



## MERCHANT SHIPPING ACT 1985

### MERCHANT SHIPPING (MODU CODE) REGULATIONS 1997

*Coming into operation : 1<sup>st</sup> June, 1997*

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

#### **Citation and commencement**

1. These Regulations may be cited as the Merchant Shipping (MODU Code) Regulations 1997 and shall come into operation on 1<sup>st</sup> June, 1997.

#### **Interpretation**

2. (1) In these Regulations -

“certificate” means the Mobile Offshore Drilling Unit Safety Certificate issued in accordance with the 1979 or 1989 MODU Codes and in the form specified in the Appendix to those Codes;

“constructed” in relation to a unit means having its keel laid or being at a similar stage of construction; and “similar stage of construction” means the stage at which -

(a) construction identifiable with a specific unit begins; and

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<sup>1</sup> Functions now transferred to the Department of Trade and Industry by SD 51/97

<sup>2</sup> 1985 c.3

Price £1.35

Text Revised March 2003 - shows revisions made by SD 441/00 and SD461/03.

- (b) assembly of that unit has commenced, comprising at least 50 tonnes or 1% of the estimated mass of all structural material, whichever is the less;

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

*Text Inserted by SD 461/03 The Merchant Shipping (MODU Code) (Amendment) Regulations 2003*

“*Mobile Offshore Drilling Unit* ” or “*Unit*” means:

- (a) *a vessel capable of engaging in drilling operations for the exploration for or exploitation of resources beneath the sea-bed such as liquid or gaseous hydrocarbons, sulphur or salt;*
- (b) *a surface unit with a ship - or - barge- type displacement hull of single or multiple hull construction intended for operation in the floating condition;*
- (c) *a self- elevating unit with movable legs capable of raising its hull above the surface of the sea; or*
- (d) *a column-stabilised unit with the main deck connected to the underwater hull above the surface of the sea.”*

"1989 MODU Code" means the International Code of Safety for Mobile Offshore Drilling Units adopted by the Maritime Safety Committee of the International Maritime Organisation by resolution A.649(16) on 19th October 1989 and as amended in 1991 *and 1994*;

"1979 MODU Code" means the International Code of Safety for Mobile Offshore Drilling Units adopted by the Maritime Safety Committee of the International Maritime Organisation by resolution A.414(XI) on 15th November 1979, and as amended in 1991 *and 1994* ;

"Manx ship" has the meaning assigned to it by section 1 of the Merchant Shipping Registration Act 1991<sup>3</sup>

- (2) In interpreting the 1979 MODU Code and the 1989 Code -
  - (a) The provisions of those Codes having been made mandatory under regulation 5, the language of those Codes shall be construed accordingly;
  - (b) the definitions set out in -
    - (i) Chapter 1 section 1.3 of the 1979 MODU Code, and

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<sup>3</sup> 1991 c. 15

- (ii) Chapter 1 section 1.3 of the 1989 MODU Code shall apply.
- (c) the footnotes to those Codes shall be construed as an integral part of the Code;
- (d) references to the Administration shall, in relation to Mobile Offshore Drilling Units which are Manx ships, be references to the Department;
- (e) *Text deleted by SD 461/03*

### **Application**

- 3. These Regulations apply to Manx ships which are Mobile Offshore Drilling Units.

### **Compliance with the 1979 and 1989 MODU Codes**

4. (1) A Mobile Offshore Drilling Unit to which these Regulations apply, which is constructed before 1st May 1991 shall be constructed, equipped and operated in accordance with the requirements of the 1979 MODU Code.

(2) A Mobile Offshore Drilling Unit to which these Regulations apply, which is constructed on or after 1st May 1991 shall be constructed, equipped and operated in accordance with the requirements of the 1989 MODU Code.

### **Initial surveys**

5. (1) Every Mobile Offshore Drilling Unit shall be subject to an initial survey before the unit is put into service, or before the certificate is issued for the first time.

(2) The initial survey shall include a complete survey of the structure, safety and other equipment, fittings arrangements and material of the unit to ensure that the unit complies with the provisions of the 1979 or 1989 MODU Codes which are applicable to it;

### **Periodical surveys**

6. (1) Every Mobile Offshore Drilling Unit shall be subject to a periodical survey at intervals not exceeding 5 years before or after each anniversary date of the certificate.

(2) The periodical survey shall include a complete survey of the structure, safety and other equipment, fittings arrangements and material of the unit to ensure that the unit complies with the provisions of the 1979 or 1989 MODU Codes which are applicable to it. The survey may be carried out while the unit is dry-docked. When the periodical survey is completed within 3 months before the expiration date of the existing certificate, the

new certificate shall be valid for a period of 5 years commencing from the date of expiration of the existing certificate.

### **Annual surveys**

7. (1) Every Mobile Offshore Drilling Unit shall be subject to an annual survey at intervals not exceeding within 3 months before or after the anniversary date of the initial survey.

(2) The annual survey shall include a complete survey of the structure, safety and other equipment, fittings arrangements and material of the unit to ensure that the unit complies with the provisions of the 1979 or 1989 MODU Codes which are applicable to it;

### **Intermediate surveys**

8. (1) Every Mobile Offshore Drilling Unit shall be subject to an intermediate surveys at intervals not exceeding within 3 months before or after the second or third anniversary date of the initial periodic survey, which may take the place of one of the annual surveys.

(2) The intermediate survey shall include a complete survey of the structure, safety and other equipment, fittings arrangements and material of the unit to ensure that the unit complies with the provisions of the 1979 or 1989 MODU Codes which are applicable to it.

### **Radio surveys**

9. Every Mobile Offshore Drilling Unit shall be subject to a Radio survey in accordance with Regulation 11.10 of the codes;

### **Dry-dock surveys**

10. In the case of a unit to which the 1989 Modu Code applies, dry-dock surveys shall be carried out twice within any 5 year period for the purpose of determining the condition of the outside of the underwater portion of the unit. the intervals between any two dry-dockings shall not exceed 36 months. Underwater inspections may be permitted in lieu of dry-docking provided the Department is satisfied that such inspections are equivalent to a dry-dock survey. Dry-dock surveys or equivalent underwater inspections shall be endorsed on the certificate.

### **Surveys - Supplementary**

11. (1) The surveys under these Regulations shall be carried out by a surveyor appointed by the Department.

(2) (a) A general or partial survey shall be made every time a defect is discovered or an accident occurs which affects the safety of the unit or whenever any significant repairs or alterations are made to the unit.

(b) The survey shall be such as to ensure that the repairs or alterations have been effectively made, are in all respects satisfactorily and comply fully with the applicable provisions of the 1979 or 1989 MODU Codes.

### **Issue of Mobile Offshore Drill Unit Safety Certificate**

12. (1) Upon satisfactory completion of an initial or periodical survey the Department shall issue to a unit which complies with the relevant requirements of the Codes a certificate called an International Mobile Offshore Drilling Unit Safety Certificate the model form of which is set out in the appendix to the Code.

*(1A) Paragraph (1A) (a) inserted by SD 441/00*

*Paragraphs (1A) (b) and (c) was inserted by SD 441/00 and subsequently amended by SD461/03.*

*(a) Notwithstanding the maximum period of validity specified in paragraph 1.6.7 of the 1979 MODU Code or paragraph 1.6.7 of the 1989 MODU Code, as the case may require, when the renewal survey is completed within the three months before the expiry date of the existing International Mobile Offshore Drilling Unit Safety Certificate, the new certificate shall be valid from the date of completion of the renewal survey to a date not exceeding five years from the date of expiry of the existing certificate;*

*(b) when the renewal survey is completed after the expiry date of the existing certificate, the new certificate should be valid from the date of completion of the renewal survey to a date not exceeding five years from the date of expiry of the existing certificate*

*(c) when the renewal survey is completed more than three months before the expiry date of the existing certificate, the new certificate should be valid from the date of completion of the renewal survey to a date not exceeding five years from the date of completion of the renewal survey.*

*(1B) [Paragraphs (1B) to (1G) below are inserted by SD 441/00]*

*If a Certificate is issued for a period of less than 5 years, the Department may extend the validity of the Certificate beyond the expiry date to the maximum period specified in*

*paragraph (1), provided that the surveys referred to in regulation 4(1)(c) and (d) applicable when a Certificate is issued for a period of 5 years are carried out as appropriate.*

*(1C)*

*If a renewal survey has been completed and a new Certificate cannot be issued or placed on board the ship before the expiry date of the existing Certificate, the Department may endorse the existing Certificate and such a Certificate shall be accepted as valid for a further period which shall not exceed 5 months from the expiry date.*

*(1D)*

*If a ship at the time when a Certificate expires is not in a port in which it is to be surveyed, the Department may extend the period of validity of the Certificate but this extension shall be granted only for the purpose of allowing the ship to complete its voyage to the port in which it is to be surveyed, and then only in cases where it appears proper and reasonable to do so. No Certificate shall be extended for a period longer than 3 months, and a ship to which an extension is granted shall not, on its arrival in the port in which it is to be surveyed, be entitled by virtue of such extension to leave that port without having a new Certificate. When the renewal survey is completed, the new Certificate shall be valid to a date not exceeding 5 years from the date of expiry of the existing Certificate before the extension was granted.*

*(1E)*

*A Certificate issued to a ship engaged on short voyages which has not been extended under the foregoing provisions of this regulation may be extended by the Department for a period of grace of up to one month from the date of expiry stated on it. When the renewal survey is completed, the new Certificate shall be valid to a date not exceeding 5 years from the date of expiry of the existing Certificate before the extension was granted.*

*(1F)*

*In special circumstances, as determined by the Department, a new Certificate need not be dated from the date of expiry of the existing Certificate as required by paragraph (1A)(b), (1D) or (1E). In these special circumstances, the new Certificate shall be valid to a date not exceeding 5 years from the date of completion of the renewal survey.*

*(1G)*

*If an annual or intermediate survey is completed before the period specified in regulation 7 or 8, then:*

*(a) the anniversary date shown on the Certificate shall be amended by endorsement to a date which shall not be more than 3 months later than the date on which the survey was completed;*

*(b) the subsequent annual or intermediate survey required by regulation 7 or 8 shall be completed at the intervals prescribed by those regulations using the new anniversary date;*

*(c) the expiry date may remain unchanged provided one or more annual or intermediate surveys, as appropriate, are carried out so that the maximum intervals between the surveys prescribed by regulation 7 or 8 are not exceeded.*

(2) A certificate shall cease to be valid -

(a) if any survey required by regulation 6 is not completed within the period specified for that survey;

(b) upon transfer of the unit to registry in another country or territory.

(3) In either of the cases specified in sub-paragraphs (a) or (b) of paragraph (2) the owner shall deliver up the certificate issued in relation to the unit to the Department on demand.

(4) In the case of a unit which has transferred from registry in another country or territory to registry in the Island, the Department may, subject to such requirements as to survey or otherwise as it may think fit, if it is satisfied that, notwithstanding that the surveys were not carried out as required by regulation 6 -

(a) the unit has already been subjected to a satisfactory initial or periodical survey and to any intermediate, annual or additional surveys required; and

(b) the unit was issued by or on behalf of the Administration of that other country or territory with a certificate which would, but for the change of registry, have remained valid; and

(c) the condition of the unit and its equipment has been maintained in conformity with the provisions of the 1979 or 1989 MODU Codes applicable to that unit; and

(d) since completion of the surveys referred to in regulation 6 no change has been made in the structure, equipment, fittings, arrangements and materials covered by those surveys, without the approval of the Administration of that other country or territory or of the Department except by direct replacement;

issue to that unit a certificate for a period to be determined by the Department, but not exceeding the expiry date of the certificate referred to in sub-paragraph (b).

(5) The certificate shall be kept on board unit and shall be available for inspection at all reasonable times.

#### **Maintenance of condition after survey**

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

(2) After any survey of the unit under regulation 6 has been completed, no change shall be made in the structure, equipment, fittings, arrangements and materials covered by the survey, without the approval of the Department, except by direct replacement.

(3) Whenever an accident occurs to a unit or a defect is discovered, either of which affects the safety of the unit or crew, the master or owner of the unit shall report at the earliest opportunity to the Department which shall determine whether an additional survey is necessary. If the unit is in a port of another country or territory, the master or owner shall also report immediately to the appropriate authority of the government of the country or territory in which the port is situated.

### **Equivalents**

14. (1) Where the 1979 or 1989 MODU Codes require that a particular fitting, material, appliance, apparatus, item of equipment or type thereof should be fitted or carried in a unit, or that any particular provision should be made, or any procedure or arrangement should be complied with, the Department may allow any other fitting, material, appliance, apparatus, item of equipment or type thereof to be fitted or carried, or any other provision, procedure or arrangement to be made in that unit, if it is satisfied by trial thereof or otherwise that such fitting, material, appliance, apparatus, item of equipment or type thereof, or that any particular provision, procedure or arrangement is at least as effective as that required by those Codes.

(2) For the purposes of these Regulations, the results of a verification or test shall be accepted if the verification or test is carried out -

(a) in accordance with these Regulations or with a standard, code of practice, specification or technical description of a member State of the International Maritime Organisation offering equivalent levels of safety, suitability and fitness for purpose; and

(b) by a body or laboratory in a member State of the International Maritime Organisation offering suitable and satisfactory guarantees of technical and professional competence and independence.

### **Exemptions**

15. The Department may exempt any unit to which these Regulations apply from any provisions of these Regulations as may be specified in the exemption on such conditions as may be specified and may alter or cancel any such exemption at any time.



## **Offences**

16. (1) It shall be an offence for any unit to which these Regulations apply to engage in drilling operations without a valid Certificate.

(2) It shall be an offence for any unit to which these Regulations apply to proceed to sea on any voyage without a valid Certificate.

## **Penalties**

17. (1) If there is a contravention of regulations 4, 12 (5), 13 or 16, the owner and master of the unit shall each be guilty of an offence punishable on summary conviction by a fine not exceeding £5,000 or, on conviction on information to a fine.

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

## **Power to detain**

18. In any case where a unit does not comply with the requirements of these Regulations the unit shall be liable to be detained and section 74 of the Merchant Shipping Registration Act 1991 (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 (MODU Code) Regulations 1997".

Made 13<sup>th</sup> May, 1997

*Hon J. A. Brown M.H.K.,*

**Minister for Transport**

## **EXPLANATORY NOTE**

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

These Regulations require Manx ships which operate as Mobile Offshore Drilling Units to comply with the International Code for the Construction and Equipment of Mobile Offshore Drilling Units 1979 or 1989 (as amended in 1991) (the MODU Codes) depending on the date of construction of the unit and have a Mobile Offshore Drilling Unit Safety Certificate and issued in accordance with that Code. The Regulations allow exemptions from the detailed requirements of the Code where the Department considers them to be necessary.

Copies of the 1974 SOLAS Convention and the MODU Codes can be obtained from the International Maritime Organisation, 4 Albert Embankment, London SE1 7SR.

### Amendments:

These Regulations have been amended by SD 441/00 and SD461/03.