

MARITIME SAFETY COMMITTEE
104th session
Agenda item 5

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MEASURES TO IMPROVE DOMESTIC FERRY SAFETY

Delegation of authority in the Model Regulations on Domestic Ferry Safety

Submitted by IACS

SUMMARY

Executive summary: This document elaborates on the concept of delegation of authority to a recognized organization and suggests other improvements, all contained in the annex thereto

Strategic direction, if applicable: Other work

Output: OW 33

Action to be taken: Paragraph 5

Related documents: MSC 103/8 and MSC 103/21 (paragraph 8.11)

Background

1 At MSC 101, the Committee agreed to include the item "Measures to improve domestic ferry safety" in the provisional agenda for MSC 102 and to develop model regulations on domestic ferry safety.

2 At MSC 103, the Committee, in considering document MSC 103/8 (Secretariat), providing a further update on the work on domestic ferry safety, noted comments on the model regulations set out in annex 1 to document MSC 103/8, inter alia, that some of the provisions in the model regulations needed further thorough consideration and the suggestion by IACS that clarity regarding the delegation of authority as described in the model regulations should be introduced (MSC 103/21, paragraph 8.11).

Discussion

3 To facilitate a responsible relationship between flag States and recognized organizations, should a delegation of authority be chosen by a Member State, and to create a certain degree of accepted level of regional or global compliance, IACS considers that sufficient clarity of regulations to aid in that process is needed.

Proposal

4 To assist the Committee and the Working Group on Domestic Ferry Safety, which was agreed to be established at MSC 104, to further develop the model regulations, IACS produced revisions to the relevant articles of the draft model regulations on domestic ferry safety contained in annex 1 of document MSC 103/8. These revisions, elaborating on the concept of delegation of authority to a recognized organization and suggesting other improvements, are offered in the annex to this document. The justification for the change is offered in *italic text* in parentheses below each mentioned article.

Action requested of the Committee

5 The Committee is invited to consider the changes proposed in the annex to this document and take action as appropriate.

ANNEX

DRAFT

MODEL REGULATIONS ON DOMESTIC FERRY SAFETY

Proposed additions/deletions to relevant parts only, with (*comments*)

ARTICLE 2

General

Definitions

Accident means any occurrence happening unexpectedly and unintentionally which results in damage or loss of property ~~death, injury~~ and/or ~~injury or loss of life~~.
(*Editorial improvement*)

~~Classification society means a classification society which is accredited by~~ *Recognized organization (RO)* means an organization that has been assessed by, and found to comply with the standards acceptable to, the competent authority. A recognized organization may be authorized to carry out surveys, issue certificates and to undertake any other activity required per these regulations at the request and on behalf of the competent authority.
(*This combines the definition of a "recognized entity" with RO and suggests that standards of the competent authority should be in place*)

Domestic ferry means a craft of any type and construction, using any means of propulsion, ~~primarily used~~ intended for the carriage of...
(*This avoids a complex situation, which IMO has experienced with the definition of "bulk carriers intended primarily to carry dry cargo in bulk"*)

Passenger means any person on board the domestic ferry ~~other than the master and who is not a crew members~~.
(*The text is made consistent with SOLAS*)

~~Recognized entity means an entity, duly qualified, experienced, accredited and authorized to carry out surveys, issue certificates and to undertake any other activity required per these regulations at the request and on behalf of the competent authority and includes authorized experts.~~
(*Deleted in favour of the proposal above*)

Seaworthy means ~~safe and~~ fit to undertake the intended voyage ~~without danger to the ship, environment or persons on board and complying with the provisions of these regulations in all aspects~~.
(*The text is made consistent with IMO conventions*)

ARTICLE 4

Surveys and certificates

All inspections, tests and surveys shall be carried out by the competent authority ~~or the recognized organization authorised by the competent authority.~~ ~~with~~ Certificates issued in association with such inspections, tests and surveys shall clearly and legibly state the name, functional title and contact information of the person undertaking such inspections, tests and surveys ~~the survey clearly and legibly stated on the certificate.~~

Certificates issued by the competent authority or the recognized organization authorized by the competent authority shall be kept on board and readily available for inspection at short notice.

(To allow for a consistent possibility of performance of inspections, etc. and issuance of certificates by a recognized organization, if so decided by the competent authority)

ARTICLE 7 **New built domestic ferry**

(Standards need to be provided by the competent authority for: Construction, Damage stability, Fire detection system, Fire extinguishing equipment, Intact stability, Life-saving equipment and Load Line.)

Inclining test

A domestic ferry shall undergo an inclining test upon completion of construction to determine its displacement and position of the centre of gravity for the lightship condition.

(The text is made consistent with the meaning in SOLAS)

ARTICLE 9 **Repair, modification and conversion**

All repairs, modifications and conversions shall be carried out under the supervision of the competent authority or the recognized organization authorized by the competent authority.

(The text made consistent with the definition in article 2 and article 4)

ARTICLE 12 **Safety management and governance**

The competent authority entity which has taken on the responsibility for the operation of the ship shall ensure adequate provision of safety management systems and governance mechanisms ashore and on board, as verified by the competent authority.

(The proposal places the responsibility on the appropriate entity)

ARTICLE 13 **Occupational health and safety**

The competent authority entity which has taken on the responsibility for the operation of the ship shall ensure adequate provision of occupational health and safety systems ashore and on board with emphasis on new and emerging health and safety issues, as verified by the competent authority.

(The proposal places responsibility on the appropriate entity)

ARTICLE 14 **Navigation**

All equipment on board shall be certified by the competent authority or the recognized organization authorized by the competent authority and be fully functional at the time of departure.

(The text made consistent with the definition in article 2 and article 4)

ARTICLE 15
Inspection and maintenance

The condition of the domestic ferry and its ~~All~~ machinery and equipment shall be routinely and regularly inspected and maintained by qualified crew or operating personnel to conform with the provisions of these regulations to ensure that the ship in all respects will remain fit to proceed to sea without danger to the ship or persons on board.

(The text is consistent with the concept in SOLAS)

ARTICLE 16
Stowage and securing

All personal belongings, baggage, cargo and vehicles shall be properly stowed and lashed before commencing the intended voyage so as to prevent as far as is practicable, throughout the voyage, damage or hazard to the ship and the persons on board, and loss of cargo overboard.

(The text is consistent with the concept in SOLAS)

ARTICLE 19
Certificates

All certificates shall be issued by the competent authority or ~~recognized entity~~ the recognized organization authorized by the competent authority.

(The text made consistent with the definition in article 2 and article 4)

ARTICLE 20
Exemption and exception

Under no circumstances shall the domestic ferry sail, or ~~be~~ allowed to sail, unless in full compliance with the provisions of these regulations or ~~be~~ in possession of a valid exemption certificate, or covered by an exception decree, issued by the competent authority.

(Suggested editorial improvements)
