

## MERCHANT SHIPPING ACT 1985

### MERCHANT SHIPPING (STANDBY VESSELS) REGULATIONS 1996

*Coming into operation : 1st April, 1996*

In exercise of the powers conferred on the Department of Transport <sup>(a)</sup> by sections 1 and 2 of the Merchant Shipping Act 1985 <sup>(b)</sup> and of all other enabling powers, after consultation with the Secretary of State and those persons referred to in section 2(2) of the Merchant Shipping Act 1985, the following Regulations are hereby made:-

#### Citation and commencement

1. These Regulations may be cited as the Merchant Shipping (Standby Vessels) Regulations 1996 and shall come into operation on 1st April, 1996.

#### Interpretation

2. In these Regulations -

“the Code” means the Code for the Assessment of the Suitability of Standby Vessels issued by the Department on 1st April, 1996;

“Department” means the *Department of Trade and Industry*;

“emergency” has the same meaning as in the Offshore Installations (Prevention of Fire and Explosion, and Emergency Response) Regulations 1995 <sup>(c)</sup>;

“offshore installation” has the same meaning as in regulation 2 of the Offshore Installations (Health, Safety and Management) (No. 2) Regulations 1995 <sup>(d)</sup>;

“standby vessel” means a vessel which is ready to give assistance in the event of an emergency on or near an offshore installation, and

(a) which is capable of accommodating safely on board all persons who may be on the installation at any time; and

(b) which is equipped to provide first aid treatment for all such persons;

---

(a) Functions transferred to the Department of Trade and Industry by the Transfer of Functions (Marine Administration) Order 1997 (SD 51/97)

(b) 1985 c. 3

(c) SD 274/95

(d) SD 342/95

## **Standby vessels**

3. Every standby vessel which operates within Manx Territorial waters in accordance with arrangements made in compliance with regulations 15 and 17 of the Offshore Installations (Prevention of Fire and Explosion, and Emergency Response) Regulations 1995 shall comply with the Code.

## **Surveys and Certification**

4. (1) The Department shall upon receipt of an application, survey a standby vessel in the manner prescribed by the Code.

(2) Upon satisfactory completion of the survey, the Department shall issue to a standby vessel a certificate called a “standby vessel certificate” in the form prescribed in the Appendix to the Code.

(3) A standby vessel certificate shall have a period of validity not exceeding 1 year from the date of issue.

(4) In the case where a certificate expires the owner shall deliver up the certificate issued in relation to the ship to the Department on demand.

(5) The standby vessel certificate shall be kept on board the ship and shall be available for inspection at all reasonable times.

## **Maintenance of condition after survey**

5. (1) The condition of the standby vessel and its equipment shall be maintained so as to conform to the provisions of the Code.

(2) After any survey of the ship under regulation 4 has been completed, no change shall be made in the structure, equipment, fittings, arrangements and materials covered by the survey, without the sanction of the Department, except by direct replacement.

(3) Whenever an accident occurs to a ship or a defect is discovered, either of which affects the safety of the ship or crew, the master or owner of the ship shall report at the earliest opportunity to the Department which shall determine whether an additional survey is necessary.

## **Exemptions**

6. The Department may exempt any ship from any of the requirements of the Code, subject to such conditions as it may specify, and may alter or cancel any exemption so granted.

## **Offences**

7. (1) The owner of a ship who fails to comply with Regulation 4(4) shall be guilty of an offence.

(2) The master of a ship who fails to comply with Regulation 5(3) shall be guilty of an offence.

(3) If there is a contravention or failure to comply with any other provision of these Regulations in respect of any ship, the owner, manager and master of the ship shall each be guilty of an offence.

(4) A person guilty of an offence under these Regulations shall be liable on summary conviction to a fine not exceeding £5,000 or, on conviction on information, to a fine.

(5) Where the commission by any person of an offence under these Regulations is due to the act or default of some other person, that other person shall be guilty of the offence, and a person may be charged with and convicted of the offence by virtue of this paragraph whether or not proceedings are taken against the first mentioned person.

(6) It shall be a defence for a person charged under these Regulations to show that he took all reasonable precautions and exercise due diligence to avoid the commission of the offence.

## **Power to detain**

8. In any case where a ship does not comply with the requirements of these Regulations the ship shall be liable to be detained and section 74 of the Merchant Shipping Registration Act 1991 <sup>(e)</sup> (which relates to the detention of a ship) shall have effect in relation to the ship, subject to the modification that for the words “this Act” wherever they appear, there shall be substituted the words “the Merchant Shipping (Standby Vessels) Regulations 1996”.

Made 21st. March, 1996

*David North,*

Minister for Transport

---

(e) 1991 c.15.

## **EXPLANATORY NOTE**

*(This Note is not part of the Regulations)*

These Regulations require Standby Vessels to comply with the Code of Safety for the Assessment of the Suitability of Standby Vessels which was issued by the Marine Administration of the Department of Transport on 1st April 1996.

Copies of the Code are obtainable from the Isle of Man Marine Administration, Department of Transport, Sea Terminal Building, DOUGLAS, Isle of Man, IM1 2RF.