

1999 No. 1704

MERCHANT SHIPPING

SAFETY

The Merchant Shipping (Minimum Standards of Safety Communications) (Amendment) Regulations 1999

<i>Made - - - -</i>	<i>14th June 1999</i>
<i>Laid before Parliament</i>	<i>24th June 1999</i>
<i>Coming into force</i>	<i>15th July 1999</i>

Whereas the Secretary of State is a Minister designated^(a) for the purpose of section 2(2) of the European Communities Act 1972^(b) 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 for the Environment, Transport and the Regions, 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:—

1. These Regulations may be cited as the Merchant Shipping (Minimum Standards of Safety Communications) (Amendment) Regulations 1999 and shall come into force on 15th July 1999.

2. The Merchant Shipping (Minimum Standards of Safety Communications) Regulations 1997^(c) shall be amended as follows.

3. In regulation 2(1), there shall be inserted the following definitions:

(a) after the definition of “chemical tanker”,

“ “company” includes an individual, and in relation to a ship means the owner of the ship or any other organisation or person such as the manager, or the bareboat charterer, who has assumed the responsibility for the operation of the ship from the owner and who, on assuming such responsibility, has agreed to take over all the duties and responsibilities imposed on the company by the Regulations annexed to the STCW Convention;”;

(b) after the definition of “pleasure vessel”:

“ “STCW Convention” means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers 1978, as amended on 7th July 1995;”.

4. For regulation 2(2) the following shall be substituted:

“(2) The definition of “company” in paragraph (1) above shall apply in relation to hovercraft as if for the references to ‘ship’ there were substituted ‘hovercraft’ ”.

(a) S.I. 1993/595.
(b) 1972 c. 68.
(c) S.I. 1997/529.

5. For regulation 5 the following shall be substituted:

“Duty to ensure safe communication

5.—(1) It shall be the duty of the company and master to ensure that on every ship and hovercraft:

- (a) 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 crew, particularly with regard to the correct and timely reception and understanding of messages and instructions; and
- (b) there are adequate means of communication between the ship or hovercraft and the shore-based authorities in the English language.

(2) It shall be the duty of the company and master of every passenger ship and hovercraft carrying more than twelve passengers to ensure that—

- (a) for the purpose of ensuring effective crew performance in safety matters—
 - (i) a working language, determined by the company or master as appropriate, is established, and recorded in the ship’s official log book or, in the case of a hovercraft, in the operational record;
 - (ii) each seaman is required to understand and, where appropriate, give orders and instructions and report back in that language; and
 - (iii) if the working language is not English, all plans and lists that must be posted include translations into the working language;
- (b) 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—
 - (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.

(3) It shall be the duty of the company and master of a United Kingdom ship or a Government ship, which is an oil tanker, chemical tanker or liquefied gas tanker to ensure that the master, officers and ratings are able to communicate with each other in a common working language.”.

Signed by authority of the Secretary of State for the Environment, Transport and the Regions

Glenda Jackson
Parliamentary Under-Secretary of State,
Department of the Environment,
Transport and the Regions

14th June 1999

EXPLANATORY NOTE

(This note does not form part of the Regulations)

These Regulations amend the Merchant Shipping (Minimum Standards of Safety Communications) Regulations 1997, to take account of changes made to Council Directive 94/58/EC on the minimum level of training for seafarers made by Council Directive 98/35 (OJ No. L172, 17.6.98, page 1).

The principal change is that a common working language is required to be established on passenger ships and hovercraft.

The STCW Convention 1978 and its 1995 amendments are obtainable from the International Maritime Organization, 4 Albert Embankment, London SE1 4SR.

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**The Merchant Shipping (Minimum Standards of Safety
Communications) (Amendment) Regulations 1999**

£1.50

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WO 4944 6/99 ON (MFK)