
STATUTORY INSTRUMENTS

1997 No. 529

MERCHANT SHIPPING

SAFETY

**The Merchant Shipping (Minimum Standards
of Safety Communications) Regulations 1997**

<i>Made</i>	- - - -	<i>27th February 1997</i>
<i>Laid before Parliament</i>		<i>6th March 1997</i>
<i>Coming into force</i>	- -	<i>27th March 1997</i>

Whereas the Secretary of State is a Minister designated⁽¹⁾ for the purpose of section 2(2) of the European Communities Act 1972⁽²⁾ in relation to measures relating to the safety of ships and the health and safety of persons on them;

Now, therefore, the Secretary of State, in exercise of the powers conferred by the said section 2(2) 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 (Minimum Standards of Safety Communications) Regulations 1997 and shall come into force on 27th March 1997.

Interpretation

2.—(1) In these Regulations—

“chemical tanker” means a ship constructed and used for the carriage in bulk of any liquid chemical listed in the “Code for the Construction and Equipment of Ships carrying Dangerous Chemicals in Bulk” published by the International Maritime Organisation, in force on 22nd November 1994;

“liquefied gas tanker” means a ship constructed and used for the carriage in bulk of any liquefied gas listed in the “Code for the Construction and Equipment of Ships carrying Liquefied Gases in Bulk” published by the International Maritime Organisation, in force on 22nd November 1994;

(1) S.I.1993/595.
(2) 1972 c. 68.

“oil tanker” means a ship constructed and used for the carriage of petroleum and petroleum products in bulk;

“passenger ship” means a sea-going ship which carries more than 12 passengers;

“pleasure vessel” has the meaning given by regulation 3 of the Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) Regulations 1993⁽³⁾;

“United Kingdom ship” has the meaning given by section 85(2) of the Merchant Shipping Act 1995⁽⁴⁾.

(2) Where a ship or hovercraft is managed by a person other than her owner (whether on behalf of the owner or some other person, or on his behalf), a reference in these Regulations to the owner shall be construed as including a reference to that person.

Application

3.—(1) Subject to paragraph (2) below, these Regulations apply to—

- (i) United Kingdom ships;
- (ii) Government ships within the meaning of section 308(4) of the Merchant Shipping Act 1995;
- (iii) hovercraft registered in the United Kingdom; and
- (iv) other passenger ships, and seagoing hovercraft carrying more than 12 passengers, which start or finish a voyage in the United Kingdom.

(2) These Regulations do not apply to—

- (a) warships, naval auxiliaries or other ships owned or operated by the Crown and engaged only on governmental non-commercial service;
- (b) fishing vessels; or
- (c) pleasure vessels.

Implementation of Council Directive 94/58/EC

4. The purpose of these Regulations is to implement, in part, Council Directive 94/58/EC⁽⁵⁾ on the minimum level of training for seafarers.

Duty to ensure safe communication

5. It shall be the duty of the owner and master to ensure—

- (a) that on every ship and hovercraft—
 - (i) there are at all times means in place for effective oral communication related to safety between all members of the ship’s or hovercraft’s company, particularly with regard to the correct and timely reception and understanding of messages and instructions;
 - (ii) there are adequate means of communication between the ship or hovercraft and the shore based authorities in the English language;
- (b) that on every passenger ship and hovercraft personnel nominated on muster lists to assist passengers in emergency situations are readily identifiable and have communication skills that are sufficient for that purpose, taking into account an appropriate and adequate combination of any of the following criteria—

⁽³⁾ S.I. 1993/1072.

⁽⁴⁾ 1995 c. 21.

⁽⁵⁾ O.J. L319, 22.11.94, p. 28.

- (i) the language or languages appropriate to the principal nationalities of passengers carried on a particular route;
 - (ii) the likelihood that an ability to use elementary English vocabulary for basic instructions can provide a means of communicating with a passenger in need of assistance whether or not the passenger and crew member share a common language;
 - (iii) the possible need to communicate during an emergency by some other means such as by demonstration, or hand signals, or calling attention to the location of instructions, muster stations, life-saving devices or evacuation routes when verbal communication is impractical;
 - (iv) the extent to which complete safety instructions have been provided to passengers in their native language or languages; and
 - (v) the languages in which emergency announcements may be broadcast during an emergency or drill to convey critical guidance to passengers and to facilitate crew members in assisting passengers;
- (c) that on board an United Kingdom ship or a Government ship, which is an oil tanker, chemical tanker or liquefied gas tanker—
- (i) the master, officers and ratings are able to communicate with each other in a common working language;
 - (ii) there are adequate means for communication between the ship and the shore-based authorities in the English language.

Offence and penalties

6.—(1) Any contravention of any provision of regulation 5 shall be an offence, punishable on summary conviction by a fine not exceeding the statutory maximum or on indictment by imprisonment for not more than six months, or a fine, or both.

(2) It shall be a defence for a person charged with an offence under these Regulations to prove he took all reasonable steps to ensure the Regulations were complied with.

Inspection and detention of ships and hovercraft

7. Any person duly authorised by the Secretary of State may inspect any ship or hovercraft to which these Regulations apply and, if he is satisfied that there is a failure to comply in relation to that ship with any of the requirements of regulation 5, he may detain the ship or hovercraft until such requirements are met.

8. Where a ship or hovercraft is liable to be detained under these Regulations, section 284 of the Merchant Shipping Act 1995 (which relates to the detention of ships) shall have effect in relation to the ship as if for the words “this Act” wherever they appear, there were substituted the words “the Merchant Shipping (Minimum Standards of Safety Communications) Regulations 1997”, and after “ship”, wherever it appears, there were inserted “or hovercraft”.

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

Signed by authority of the Secretary of State for Transport

27th February 1997

Goschen
Parliamentary Under-Secretary of State,
Department of Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement those provisions in Council Directive [94/58/EC](#) on the minimum level of training for seafarers which require means for safe communication among the crew, between the crew and shore based authorities, and between the crew and passengers on passenger ships and hovercraft in emergency situations.