
STATUTORY INSTRUMENTS

1960 No. 1932

The Shipbuilding and Ship-repairing Regulations 1960

PART I

INTERPRETATION AND GENERAL

Citation, commencement and revocation

1.—(1) These Regulations may be cited as the Shipbuilding and Ship-repairing Regulations, 1960, and, save as provided in Regulations 8, 9 (2), 24 and 25 of these Regulations, shall come into operation on the 31st day of March, 1961.

(2) The Shipbuilding Regulations, 1931(1), are hereby revoked.

Application of Regulations

2.—(1) Subject to paragraph (2) of this Regulation, these Regulations shall apply—

- (a) as respects work carried out in any of the operations in a shipyard in the case of a ship or vessel whether or not the shipyard forms part of a harbour or wet dock;
- (b) as respects work carried out in any of the operations in a harbour or wet dock in the case of a ship (but not in the case of a vessel other than a ship) not being work done—
 - (i) by the master or crew of a ship, or
 - (ii) on board a ship during a trial run, or
 - (iii) for the purpose of raising or removing a ship which is sunk or stranded, or
 - (iv) on a ship which is not under command, for the purpose of bringing it under command.
- (a) (2) (a) Nothing in Parts II to IX of these Regulations, except Regulations 6, 31 to 67, 73 to 78 and 80 shall apply as respects the operations in a shipyard in which the operations are not carried on upon vessels which both exceed one hundred feet in length measured overall and have an overall depth exceeding nine feet six inches;
- (b) Nothing in Parts II to IX of these Regulations, except Regulations 6, 31 to 67 and 73 to 78 shall apply as respects the carrying out of the operations, in a harbour or wet dock, upon ships which either do not exceed one hundred feet in length measured overall or have an overall depth not exceeding nine feet six inches;
- (c) Regulations 7, 12 to 24 and 26 to 30 of these Regulations shall not apply as respects the carrying out of the operations, in a public dry dock, upon vessels which either do not exceed one hundred feet in length measured overall or have an overall depth not exceeding nine feet six inches.

(3) The Chief Inspector may (subject to such conditions as may be specified therein) by certificate in writing (which he may at his discretion revoke at any time) exempt from all or any of the requirements of these Regulations—

- (a) any shipyard or any harbour or wet dock or any class or description of shipyards, harbours or wet docks;
- (b) any class or description of machinery, plant, equipment or appliances;
- (c) any class or description of ships or vessels; or
- (d) any particular work or any class or description of work,

if he is satisfied that the requirements in respect of which the exemption is granted are not necessary for the protection of persons employed or not reasonably practicable. Where such exemption is granted a legible copy of the certificate, showing the conditions, if any, subject to which it has been granted, shall be kept posted in a position where it may be conveniently read by the persons employed.

(4) Save as expressly provided in Regulations 32, 52, 53, 67 and 68 of these Regulations, the provisions of these Regulations shall be in addition to and not in substitution for or in diminution of other requirements imposed by or under the principal Act.

Interpretation

3.—(1) The Interpretation Act, 1889, shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament, and as if these Regulations and the Regulations hereby revoked were Acts of Parliament.

(2) In these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them, respectively, that is to say:—

“Abel closed test” means a test carried out with the apparatus specified and in the manner described in the Second Schedule to the Petroleum (Consolidation) Act, 1928;

“approved” means approved for the time being by certificate of the Chief Inspector;

“asbestos” means any naturally occurring fibrous silicate and any admixture containing any such silicate;

“available for inspection” means available for inspection by any person using or proposing to use the machinery or plant and by any inspector appointed under the principal Act;

“certificate of entry” means a certificate which—

- (a) is given by a person who is a competent analyst and who is competent to give such certificates; and
- (b) certifies that he has in an adequate and suitable manner tested the atmosphere in the oil-tank or oil-tanks specified in the certificate and found that having regard to all the circumstances of the case, including the likelihood or otherwise of the atmosphere being or becoming dangerous, entry to the oil-tank or oil-tanks without wearing breathing apparatus may in his opinion be permitted;

“lead paint” means any paint, paste, spray, stopping, filling, or other material used in painting which when treated in the manner described in the First Schedule to these Regulations yields to an aqueous solution of hydrochloric acid a quantity of soluble lead compound exceeding, when calculated as lead monoxide, five per cent. of the dry weight of the portion taken for analysis;

“lifting appliance” means a crab, winch, pulley block or gin wheel used for raising or lowering and a crane, derrick, sheer-legs, teagle, transporter or runway;

“lifting gear” means a chain sling, rope sling, plate clamp, ring, link, hook, shackle, swivel or eye-bolt;

“naked light certificate” means a certificate which—

- (a) is given by a person who is a competent analyst and who is competent to give such certificates; and

- (b) certifies that he has in an adequate and suitable manner tested for the presence of inflammable vapour the oil-tank, compartment, space or other part of the vessel specified in the certificate and found it to be free therefrom and that having regard to all the circumstances of the case, including the likelihood or otherwise of the atmosphere becoming inflammable, the use of naked lights, fires, lamps or heated rivets may in his opinion be permitted in the oil-tank, compartment, space or other part of the vessel specified in the certificate;

“oil” means any liquid which has a flashpoint below two hundred and seventy degrees Fahrenheit (Abel closed test or Pensky-Martens closed test, whichever is appropriate) and also includes lubricating oil, liquid methane, liquid butane and liquid propane;

“oil-tank” means any tank or compartment in which oil is, or has been, carried as cargo or for use as lubricating oil, as engine fuel or boiler fuel or as fuel for aircraft on board;

“the operations” means, in relation to a ship or vessel, its construction, reconstruction, repairing, refitting, painting and finishing, the scaling, scurfing or cleaning of its boilers (including combustion chambers or smoke boxes) and the cleaning of its bilges or oil-fuel tanks or any of its tanks last used for carrying oil. For the purpose of this definition the expression “oil” means oil of any description whether or not oil within the meaning of the foregoing definition of that expression;

“overall depth” means the vertical distance between the uppermost deck at the side of the vessel and the bottom of the keel, measured at the middle of the overall length;

“Pensky-Martens closed test” means a test carried out with the apparatus specified and in the manner described in British Standard 2839: 1957, as published by the British Standards Institution on 14th March, 1957, including any approved revision thereof;

“person employed” means a person employed in any of the operations;

“the principal Act” means the Factories Act, 1937;

“public dry dock” means a dry dock which is available for hire;

“safe working load” means the relevant safe working load specified in the latest certificate of test obtained for the purposes of Regulations 34 or 36;

“ship”, “vessel” and “harbour” have the same meanings as in the Merchant Shipping Act, 1894, except that neither the expression “ship” nor the expression “vessel” shall include a caisson, dock gate or pontoon;

“shipyard” means any yard or dry dock (including the precincts thereof) in which ships or vessels are constructed, reconstructed, repaired, refitted or finished;

“stage” means any temporary platform on or from which persons employed perform work in connection with the operations, but does not include a boatswain's chair;

“staging” includes any stage, and any upright, thwart, thwart pin, wedge, distance piece, bolt or other appliance or material, not being part of the structure of the vessel, which is used in connection with the support of any stage, and any guard-rails connected with a stage;

“structure” in Regulations 33, 36, 37 and 38 includes a vessel;

“tanker” means a vessel constructed or adapted for carrying a cargo of oil in bulk.

- (3) References in these Regulations to any enactment shall be construed as references to that enactment as amended by or under any other enactment.

Obligations under Regulations

4.—(1) It shall be the duty of every employer who is undertaking any of the operations to comply with such of the provisions of the following Regulations as relate to any work, act or operation performed by him, that is to say—

- (a) in so far as they affect any person employed by him—
 - (i) Regulations 6, 8 (2), 11 (1), 13, 14 (1), (2), (3) and (5), 15, 17 (1), (2), (3), (4) and (6), 18, 19 (1), 20 to 24, 25 (2), 28 (1), 48 to 51, 56 (2), 60 (1) and (2), 70 (1) and (4), 73 to 77, 80 and 81;
 - (ii) Regulations 11 (2) and 16, except in so far as the person having the general management and control of a public dry dock is responsible under paragraph (5) of this Regulation;
 - (iii) Regulation 69 (1), except in so far as the person having the general management and control of a public dry dock is responsible under paragraph (5) of this Regulation or the person having the general management and control of a dock, wharf or quay is responsible under paragraph (6) of this Regulation;
 - (iv) Regulation 26, except in so far as the shipowner or master or officer in charge is responsible under paragraph (7) of this Regulation and except in so far as the stevedore or other person carrying on any of the processes of loading, unloading or coaling the ship or vessel is responsible by virtue of the Docks Regulations, 1934(2); and
 - (v) Regulation 70 (2) and (3), except in so far as the shipowner or master or officer in charge is responsible under paragraph (7) of this Regulation.
- (b) in so far as they affect any person whether or not a person employed by him—
 - (i) Regulations 27, 29 (1) and (2), 30 (1), 53, 54 (1), 63 to 66, 71, 72 and 78; and
 - (ii) Regulations 59 and 62, except in so far as the shipowner or master or officer in charge is responsible under paragraph (7) of this Regulation.

(2) It shall be the duty of the owner of any machinery, plant, equipment or appliance to which any of the provisions of Regulations 33 to 39, 67 and 68 applies to comply with those provisions; and in the case of any such machinery, plant, equipment or appliance carried on board a ship not registered in the United Kingdom it shall also be the duty of the master or officer in charge of the ship to comply with those provisions. It shall be the duty of every employer not to use any machinery, plant, equipment or appliance which does not comply with those provisions.

- (a) (3) (a) It shall be the duty of every person who installs or places in position any machinery, plant, equipment or appliance to which any of the provisions of Regulations 42, 55 (1) and (2), 56 (1) (a) and 57 applies to install or place in position such machinery, plant, equipment or appliance in a manner which complies with those provisions;
- (b) It shall be the duty of every person who works or uses any machinery, plant, equipment or appliance to which any of the provisions of Regulations 40 to 47, 55 (1) and (2), 56, 57 (1), (2), (3) and (4), 58 and 69 (4) and (5) applies to work or use such machinery, plant, equipment or appliance in a manner which complies with those provisions.

(4) In the case of a shipyard other than a public dry dock, it shall be the duty of the person having the general management and control of the shipyard to comply with the provisions of Regulations 7 and 8, Regulation 9 (2) in so far as it relates to hand-holds provided by him, Regulations 17 (5), 25 (1) and 79 and (except in so far as the shipowner or master or officer in charge is responsible under paragraph (7) of this Regulation) Regulations 9 (1), 10, 12, 59 and 62.

(5) In the case of a public dry dock—

- (a) it shall be the duty of the person having the general management and control of the dock to comply as respects gangways, platforms and stairways provided by him with the provisions of Regulations 7, 9 (1) and 12, other than the provisions relating to use of such gangways, platforms and stairways, and to comply with the provisions of Regulation 8 (1), Regulation 9 (2) in so far as it relates to hand-holds provided by him, Regulation 11 (2) in so far as it relates to the sound construction of scows or floating platforms provided by him, Regulation 16 in so far as it relates to the soundness of any material or appliance provided by him for the construction of staging, Regulations 17 (5) and 25 (1), Regulation 69 (1) as respects lighting of approaches to the edge of the dock, and Regulation 79 (1) and (2); and
 - (b) it shall be the duty of every employer who is undertaking any of the operations to comply with such of the provisions of the following Regulations as relate to any work, act or operation performed by him, in so far as those provisions affect any person employed by him, that is to say, Regulations 7, 9 and 12 (except, in the case of each of these Regulations, in so far as the person having the general management and control of the dock is responsible under sub-paragraph (a) of this paragraph and except, in the case of Regulations 9 and 12, in so far as the shipowner or master or officer in charge is responsible under paragraph (7) of this Regulation), and Regulation 10.
- (6) In the case of a ship lying in or at a dock, wharf or quay but not in a shipyard, it shall be the duty of the person having the general management and control of the dock, wharf or quay to comply with Regulation 69 (1) as respects the lighting of approaches to the edge of the dock, wharf or quay.
- (7) It shall be the duty of the shipowner and of the master or officer in charge of a ship or vessel—
- (a) to comply with such of the provisions of Regulations 9 (1), 10 and 12 as relate to any means of access provided by him, Regulation 59 in so far as it relates to any work, act or operation performed by him, and Regulation 62 in so far as it relates to a naked light certificate or a certificate of entry obtained by him; and
 - (b) where the control of the ship or vessel apart from the operations remains with the shipowner or master or officer in charge—
 - (i) to provide the protection specified in Regulation 26 in so far as concerns those hatches or openings which are not required to be used for the purposes of the operations (but if such protection be removed by or at the request of an employer who is undertaking any of the operations, that employer shall be responsible for its replacement as soon as practicable) and
 - (ii) to comply with the provisions of Regulation 69 (2) and Regulation 70 (2) and (3); and
 - (c) not to remove any fencing provided in compliance with Regulation 26 at openings used or created in the course of the operations, save as permitted by that Regulation:

Provided that where a stevedore or other person carrying on any of the processes of loading, unloading or coaling the ship or vessel, is responsible under the Docks Regulations, 1934, for the protection of a hatch for the time being, that stevedore or other person shall be solely responsible for maintaining in position, as far as practicable, any protection provided in compliance with Regulation 26.
- (8) It shall be the duty of every person employed to comply with such of the provisions of Regulations 14 (4), 19 (2), 28 (2), 29 (3), 30 (2), 46 (2), 48 (2), 54 (2), 55 (3), 56 (2), 57 (4) (b), 59 (3), 60 (3), 69 (6), 70 (4), 72 and 76 (2) as expressly impose a duty on him. It shall further be the duty of every person employed if he discovers any defect in any machinery, plant, equipment or appliance, to report such defect without unreasonable delay to his employer or foreman or to a person appointed by the employer under Regulation 81.
- (9) For the purposes of the provisions in this Regulation which impose upon an employer a duty to comply with the requirements of certain specified Regulations in so far as they affect any person

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employed by him, the requirements of those Regulations, other than Regulations 48 to 51, 59, 60, 65 and 70, shall be deemed not to affect any person employed if and so long as his presence in any place is not in the course of performing any work on behalf of his employer or is not expressly or impliedly authorised or permitted by his employer.

Publication of Regulations

5.—(1) Every employer who employs persons in the operations shall ensure that a printed copy of these Regulations or of the prescribed abstract of these Regulations is kept posted in such characters and in such positions as to be conveniently read by the persons employed.

(2) Every such employer as aforesaid shall give a printed copy of these Regulations to any person employed by him and affected thereby on his application.