ship is entitled to fly.

(3) The person duly authorised shall not in the exercise of his powers under this regulation unreasonably detain or delay the ship.

Enforcement of Detention

8. Section 692 of the Merchant Shipping Act 1894⁽⁴⁾ (which relates to enforcing the detention of a ship) shall have effect in relation to a ship detained under these Regulations subject to the modification that for the words “this Act”, whenever they appear, there shall be substituted “the Merchant Shipping (Safe Manning Document) Regulations 1992”.

Signed by authority of the Secretary of State for Transport

30th June 1992

Caithness
Minister of State,
Department of Transport

(4) 1894 c. 60.

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

SCHEDULE

Regulation 2

CONTENTS OF SAFE MANNING DOCUMENT

The following information shall be included in the Safe Manning document. If the language used is not English the information given shall include a translation into English.

1. A clear statement of the ship's name, its port of registry and its distinctive number or letters;
2. A table showing the numbers and grades of the personnel required to be carried, together with any special conditions or other remarks;
3. A formal statement by the authority issuing it that, having regard to the principles and guidelines set out in International Maritime Organisation (IMO) Regulation A481 (XII), the ship named in the document is considered to be safely manned if, whenever it proceeds to sea, it carries not less than the numbers and grades of personnel shown in the document, subject to any special conditions stated therein;
4. A statement as to any limitations on the validity of the document by reference to particulars of the individual ship and the nature of service upon which it is engaged;
5. The date of issue and any expiry date of the document together with a signature on behalf of the authority issuing it.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations give effect to an amendment to the International Convention for the Safety at Sea 1974 (SOLAS) adopted by the Maritime Safety Committee of the International Maritime Organisation at its 57th Session on 11 April 1989. The amendment, concerns the provision of an appropriate safe manning document or equivalent to every ship to which Chapter I of the Convention applies.

The Regulations apply to all UK sea-going ships of 500 tons or over and to non-UK ships of 500 tons or over while they are within the United Kingdom or the territorial waters thereof. They require every such ship to be provided with a document issued by or on behalf of the flag state of the ship specifying the level of manning considered necessary to ensure the safe and efficient operation of the ship.