



Consultation

Merchant Shipping (Amendment) Regulations 2017

The purpose of this paper is to consult on the proposed changes to the ISM, ISPS and Survey and Certification Regulations.

The amendments to the Regulations are part of the Ship Registry's project to change its survey and certification regime and to fully delegate ISM, ISPS and MLC verifications to Class (Recognised Organisations).

The amendments to the survey and certification regime only apply to cargo ships. For the purposes of this paper a cargo ship is any ship on the register other than a commercial yacht, passenger ship, pleasure yacht, small ship or fishing vessel.

It is expected that the amended Regulations will come into effect from 1st April 2017.

If you would like to make any comments on the proposed changes to the survey and certification regime please send them (preferably by email) to David Morter by close of play Tuesday 3rd January 2017.

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Consultation Closing Date: 3rd January 2017

1. Introduction

In early September 2016, the Ship Registry sent out its consultation document titled '2017 Change Development Consultation', outlining the proposed changes to the survey and certification regime currently operated by the Ship Registry.

This paper follows on from this initial consultation and sets out the detail of how these changes will be given effect by amendments to the ISM, ISPS and Survey and Certification Regulations.

As part of the project to change the survey and certification regime the Ship Registry is also reviewing how it charges fees for services provided. For information on the proposed changes to fees, please see the consultation paper on Merchant Shipping (Fees) Regulations 2017 which closes on 14 December 2016 and is available from the Ship Registry website under current consultations at <https://www.gov.im/ded/shipregistry/ConsultationDetail.gov?id=598>

2.1 Full delegation to Class

The Ship Registry has historically carried out various statutory surveys and audits on-board ships and prior to the introduction of ISM, it carried out the majority of annual, renewal and intermediate surveys required for compliance with the various international Conventions. Over the years, the Ship Registry has delegated this work. The Ship Registry has only retained audits and inspections required by ISM/ISPS and MLC using its own surveyors.

The Ship Registry now intends to delegate audits and inspections required by ISM/ISPS and MLC to Class. In order to do this the ISM/ISPS and Survey and Certification Regulations will need to be amended to permit Class to carry out these functions.

The MLC Regulations will also be amended to permit full delegation to Class and have already been consulted on as part of the exercise to give effect to amendments made to the MLC Convention which come into force in January 2017.

2.2 Amendment of ISM Code Regulations

The Merchant Shipping (ISM Code) Regulations 1998 (SD421/98) will be amended to permit Class to audit and issue ISM Certification to ships and companies. With the permission of the Department, Class will also be able to extend the validity of an interim Safety Management Certificate and to suspend or cancel a Document of Compliance.

In addition, the Ship Registry is also taking this opportunity to remove the concept of an acceptance Document of compliance from the Regulations and to update the definition of the ISM Code to the latest version.

2.3 Amendments to ISPS Code Regulations

The Merchant Shipping (ISPS Code) Regulations (SD523/04) will be amended to permit Class as a Recognised Security Organisation to audit and issue ISPS Certification to ships. The approval of Ship Security Plans and the issue of CSR's will be retained by the Ship Registry and will not be delegated to Class.

In addition, the Ship Registry is taking this opportunity to remove the requirement for the initial verification audit to be carried out when at least 30 days have elapsed following completion of the first internal audit of the Ship Security Plan and after one complete port visit has been made and recorded. This requirement is above and beyond the requirements of the ISPS Code.

2.4 Amendment to Survey and Certification Regulations

The Merchant Shipping (Survey and Certification) Regulations (SD352/99) are the Isle of Man Regulations which give effect to SOLAS Chapter I. These Regulations already enable Class to conduct audits and inspections but will be amended to make it clear that Class may issue the following Certification - Cargo Ship Safety Radio Certificate, Cargo Ship Safety Equipment Certificate, and the associated Record of Equipment.

The Regulations will also be amended to enable Class to approve changes to the condition of a ship including its structure, machinery and equipment. With the permission of the Ship Registry, Class will also be able to cancel certificates and to extend certificates in accordance with SOLAS Chapter I.

3 General Inspections

The Survey and Certification Regulations currently require ships to have at least one General Inspection (GI) of a ship in a 5 year period; this GI has normally been completed whenever an Isle of Man surveyor visits a vessel to carry out an ISM/ISPS/MLC audit or inspection.

The Regulations will be amended to require ships to have 2 GI's in a 5 year period carried out by an Isle of Man surveyor. There will be a maximum period of 36 months between each inspection, and the 5 year period will start from the date of the ships last general inspection.

For ships which register on or after 1 April 2017, the 5 year period will start from the date of the ships registration.

3.1 Initial General Inspection

The Survey and Certification Regulations will be amended to require a ship whose pre-registration survey is carried out by Class to have an Initial General Inspection carried out by an Isle of Man surveyor within 6 months of the date of registration.

4. Transitional arrangements

To assist some ship operators transitioning to audits and verifications by Class, vessels already on the register at 01 April 2017 may elect to continue to be provided with ISM/ISPS/MLC verifications and certification by the Ship Registry until 01 April 2020, at which point all vessels must transition to the new regime. This was introduced in response to feedback from the initial consultation.

The proposals in this consultation will form the basis for new Merchant Shipping (Amendment) Regulations 2017 and are expected to come into operation on 1 April 2017.