

SECTION 3

TITLE 3.1 CREW ACCOMMODATION

Introduction

4.1 This section invites views on the MCA's proposals for implementation of Title 3.1 of the Maritime Labour Convention, 2006 on minimum standards for crew accommodation and recreational facilities for seafarers.

4.2. The Maritime Labour Convention 2006 (MLC 2006) imposes revised Crew Accommodation requirements to which the UK is required to give effect in order to implement the Convention. These aim to ensure a decent standard of accommodation and recreational facilities are provided for seafarers working and living onboard. Regulation 3.1, Standard A3.1 (both mandatory) and Guidelines (advisory, but member state is obliged to consider implementing the Regulations and Standards in the manner outlined in the Guidelines).

4.3 Many of the MLC 2006 requirements for crew accommodation are already covered by existing UK legislation. The main legal instrument currently in force in this subject is the Merchant Shipping (Crew Accommodation) Regulations 1997 (SI 1997/1508). It is proposed that this will be replaced with a new, high level, Statutory Instrument (SI), a Merchant Shipping Notice (MSN) containing greater detail, supplemented with a Marine Guidance Note (MGN) and revised Maritime and Coastguard Agency Instructions to Surveyors.

4.4 The proposals in the attached documents were developed by a specialised sub-group of the Tripartite Working Group, established to advise the MCA on implementation of the MLC. This sub-group carried out a detailed comparison of the MLC requirements for crew accommodation and existing UK requirements for merchant ships.

4.5. The draft MSN, which follows the order of the current crew accommodation regulations, is intended to implement Standard A3.1, together with any provisions from the existing UK crew accommodation regulations, now in MLC Guidelines (B3.1) which the TWG sub-group considered should be retained as mandatory requirements.

4.6 The draft MGN includes provisions from the MLC Guidelines which supplement or explain the mandatory standards in the MSN, together with other provisions from the existing UK crew accommodation regulations, which the TWG sub-group considered should be retained as guidance for the UK industry.

4.7 This consultation does not cover the crew accommodation requirements for Large Commercial Yachts (200-500GT) or for vessels of less than 200GT, because, although the regulations will theoretically apply to them, due to the

particular issues associated with these vessels, separate, substantial equivalent arrangements have been developed which will be the subject of separate consultation.

Application

4.8 In accordance with Regulation 3.1.2 of the Convention, MLC requirements will apply to any ships constructed **on or after the date the Convention comes into force** (ie., when the keel is laid or it is at a similar stage of construction). Regulation 4(3) disapplies the Regulations to certain vessels.

Transitional Arrangements

4.9 Whilst the new Regulations will apply to ships built after they come into force (determined by the date the keel is laid or when construction has reached an equivalent stage of construction) transitional arrangements will apply to ships built prior to this.

4.10 Relevant elements of the Merchant Shipping (Crew Accommodation) Regulations 1997 will continue to apply to ships which were built, or to the extent their crew accommodation was modified, between the 1997 Regulations coming into force and the new Regulations coming into force.

4.11 Relevant elements of the Merchant Shipping (Crew Accommodation) Regulations 1978 will continue to apply to ships which were built prior to the 1997 Regulations coming into force.

Invitation to Comment

General questions

1. Does the Statutory Instrument adequately cover the requirements of Regulation 3.1 and Standard A3.1 of the MLC, at a high level?

2. Does the Merchant Shipping Notice (MSN) sufficiently supplement the Statutory Instrument by providing the necessary detail in relation to the mandatory aspects of Regulation 3.1 and Standard A3.1?

3. Does the Marine Guidance Note (MGN) provide sufficient guidance in relation to implementing the requirements of Regulation 3.1 and Standard A3.1 of the MLC?

4. Do you agree with the Impact Assessment (IA) as drafted?

5. In particular, do you agree with the estimates and assumptions contained in the Impact Assessment regarding costs? In any cases in which you disagree with costs used in the Impact Assessment, please provide us with your costs, and your rationale for arriving at them, in order that we can enhance accuracy. We are also interested to hear if you think that costs associated with any aspect of the Regulations are negligible or zero.

6. Where costs are not included in the Impact Assessment for a particular aspect of implementation, you are invited to provide us with costs for that aspect, even where those costs are insignificant or zero costs.

7. You are invited to advise whether you envisage any non-monetary costs or benefits which have not been included, or any unintended consequences in the method of implementation, in order that the Impact Assessment may be appropriately completed.

Specific questions

8. Regarding the implementation of Convention Guideline B3.1.6.3 (minimum areas per person in Mess Rooms on ships other than passenger ships) you are invited to offer costs of building mess rooms in newbuild vessels to provide 1.5m² per person as opposed to 1m² per person.

9. You are invited to offer figures if you consider there will be extra design costs for newbuilds as a result of the proposed provisions discussed in section 6.1.3 of the Impact Assessment. You are also invited to indicate if you consider there will be no costs or insignificant costs.

10. Tonnage Tax (section 6.1.4 of the Impact Assessment) – you are invited to consider whether the additional provisions of the Regulations will have an impact on tonnage tax payable, with figures if applicable.

11. Additional cost of purchasing and running newbuilds (section 6.1.4 of the Impact Assessment) - you are invited to offer figures if you consider there will be any additional cost associated with the purchasing of newly built (post-MLC implementation) vessels, or annual running costs of those vessels. You are also invited to indicate if you consider there will be no costs or insignificant costs.

12. Costs (section 6.1.4 of the Impact Assessment) involved with continuing to purchase the same size vessels post-MLC implementation, eg., associated with the opportunity cost of any reduced commercial carrying capacity resulting from implementation of the new Crew accommodation spatial requirements. If you consider this will be an issue, you are invited to provide any figures and supporting evidence to inform the Impact Assessment in this area.

13. Benefit to Seafarers (section 6.2.1 of the Impact Assessment) – it has not been considered possible to monetise the benefits in seafarers' living conditions, health and safety resulting from these Regulations. You are invited to suggest figures if you consider it possible to quantify these benefits monetarily, and the basis upon which they are calculated.

14. Benefit to shipowners and ship operators (section 6.2.2 of the Impact Assessment) – it has not been considered possible to monetise the

benefits from the anticipated fall in accident rates as a result of an expected reduction in fatigue flowing from an improvement in seafarers' conditions resulting from these Regulations. You are invited to suggest figures if you consider it possible to quantify these benefits monetarily, and the basis upon which they are calculated.

15. Benefits of UK ratification of the MLC (section 6.3 of the Impact Assessment) – you are invited to offer any figures relating to the benefits to the UK or any entity of business within the UK as a result of MLC implementation which you believe are quantifiable.

16. Costs to non-UK registered ships resulting from ratification (section 6.4 of the Impact Assessment) – it has not been considered possible to identify costs, or any portion of them, which would fall to UK entities via their interests in non-UK registered ships. You are invited to suggest figures if you consider it possible to quantify these benefits monetarily, and the basis upon which they are calculated.