

## MLC crew accommodation consultation responses

Consultee	Reference and Regulation	Outline of Comments	MCA Response
British Chamber of Shipping	EN	Regulations 5 to 7 to be Regulations 6 to 8.	Agreed
British Chamber of Shipping	MGN, Paragraph 4.2(b)	A similar consideration applies in respect of existing Regulation 6(3). This states that a bulkhead separating a space appropriated for a particular use from another space appropriated for the same use, or a laundry from a drying room, or a private bathroom from a sleeping room of the person for whose use it is provided, if there is direct access from the sleeping room to the private bathroom, need not meet the general rules on gas tightness and thickness generally applicable to bulkheads in crew accommodation spaces. The TWG had agreed to include these provisions in what is now Paragraph 4.2 (b) of the draft MSN but, again the MCA has instead placed	The text has now been included in both the MGN and MSN.

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		them in the draft MGN. The legal status of the provision needs to be clarified. If necessary they should be placed in the MSN.	
		Heating: The Chamber supports the statement that steam should not be used as a medium for heat transmission within the accommodation. However, the MSN needs to reflect this - contradictions between the MSN and MGN must be avoided.	The text has now been included in both the MGN and MSN.
		Sanitary accommodation: There is inconsistency throughout the draft MGN and MSN with regard to the use for the terms water closet, toilet and sanitary accommodation and possibly bathroom. The terminology should be consistent throughout the documents.	Terminology in MSN and MGN adjusted for consistency with each other and the MLC.
British Chamber of Shipping	Draft MGN Paragraphs 15.8 (c), 17.3 and 20.6	<p><b>15.8</b> Needs revising as it contains many typographical errors.</p> <p><b>17.3</b> Middle of second line "so" should be "to"</p> <p><b>20.6</b> Bottom line "war" should be "ward"</p>	Noted and amended.
British Chamber of Shipping	Draft MGN Paragraph 20.8	Hospital wards should have in every; - does not make sense. In respect of (b), not every company hangs crew members clothes in a locker whilst they are in the medical centre as a medical steward is present to assist in managing the laundry for the patients. In respect of (c); some operators use portable bed pans that have covers and are not left uncovered in wards for any period of time.	Words "in every" removed. (c) made less prescriptive.

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British Chamber of Shipping	Draft MGN Paragraph 20.9	Some ships over 5,000GT have wet room arrangements instead of baths, which the companies find to be safer for both the patient and the attendant healthcare worker (in view of manual handling regulations). It would be helpful if the guidance indicated that alternative arrangements for utilising the space to those set out are permitted, provided that the well-being of crew members is not compromised.	Words "and in ships of 5,000 tons or over a bath at least 1.3 metres in internal length shall be fitted" removed.
British Chamber of Shipping	Draft MGN Paragraph 20.12	First line does not make sense	Paragraph 20.12 amended to read "20.12 Any toilets or other rooms containing a toilet pedestal is fitted should have a gastight self-closing door, unless it is served by a trunked mechanical exhaust ventilation system which effectively removes the odours from it."
British Chamber of Shipping	Draft MGN Paragraph 20.13	Typographical error: "maybe" should be "may be". The rest of the section is not clear - this might be helped by placing parentheses around "except where there are no female members of the crew".	Comma added after one occurrence of the word "female". This appears to clarify it.
British Chamber of Shipping	Draft MGN Paragraph 9.2	the wording should reflect Guideline B3.1.2 paragraph 3, which states that the power source in question need not be provided from an emergency source.	As part of UK implementation, MLC Guidelines are being taken into account but are not mandatory. However, the words "The power in question need not be provided from an emergency source." have been added.
British Chamber of Shipping	Draft MSN	Concerns have been expressed over paragraph 22.1. Some island ferry services are manned on short shifts of no more than 12 hours and it is practice for crew members to supply their own food, as there are no meal preparation facilities on board. Any new build vessels will be manned on the same basis.	Noted.
British Chamber of	Draft MSN	No mention is made anywhere in either the MSN or the MGN of the substantial equivalent that has	Substantial equivalence is by its nature an alternative to the standards prescribed in regulation, so is not part of the regulation (SI/MSN).

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Shipping		been agreed at the Tripartite Working Group (TWG) in respect of accommodation for trainee seafarers, as set out in TWG Paper 108 Annex 2 and agreed at the TWG Meeting on 3 November 2011. This is a serious omission that needs to be rectified. In addition, it would be appropriate to make reference to the special regime that has been agreed for large yachts.	However, this will be further considered on a tri-partite basis
British Chamber of Shipping	Draft MSN Paragraph 2.1	States that all parts of the crew accommodation except storerooms must be situated wholly above the summer loadline. However the MLC provides that, in certain classes of ship, sleeping rooms may be located below the load line. The MSN should be amended to reflect this MLC provision.	Words "In ships other than passenger ships," added to MSN paragraph 2.1.
British Chamber of Shipping	Draft MSN Paragraph 2.2	With its requirement to exclude noise as far as reasonably practicable appears to be a more demanding test that required by MLC Standard A3.1.6 (4) which looks to "prevent the risk of exposure to hazardous levels of noise and vibration and other ambient factors"; MCA may wish to define in the MSN what they mean by "reasonably practicable" to guide designers, owners and surveyors.	The phrase "as far as reasonably practical" is used in relation to the exclusion of noise in existing legislation, namely Regulation 4(2) of the Merchant Shipping (Crew Accommodation Regulations 1997 (MS(CA)R 1997) (SI 1997/1508), and is also mentioned in MLC Guideline B3.1.12 paragraph 1 relating to location of accommodation. You have correctly mentioned that MLC Standard A3.1 paragraph 6(h) does not use this phrase, but the UK government considers the phraseology used to be equally subjective. There are some other provisions contained in the MLC and MS(CA)R 1997 within the context if the subject matter e.g. MLC B3.1.2 para 2(a) , MLC B3.1.12 para 2 regulations 4(3), 14(2 & 3) MS(CA) R 1997, however further prescription beyond this would exceed the requirements both the MLC and existing legislation, and would therefore be considered as "gold plating" of the MLC, which is against UK government policy. In any case, it is not considered possible or desirable to attempt prescriptive requirements for every eventuality, as this would remove the scope for the surveyor to use their commonsense and professional judgement in a situation and restricts innovation amongst ship builders. However, the text has been added at

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			the end of paragraph 2.2 "(See IMO Resolution A.468(XXII), Noise on Ships, for guidance).
British Chamber of Shipping	Draft MSN Paragraph 2.7	States that inside panelling in crew accommodation shall be constructed of a "suitable material". No guidance is given as to the purpose for which it should be suitable; it could mean in terms of noise insulation, ease of cleaning or simply of a particular colour. It is considered that more information needs to be provided.	Further prescription is not considered necessary or helpful, as it is not possible to prescribe the nature of the material to cover every eventuality, and over-prescription would not only restrict the available materials but could also be considered as "gold-plating" of the MLC, which goes against government policy.
British Chamber of Shipping	Regulation 5 (4) of 1997 Regulations	Makes provision in respect of bulkheads separating any part of the internal crew accommodation from machinery spaces, bunkers, rooms storing fire extinguishing gases, chain lockers, cofferdams, cargo spaces store rooms, lamp or paint rooms and battery lockers. Regulation 5(5) (a)-(d) contain provisions modifying the general rule that there should be no openings in such bulkheads. It has been agreed in the TWG that these would all be retained in the new provisions. However, the provisions contained in Regulation 5(5) (b-d) of the 1997 Regulations have instead been placed in the MGN. The Chamber would welcome the advice of MCA as to the legal status of the provision.	This appears to be correct.
British Chamber of Shipping	Draft MSN Paragraphs 3.1, 3.5, .3.6 & 3.7	Are in addition to the MLC Standard A3.1 and go further than Guideline B3.1. Clarification of the reasons for these additions would be appreciated.	Carried forward from 1997 Regulations to avoid reducing standards
British	Draft MSN	Specify ventilation system performance levels.	These requirements are carried over from existing standards in

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Chamber of Shipping	Paragraph 7.1 (a) & (b)	These are not required by MLC Guideline B3.1.2 para 2 (a). It is not clear why MCA have proposed this more demanding requirement and it is proposed that the MSN is revised to reflect the MLC guideline.	Regulation 12 (1) (a) & (b) of the Merchant Shipping (Crew Accommodation) Regulations 1997, which should not be reduced.
British Chamber of Shipping	Draft MSN Paragraph 7.2	Permits the main heating system to be operated by steam. However this is inconsistent with paragraph 7 of the MGN, which states that steam should not be used as a medium for heat transmission within the accommodation area. The Chamber agrees with this assessment but does not wish to see inconsistencies in the advice that is given. The advice in the MGN should also appear in the MSN.	<b>Response to be considered further.</b>
British Chamber of Shipping	Draft MSN Paragraph 8.1	Seeks, for passenger ships, adequate natural lighting for crew accommodation wherever reasonably practicable. Other than in limited numbers of cabins this aspiration is unrealistic in large cruise ships and goes beyond the MLC guideline B3.1.4 paragraph 1, which seeks electric lighting in seafarer accommodation. It is suggested that the MSN reflects the MLC guideline.	The following wording has been added at paragraph 8.4 of the MSN "For the purposes of paragraphs (1) and (2), "adequately lit" means lit by natural light which is bright enough in day time in clear weather to enable a person with normal sight to read an ordinary newspaper in those parts of the room or other space which are available for free movement."
British Chamber of Shipping	Draft MSN Paragraphs 11.4, 13.4, & 16.2	<p><b>11.4</b> The words "for seafarers" appears to be missing from the first sentence after the words "sleeping rooms"</p> <p><b>13.4</b> The word "with" appears to be missing between the words "fitted" and "curtains"</p> <p><b>16.2</b> The second line contains a typographical</p>	All agreed and amended

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		error; it should state "work on ships"	
British Chamber of Shipping	Draft MSN paragraph 11.10	states that spaces in cabins, which by reason of their small size or irregular shape cannot accommodate furniture do not contribute to the area available for free movement shall not be included in the measurement of the full area. This is contained in Guidance in the MLC rather than being a mandatory requirement. It is suggested that it should not be mandatory and hence the statement should be removed from the MSN.	This approach for measuring floor space is outlined in MLC Guideline B3.1.5 paragraph 6.
British Chamber of Shipping	Draft MSN Paragraph 16.3	States that, in every ship, a deck space on an open deck shall be permanently reserved for the use of crew for recreational purposes. It is questioned whether this is practical on every ship. The MLC does not require permanence and allows the use of more than one space for this purpose e.g. at different times. For example on a typical ERRV in inclement weather in the North Sea or West of Shetland, conditions are often such that access to the deck is not allowed without the Master's permission for health & safety reasons.	This requirement is simply carried forward from reg 24(3) of the Merchant Shipping (Crew Accommodation) Regulations 1997 (MS(CA)R 1997) (SI 1997/1508), and has not presented particular known problems up to now. It is recognised that safety reasons on occasion may take precedence. However, the following wording from Reg 11 of the 1997 Regs has been included as para 6.4 of the MSN, as agreed in the TWG Sub Group "6.4 Every ship for the time being regularly engaged on voyages to or within the Tropics or the Gulfs area shall be provided with  (a) awnings suitable to cover such area of any deck space provided pursuant to 6.3 above for the recreation of the crew as will, when covered with the awnings, provide a shaded area of adequate extent having regard to the number of persons in the crew and to any shade provided on that deck space by overhanging decks; and  (b) stanchions or other suitable supports for those awnings."
British Chamber of	Draft MSN Paragraph 18.7	The first line should read "The hot water shall...." Also reference is made to a constant temperature	First point, typographical error rectified. Second point words "at the Calorifiers" added after 66 C".

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Shipping		of hot water stated as 66°C but does not state at what point in the system this should be. Presumably this should be at the calorifiers, but without a statement to this effect it is unclear.	
British Chamber of Shipping	Draft MSN Paragraph 19.2	States that the plant installed for the production of drinking water and/or fresh water shall be of such capacity as to ensure a minimum of 2 days supply. This would not be possible if the equipment develops a fault - in which case, the shipowner may choose to provide bottled drinking water to the crew, pending repairs to the drinking water plant. It is suggested that this should be mentioned in the MSN, in order not to give rise to a potential deficiency in the event that the drinking water plant were to breakdown.	Consideration will be given to mentioning bottled water in MGN.
British Chamber of Shipping	Draft MSN Paragraph 22.1	mentions the possibility that, on some ships, crew members are required to provide their own food. Whilst the MLC places a duty on the shipowners to provide food free of charge to seafarers on board and with minimal, if any, facilities for meal preparation The Chamber considers that Regulation 3.2 paragraph 2 is not intended to apply in such instances.	The text already says "except one in which each member of the crew provides his own food."
British Rigowners Association	Draft MSN Paragraph 20.1	states that separate availability of laundry facilities is required. This should be aligned with the MLC requirement for "appropriately sited and furnished laundry facilities" with no mention of separate availability. The general trend these days is to have shared facilities for officers and ratings particularly on OSVs. A requirement for separate facilities is very outdated and could be removed. It would also take a very common	<b>Response to be considered</b>

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		dispensation out of the system.	
British Chamber of Shipping	IA	We have had one response in respect of the IA from Carnival UK. The key assumptions are agreed. For Carnival UK the expected life of cruise ships is 30 years.	Noted.
British Chamber of Shipping	IA	It is agreed that larger passenger ships could comply with the MLC by building larger replacement vessels or foregoing passenger accommodation space but where industry may choose to go is by no means certain. The route chosen would depend on the commercial considerations at the time not least the type of product that the shipowner wishes to offer their customer. Additionally, changing technology and changing hotel service delivery options may enable crew size reductions to be realised. These issues would need to be considered collectively together with the impact on revenue before forming a view.	Noted.
British Chamber of Shipping	IA	The IA acknowledges that it captures the implication of replacing UK registered ships with MLC compliant ships once only. It does not capture the costs of any changes to older ships which are modified and needs to incorporate the new standards of the cost risks of future manning legislation that may have a MLC implication in legacy ships. While difficult to identify these costs it is suggested that the IA should acknowledge their existence.	The MLC Crew Accommodation standards will only apply to older vessels to the extent their crew accommodation has been substantially reconstructed or altered post-MLC. Given that alterations are likely to be minimal (and to a large extent at the will of the owners) added to the fact that according to the IA, there are only a small number of cruise liners on the UK register, and since the IA was drafted, this number has further decreased, such costs are expected to be very small.
British Chamber of	IA	The estimates of costs reflect a broad range of values. It is not possible to advise any improved	Rising fuel costs are not the result of these regulations, so are only considerations where they are directly related to an increase in ship

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Shipping		clarification beyond those proposed. MCA should recognise though that fuel costs are likely to continue to rise at above inflation levels and these rises may be further increased by any future legislation to use higher fuel costs. The impact of these costs would fall most heavily on larger ships amplifying the in service impact of any MLC induced vessel growth.	size due to the MLC. Even on occasions when ships are built larger to accommodate MLC requirements (which the IA indicates are likely to be infrequent) the marginal cost of the fuel increases on top of the increased use of fuel due to the ship size are not thought to be significant. However, any figures which consultees are able to supply are welcome.
British Chamber of Shipping	IA	It is acknowledged that there may be a benefit to owners due to reduced accident rates. These benefits will accrue mostly to owners who currently have ships with small crews living in poor conditions. A modern fleet of ships with large crews such as in cruise ships are unlikely to enjoy the same level of benefit.	Noted.
British Chamber of Shipping	SI Draft Regulations	Whilst the Chamber understands that in most cases, seafarers on non-passenger ships will be entitled to single berth cabins, the Chamber has concern over the accommodation of riding gangs. At present it is usual for such personnel to be accommodated in cabins designed for a greater number of persons than the MLC permits in some cases up to six. If it becomes necessary for riding gang members to be given single berth cabins, many ships will be unable to carry them as the required berths will not be available. This in turn will have serious implications for the maintenance & repair of ships, as work that is currently carried out whilst the ship is sailing will only be possible in dry dock - leaving the ship unable to operate and earn income. We would not necessarily wish to propose that riding gang members should not	If riding gangs' normal place of work is on a ship, then they are seafarers for MLC purposes.

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		be designated as seafarers but a resolution to this issue needs to be identified.	
British Chamber of Shipping	SI Draft Regulations 10 (3) 10 (4), 12 (7) & 12 (8)	Replace 8(3) with 9(3)(a) Replace 7(c) with 6(c) Replace 8(3) (b) with 9(3)(b)	Agreed. Agreed. Agreed.
British Rigowners Association		In the case of many MO(D)U's multiple occupancy cabins for crew are normal practice and are necessitated by the density of equipment and size of the workforce within the structure. To change this in favour of single occupancy cabins on new platforms is not feasible in all cases and may be prohibitively expensive even where it is; therefore, an exemption system may represent the best solution. It should at least be possible in all cases to accommodate personnel such as riding gangs who are temporarily on board for maintenance, or similar purposes in multiple occupancy cabins.	Agreed.
British Rigowners Association		The MLC's allowance, subject to the Administration's discretion, for sleeping cabins on Special Purpose Ships to be below the load line should be reflected in the UK's implementation.	To be further investigated.
British Rigowners Association		As in the MLC itself, exclusion of noise should refer to the exclusion of hazardous levels, rather than imposing a more severe standard in "as far as reasonably practicable"	No specific reference or document specified - may refer to para 2.2 of MSN. It is not considered possible or desirable to attempt to prescriptive requirements for every eventuality, as this would remove the scope for a surveyor to use their common sense and professional judgement in a situation and restricts innovation amongst ship builders. However, the

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			text has been added at the end of paragraph 2.2 "(See IMO Resolution A.468(XXII), Noise on Ships, Noise on Ships, for guidance.)"
British Rigowners Association		Regarding bulkheads separating crew accommodation from machinery spaces, clarity must be given as to the standard of resistance to liquids and gases which is required. The MLC's usage of the terms watertight and gas-tight is most unsuitable when translated into the framework of maritime regulation.	No specific reference supplied. This comment may refer to para 3.4 of the MSN. The relevant MLC provision is Standard A3.1.6(e). Further prescription is not considered necessary or helpful, as over-prescription would not only restrict the available materials but could also be considered "gold-plating" of the MLC, which goes against government policy.
British Rigowners Association		Specifications of ventilation system performance are beyond the scope of the MLC itself, and excessive. Furthermore, they do not scale well in some cases. These excessive requirements should be removed.	No specific reference supplied - this comment may refer to para 7.1 (a)&(b) of the MSN. If so, these requirements are carried over from existing standards in regulation 12(1) (a) & (b) of the Merchant Shipping (Crew Accommodation) Regulations 1997, which should not be reduced.
British Rigowners Association		The MLC does not require permanence of allocation of external recreational space, instead allowing the use of more than one space for this purpose, e.g. at different times. This flexibility is essential for safety reasons and should be carried through to the UK implementation.	<p>This requirement is simply carried forward from reg 24(3) of the Merchant Shipping (Crew Accommodation) Regulations 1997 (MS(CA)R 1997) (SI 1997/1508), and has not presented particular known problems up to now. It is recognised that safety reasons on occasion may take precedence. However, the following wording from Reg 11 of the 1997 Regs has been included as para 6.4 of the MSN, as agreed in the TWG Sub Group "6.4 Every ship for the time being regularly engaged on voyages to or within the Tropics or the Gulfs area shall be provided with—</p> <p>(a) awnings suitable to cover such area of any deck space provided pursuant to 6.3 above for the recreation of the crew as will, when covered with the awnings, provide a shaded area of adequate extent having regard to the number of persons in the crew and to any shade provided on that deck space by overhanging decks; and</p> <p>(b) stanchions or other suitable supports for those awnings."</p>

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British Rigowners Association		There is no need for officers' and ratings' laundry facilities to be separated.	This refers to MSN paragraph 21, and is carried forward from R28(1) Merchant Shipping (Crew Accommodation) Regulations 1997.
British Rigowners Association		It must be made clear in statutory terms, rather than just in guidance, for that power for air conditioning systems need not be provided from an emergency source.	No specific reference supplied - this comment may refer to para 9.2 of the MGN. As part of UK implementation, MLC Guidelines are being taken into account but not necessarily followed. However, the words "The power in question need not be provided from an emergency source." have been added.
British Rigowners Association		The term "offshore installation" is defined in the draft SI, but apparently not used.	Reference to "Offshore installation" to be removed.
British Rigowners Association		Location of sleeping rooms must be expressed appropriately for jack-ups regarding the terminology in the "fore part of the ship". In some cases SOLAS doesn't apply and there is not collision bulkhead (picture provided with BROA response). Clarification will also be needed as to whether acceptability shall be determined by the flag State or the coastal State.	(ii) Determination will be made by flag State.
David Elson British Marine Federation	MSN Section 2.10 (b)	There is no paragraph 7 (b)	Should read 11.1 (b) -further investigation to be carried out.
David Elson British Marine Federation	MSN Section 3.1	Clarify watertight construction. This is completely impractical if the SOLAS definition of watertight were to be applied.	This requirement is carried over from Regulation 5(1) of the Merchant Shipping (Crew Accommodation) Regulations 1997. Although the term "watertight construction" is not defined in these Regulations or in SOLAS, it is nevertheless tried and tested wording. Although this text is not prescribed in these terms in the MLC, is it pursuant to the objectives in MLC regulation 3.1 paragraph 1 and Standard A3.1 paragraph 6(f).
David Elson British Marine	MSN Section 3.4	Every store room must be gastight and watertight. This is entirely impractical. Please	This text reflects MLC Standard A3.1 paragraph 6(e) and . No existing practicality problems have been identified with this wording.

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Federation		clarify.	
David Elson British Marine Federation	MSN Section 3.5	Passageways would be part of crew accommodation. This section prohibits any opening except in limited exceptions. Prohibits any store having an opening into a passageway which is impractical. Please clarify.	While this differs to some extent from MLC Standard A3.1 paragraph 6(e), this text is carried over from regulation 5(5) of the Merchant Shipping (Crew Accommodation) Regulations 1997, which has been tried and tested, so as no to lower existing standards
David Elson British Marine Federation	MSN Section 4.2(a)	Gastight doors would be a requirement on all sanitary accommodation, laundries, stores etc. Impractical requirement. Please clarify.	This text is taken from the existing regulation 6(2)(a) of the Merchant Shipping (Crew Accommodation) Regulations 1997.
David Elson British Marine Federation	MSN Section 4.3	Please clarify the source of the watertight to 23cm and 10cm requirements.	The measurements in Section 4.2 (b) are taken from the existing regulation 6 (2) (b) of the Merchant Shipping (Crew Accommodation) Regulations 1997.
David Elson British Marine Federation	MSN Section 7	Please clarify whether the intention is to prohibit diesel heaters.	<b>Response to be considered.</b>
IMCA	MSN Title heading	Section includes reference to large yachts. Large commercial yacht code includes specific requirements to comply with the MLC. MLC applies to vessels engaged in commercial activities. Large privately operated yachts would be outside the scope of the MLC. Please consider removing large yachts from the scope or clarify.	The reference to Large Yachts in the header section of the MSN is in the distribution, not the title of the MSN. It is essential that Large Yachts are included in the distribution, because, as you rightly say, some will be in commercial use and the owners/ operators will need to know about the MLC requirements. It is not considered appropriate to "carve out" non-commercial owners/ operators from the distribution of the MSN, because some owners which are using their yachts exclusively for private purposes at the present time, may decide in the future to put the vessel out for charter, or to use it for some other purpose which counts as commercial use. They should be fully informed of the crew accommodation requirements associated with this before they commit themselves to such a course of action.
IMCA	MSN Section 2.1(b)	Does not reflect the convention which excepts passenger ships.	Words "In ships other than passenger ships," added to MSN paragraph 2.1.
IMCA	MSN Section	Requires insulation against excessive noise.	The following text has been added at the end of paragraph 2.4 "(See

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	2,4	Define excessive noise	IMO Resolution A.468(XXII), Noise on Ships, for guidance.)"
IMCA	MSN Section 2.5	Clarify why only cold store rooms are excepted.	Cold store rooms are not a part of crew accommodation used for "living in" as such. Seafarers will only enter them briefly to remove items. The derogation permitted in MLC Standard 3.1 paragraph 6(a) (and also in the existing Regulation 4(5) of the Merchant Shipping (Crew Accommodation) Regulations 1997) is therefore used.
IMCA	Training Berths	We had understood the Tripartite Working Group (TWG) had agreed a substantial equivalent in respect of training berths. Given the pressures of balancing the requirement for single berths and space for training berths, substantial equivalent would be useful for all UK ships, and this should therefore be included in the MSN.	The UK government is sympathetic to the desire to maximise the available number of training berths on UK ships. Substantial equivalence is by its nature an alternative to the standards prescribed in regulation, so is not part of the regulation (SI/MSN). However, this will be further considered on a tri-partite basis
IMCA	Paragraph 2.1 (b)	Requires crew accommodation to be situated wholly above the summer load line. This appears to apply to all vessels. However, the MLC provides that, as long as satisfactory arrangements are made for lighting and ventilation, administrations may permit sleeping rooms on passenger ships and special purpose ships to be located below the load line (MLC Standard A3.1 paragraph 6(d)) This MLC standard provides an important flexibility and given the practical difficulties of accommodating the considerably larger numbers of personnel on boards these types of vessels this should be included in the UK regulations.	Words "In ships other than passenger ships," added to MSN paragraph 2.1.
John Vanezos	MSN Paragraph 2.7	The vague expression "suitable material" should be defined	Further prescription is not considered necessary or helpful, as it is not possible to prescribe the nature of the material to cover every eventuality, and over-prescription would not only restrict the available materials but could also be considered "gold-plating" of the MLC, which

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			goes against government policy.
John Vanezos	MSN Paragraph 2.4	The vague expression "excessive noise" should be defined,	The following text has been added at the end of paragraph 2.4 "(See IMO Resolution A.468(XXII), Noise on Ships, for guidance.)"
John Vanezos	MSN Paragraph 26.1	"Ships regularly trading in mosquito infested ports shall be fitted with appropriate devices as required by the competent authority." We would suggest either to indicate the authority or if the MCA is the competent authority then define the devices considered by the MCA as appropriate.	This text is taken straight from MLC Standard 3.1.16. Further enhancement would constitute "gold plating" which is against government policy without the strongest of reasons, and further prescription might prevent the use of devices which are perfectly suitable from being used because they had not been anticipated in the description, thus removing flexibility. However, we will consider replacing the words "as required by the competent authority" with "to the satisfaction of the Maritime and Coastguard Agency (MCA), taking into account the Code of Safe Working Practices, the Ship Captain's Medical Guide and MGN 399(M), Prevention of Infectious Disease at Sea by Immunisations and Anti-Malaria Medication (prophylaxis), or any MGN replacing it."
John Vanezos	MSN Paragraph 24.1	the intention is probably to ease the requirement for providing hospitals for coastal trading ships. Some words seem to be missing in the sentence: "This requirement for ships engaged in coastal trade."	Amended to read "The competent authority may relax this requirement for ships engaged in coastal trade."
John Vanezos	SI	Typographical error - A5-II instead of A5-11.	Agreed and amended.
John Vanezos	SI	on page 2 under Interpretation under "shipowner" means - Paragraph (b) we would suggest to replace the wording "in relation to any other ship" by " in relation to a ship which does not hold a valid Maritime Labour Certificate" We also note that the definition differs from the definition given in MLC 2006.	The matter of definitions is being reviewed for all MLC SIs. This comment will be addressed in conjunction with the others and definitive text published in the final version of the Impact Assessment.
Lyn Yeo Carnival UK	MGN Section 20.8	Crew clothing has never been hung up whilst they are in the medical centre given the presence	No response required.

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		of a medical steward to assist them in managing the laundry of patients in the medical centre.	
Lyn Yeo Carnival UK	MGN Section 20.8	When bed pans are used they are portable and have appropriate covers & are not left uncovered in the wards for any period of time.	No response required.
Mona Ehrenreich, Princess Cruises (Carnival Australia)	MGN Section 11.1	It is unclear what is required here. Do all crew members of a particular department have to be assigned cabins in a specific area & separate from the crew of other departments. It is unclear how this could work - there are 1000+ crew to assign cabins to.	This is not new - it is an existing requirement in r19(3) MS (Crew Accommodation) Regulations 1997.
Mona Ehrenreich, Princess Cruises (Carnival Australia)	MGN 15.3  Location of toilets	It is unclear what the "separate from sleeping rooms" means.	Not adjoining sleeping rooms - i.e., it doesn't apply to private bathrooms.
Mona Ehrenreich, Princess Cruises (Carnival Australia)	MGN 20.13	Wards could mean a separate wing & separate wings aren't practical. Separate male and female rooms with toilets are appropriate.	This is permitted. Will consider if "room" can be used instead of "ward".
Mona Ehrenreich, Princess Cruises (Carnival Australia)	MGN 11.4 & 11.7	Does the term officer refer only to STCW Officer. In the cruise industry some non-traditional maritime roles are filled by personnel and considered as an officer.	Yes, it does mean STCW officer
Mona	11.9	Chief Navigating Officer is a term which isn't used	This is MLC terminology, so will be recognised in all flag ratifying states.

Consultee	Reference and Regulation	Outline of Comments	MCA Response
Ehrenreich, Princess Cruises (Carnival Australia)		& so it is vague as to whom it might apply.	It is understood to mean the most senior navigating officers onboard.
Mona Ehrenreich, Princess Cruises (Carnival Australia)	11.4	Does the 7.5 square metres include the in cabin bathroom.	As it is not specifically excluded, the UK's interpretation is that it is included.
Mona Ehrenreich, Princess Cruises (Carnival Australia)	Response to Impact Assessment question	<p>We generally agree with the IA however, we feel two important points have been overlooked</p> <p>First there is much discussion about the design costs that would be needed to bring new ships into compliance with MLC requirements. There is also reference though that design costs for new ships would likely not be incurred solely for the purposes of MLC compliance therefore designs costs are probably overstated. We do not see referenced though is the cost of making changes in both design and building to a "sister ship" of an already designed and in production ship. The IA does reference the practice of building "sister" ships. This is well known and accepted. However if a contract for multiple ships was agreed prior to MLC coming into force, but the keels for one or more contemplated "sister ships" is not laid prior to the MLC's effective from date, then the costs to redesign/respect a ship that is already the subject of a ship building contract could be astronomical.</p>	<p>The MLC is clear that if the keel of a ship has been laid prior to the MLC coming into force, then it will not be subject to new MLC Crew Accommodation standards, regardless of whether it is a sister ship or not. If the keel of a ship is laid after the MLC comes into force, it will be subject to the new MLC crew accommodation standards, also regardless of whether it is a sister ship. It is therefore not considered necessary to state this further, and it is not within the gift of the UK government to vary this mandatory provision (Reg.3.1.2) in the Convention. Regarding the costs of designing sister ships differently from other ships in that class, the MLC standards were produced in 2006 on a tri-partite basis (Government, Industry and Unions) and had a high profile even then. On early estimates, the MLC was expected to come into force internationally prior to the end of 2011 at the very latest. Other factors have slowed down, not least the sheer size of it, so designers have had many years to consider changes in design to accommodate the new standards, and if anything, we would expect them to design any class of ships which might not all have their keels laid be completed before the end of 2010 or 2011 to the new standards. Major shipping companies will have been just as aware of the Convention and its implications for crew accommodation, so if at all prudent they will have been ordering MLC compliant ships if there was</p>

Consultee	Reference and Regulation	Outline of Comments	MCA Response
		<p>All builders assess extremely high charges for changes to an agreed spec. We do not believe that this has been taken into consideration in the IA and could add tens of millions of dollars to any estimates. To alleviate the concern about sister ships, it is proposed that the language in MLC under the definition of "new ship" "keel of which is laid or which is at a similar stage of construction" should be expanded to specifically include sister ships of those whose keel has been laid. To open up already agreed and negotiated shipbuilding contracts is an unjust burden to place on shipowners.</p> <p>The second point we believe has been overlooked comes into the analysis of expanding crew accommodations at the expense of passenger and other revenue space. Two options have been included in the IA as likely outcomes:</p> <ol style="list-style-type: none"> <li>1. Ships will be built larger to accommodate the additional crew accommodation area or</li> <li>2. Passenger cabins will be eliminated, thus driving reduced revenue from the ship for its entire life. What is not mentioned, and what is equally likely, is that if in-cabin bathrooms are not counted in determining the size of a sleeping room, then a very likely option is to eliminate in-cabin bathrooms which serve generally 1-4 employees and relocate them in hallways, increasing use ratios to have</li> </ol>	<p>any possibility their keels would be laid post-Convention</p> <p>The MLC does not preclude the counting of bathroom space in the total cabin area. It is therefore not expected that your third option is likely to arise.</p>

Consultee	Reference and Regulation	Outline of Comments	MCA Response
		<p>fewer bathrooms supporting more crew. We do not feel this is a beneficial scenario to the seafarers who will be affected and would very likely offset any of the potential benefits identified in the Impact Assessment of having the larger cabin. It is suggested if individual seafarers were consulted, they would prefer a bathroom to additional square footage.</p>	
Nautilus	MGN Introduction	<p>As regards sub-paragraph 1.2 the reference to draft regulation 6(2) appears to be incorrect. In draft regulations this deal with transitional provisions relating to ships the keel of which was laid or which was at a similar stage of construction on or after 11th July 1997 but before the date of the draft regulations are to come into force. This would appear to relate to pre-MLC provisions.</p>	Agreed.
Nautilus	MGN & MSN General	<p>I would like to point out at the start that the relevant MGN and MSN have been seen not only by myself but by Peter McEwen (Senior Policy Advisor) and like myself he is a member of the MLC Tripartite Working Group and Allan Graveson (Senior National Secretary Professional and Technical Advisor) that we all have serious concerns over the quality and accuracy of these documents. Nautilus therefore requests that further consideration be given to Crew Accommodation under the auspices of the TWG. Without going into too much detail I have</p>	<p>It is acknowledged there are some inaccuracies within the documents, which will be reviewed prior to completion.</p>

Consultee	Reference and Regulation	Outline of Comments	MCA Response
		noticed many spelling mistakes and confusing cross references to provisions which I believe were erroneous. For this reason I have not sought to set out detailed comments about these documents and instead would like to reserve further input for any further discussions. I would be very happy to assist in working towards completion of these documents but again would emphasise that I think this should be done under the auspices of the TWG.	
Nautilus	SI Reg. 8(1)	Equivalences: as this sub-paragraph allows the approval of requirements which are substantially equivalent to the requirements which are set out in Merchant Shipping Notice XXX Nautilus is of the view that the definition of "substantial equivalence" set out within the draft Regulations should be as far as possible by a copy-out of the definition given in the MLC, Article VI, Paragraph 4.	It is not considered appropriate to copy out the MLC wording in this context, but when deciding in practice what is equivalent, the description in MLC Article VI para 4 will be applied to the extent that it is MLC vessels being considered.
Nautilus	SI Regs. 10 (3) and (4)	Nautilus would first point out that we do not believe that it is fair to create offences against the master for failure to comply with MLC obligations as these are largely for the shipowner to comply with. In any case there is an error in these paragraphs because they make reference to Regulation 8 (3) (a) and Regulation 8 (3) (b) - there is no such provision within these draft regulations.	Agreed.
Nautilus	SI Reg. 11	Inspection of Ships - it may be that there is a typographical error in this paragraph and that the reference to "Regulations 12 to 14" should read "Regulations 13 to 15."	Agreed.

Consultee	Reference and Regulation	Outline of Comments	MCA Response
Nautilus	SI Reg 12 (1) (b)	Detention of Ships - It is not clear why this paragraph only refers to Regulation 8. The paragraph should be widened to catch all breaches of the MLC which have been implemented within these Regulations and certainly include references to Regulations 7, 9 and 10.	It is agreed there is an error here, but just that "regulation 8" should read "regulation 9".
Nautilus	SI Reg. 12(6)(c)	The words "or master" should be removed as it should not be the master's duty to pay a security but only that of the shipowner.	Reg 12(6)(c) does not impose a duty to pay, but allows that it might have been paid by or on behalf of either the shipowner or the master. 12(6) provides for the circumstances in which the ship must be released at the request of the shipowner or master. The reference to the master should therefore remain.
Nautilus	SI Reg 12(7)	there appears to be a typographical error here and the reference to paragraph (7)[c] should probably be a reference to paragraph (6) [c]	Agreed.
Nautilus	SI Reg. 13	Crew Accommodation requirements for non-United Kingdom ships with Maritime Labour Certificates - Nautilus objects to the offence which is created for the master - there is no need to create criminal offences under the MLC. The matter could be dealt with by disciplinary actions by the shipowner/employer. However if the DfT insist on keeping this offence then Nautilus would want the defence in Regulation 13(5) to remain.	Consideration will be given as to whether this needs to be a criminal offence.
Nautilus	SI Reg. 14	Inspection of non-United Kingdom ships with Maritime Labour Certificates as regards draft Regulation 14 (2) which triggers Regulation 10 then Nautilus would repeat its comments made under draft Regulation 10 above in regard to the offence created for the master.	Consideration will be given as to whether this needs to be a criminal offence.

Consultee	Reference and Regulation	Outline of Comments	MCA Response
Nautilus	SI Reg. 15 (1) (b) (ii)	There should be inserted at the end of this provision the following words "including seafarers rights".	The government will give active consideration to including these words are desirable, although they are not deemed to be essential.
Nautilus	SI Reg. 15 (2)	There should be inserted at the end of this provision after the word "available" the following words "but only on condition that that person has accepted a plan of action to rectify the relevant non-conformities and is satisfied that the plan will be implemented in an expeditious manner at the said repair yard" these words are required to fully comply with MLC Standard A5.2.1 paragraph 6.	Most of the proposed wording is from MLC Standard A5.2.1.6(b) and does not seem contentious from a policy point if view.
Nautilus	SI Regulation 10 (2)	Nautilus suspects there may be a typographical error here and that the Regulations referred to should be Regulation (7) Exemptions and Regulation (8) Equivalences.	Agreed.
Nautilus	SI Regulation 12( 5)	There should be added at the end after the words "of the State" the words "and invite a representative of that State to be present, if possible, requesting that State to reply within a prescribed deadline. The authorised officer shall also inform forthwith the appropriate shipowners' and seafarers' organisations in the port State." This is necessary to fully comply with MLC Standard A5.2.1 paragraph 6.	Active consideration will be given to this proposal.
Nautilus	SI Regulation 15	Detention of non-United Kingdom ships with Maritime Labour Certificates there appears to be a typographical error in draft regulation 15 (1) in that the reference to regulation 13 (1) (b) should instead be a reference to regulation 14 (1) (b).	Agreed.
Nautilus	SI Regulation 15 (5)	There should be added at the end after the words "of the State" the words "and invite a	Agreed

Consultee	Reference and Regulation	Outline of Comments	MCA Response
		<p>representative of that State to be present, if possible, requesting that State to reply within a prescribed deadline. The authorised officer shall also inform forthwith the appropriate shipowners' and seafarers' organisations in the port State." This is necessary to fully comply with MLC Standard A5.2.1 paragraph 6.</p>	
RMT	IA Question 4	<p>We agree with the vast majority of the IA but believe that the MCA need to consult more widely within Government, particularly the Department for Business, Innovation and Skills, to gather additional evidence as to the overall cost to seafarers accommodation deductions employers make from seafarers' wages, but for both full-time and temporary employees. Due to the decline in the number of UK seafarers working on UK flagged and non-UK flagged vessels over recent decades, it is not possible for the union to provide evidence to the consultation on the wider economic impact of this practice within the shipping industry.</p>	<p>Accommodation charges are not affected by this Statutory Instrument, which deals only with changes in accommodation standards. They therefore fall outside the scope of this consultation. However, the matter may be relevant to the draft MS (MLC)(Wages) Regulations when they go to public consultation. These are expected to amend the existing Merchant Shipping (Seamen's Wages &amp; Accounts) Regulations 1972, but it is understood a the present time that the effect of new legislation in the area of accommodation charges is not expected to differ from the effect of the existing legislation on that matter. However, any comments on this topic should be submitted in during the consultation on the draft MS (MLC)(Wages) Regulations in due course.</p>
RMT	IA Question 5	<p>We agree with the IA's estimates and assumptions as far as they go but, as mentioned above, believe that the cost to UK seafarers of the accommodation deduction should be factored into the Government's calculations.</p>	<p>Accommodation charges are not affected by this Statutory Instrument, which deals only with changes in accommodation standards. They therefore fall outside the scope of this consultation. However, the matter may be relevant to the draft MS (MLC)(Wages) Regulations when they go to public consultation. These are expected to amend the existing Merchant Shipping (Seamen's Wages &amp; Accounts) Regulations 1972, but it is understood a the present time that the effect of new legislation in the area of accommodation charges is not expected to differ from the effect of the existing legislation on that matter. However, any comments on this topic should be submitted in during the consultation on the draft MS (MLC)(Wages) Regulations in due course.</p>

Consultee	Reference and Regulation	Outline of Comments	MCA Response
RMT	IA Question 6	Nothing to add.	Noted.
RMT	IA Question 7	Nothing to add.	Noted.
RMT	IA Question 8	Nothing to add.	Noted.
RMT	IA Question 9	Nothing to add.	Noted.
RMT	IA Question 10	Tonnage tax (section 6.14 of the Impact Assessment) As all the 883 ships (as of October 2011) in the tonnage tax scheme will be unaffected by the crew accommodation regulations brought in by the MLC, we do not foresee those regulations having an impact on tonnage tax, either in terms of an increase or decline in the number of vessels in the scheme. New build vessels subject to the terms of the Convention should be able to absorb the small cost of compliance with crew accommodation regulations without threatening jobs or the UK flag. We also note the comment at 6.14 of the Impact Assessment that the industry has confirmed that it will be able to make the changes to crew accommodation on a number of vessel types at no extra cost. We share that view and would regard any extra compliance costs on other vessel types as negligible. However due to the opaque nature of the tonnage tax, we are unable to provide accurate figures, beyond an estimate of the tax break the industry has enjoyed from the scheme to date, which is conservatively, £670m since 2000-2001.	The view that no extra build cost would be incurred in relation in most cases in relation to the new accommodation standards is noted.
RMT	IA Question 11	As above we believe the compliance costs will be insignificant, although it is for shipowners to produce the hard evidence in relation to their own	View that additional costs associated with purchase and running of new builds will be insignificant is noted.

Consultee	Reference and Regulation	Outline of Comments	MCA Response
		fleets.	
RMT	IA Question 12	We do not consider this to be an issue.	View that opportunity costs associated with reduced commercial carrying capacity resulting from the new crew accommodation standards is not an issue is noted.
RMT	IA Question 13	<p>The benefits to seafarers of the new Crew Accommodation regulations in the Convention are clear but difficult to quantify in monetary terms. The provision of additional space for sleeping quarters should translate into lower fatigue rates and other benefits to the health and safety of the individual seafarer and to the operation of the vessel. However, we would argue that the imposition of accommodation reductions on seafarers undermines the progressive nature of the Crew Accommodation regulations proposed by the Government in order to ratify the Convention. In addition for our members, predominantly ratings, there is next to no data on the impact of the existing regulations on fatigue amongst seafarer ratings. The European Union's Project Horizon has done some welcome research into the phenomenon of fatigue amongst watchkeeping officers but there is no qualitative or quantitative data on fatigue amongst ratings which could provide the basis for an economic or other impact assessment of the benefits to seafarers of these regulations.</p> <p>Although we have these reservations, it is important to note the RMT's fundamental belief that these improvements to crew accommodation and social areas in new build vessels from c2015 represent a significant step forward and, as such,</p>	Noted.

Consultee	Reference and Regulation	Outline of Comments	MCA Response
		are priceless. RMT suggest that the Secretary of State instruct the MCA to look at this issue as part of the statutory regulatory review process, in accordance with normal practice.	
RMT	IA Question 14	It is not possible for us to make this calculation.	Noted.
RMT	IA Question 15	It is not possible for us to make this calculation.	Noted.
RMT	IA Question 16	It is not possible for us to make this calculation.	Noted.
RMT	SI Regulation 3.1	RMT believe that the draft SI adequately covers the requirements of both Regulation 3.1 and Standard A3.1 of the MLC. We interpret Standard A3.1 but not to a high level. We do not think a high level has been achieved as we remain disappointed that Regulation 3.1 and Standard A3.1 of the MLC do not contain an element of retrospection in terms of the age of the vessels they apply to. It is possible that ships built in 2012 will not be required to comply with the MLC whereas those over a certain tonnage built after the MLC (expected in 2013) will. Given the significance to the health and welfare of the crew, we believe that the Crew Accommodation regulations and standard in the MLC should have been introduced separately and earlier so that compliance with the prescribed minimum levels was achieved in the ship building industry at an earlier stage. This is particularly significant in the UK which only proposes the use the MLC ratification process to increase the size of crew accommodation and other accommodation areas. Whilst no other aspects of the existing regulations governing crew accommodation, such	Government policy is not to "gold plate" the MLC, and therefore early introduction of provisions into UK law is not an option. Also, although the MLC has been known about for several years now, it is the responsibility of government to afford as much time as reasonably possible for industry to prepare for compliance.

Consultee	Reference and Regulation	Outline of Comments	MCA Response
		<p>as heating and ventilation, noise, lighting, sanitary facilities and hospital accommodation, are proposed for amendment through the Convention.</p> <p><i>In order to achieve a higher level of coverage with the Regulation 3.1 and Standard A3.1 the MCA could choose to impose the MLC in UK law from the moment of domestic ratification, and not 12 months after the requisite number of countries ratify the MLC. We would welcome some further guidance from the Tri-partite Working Group of any legal or other barriers to earlier adoption of the MLC in UK law.</i></p>	
RMT	SI Regulation 3.1	<p>Although outside the scope of Regulation 3.1 and Standard A3.1, RMT believes that the Government could use the draft SI on Crew Accommodation to amend the National Minimum Wage 1998 in order to end the practice of shipping employers deducting accommodation costs from employees' wages. The current law permits employees' hourly pay rate to fall below the NMW for over 21s of £6.08 per hour. We hope that the second phase of consultation which will cover employees' wages will also offer an opportunity to correct the unjust employer practice of deducting accommodation costs from seafarers' earnings.</p>	<p>The National Minimum Wage Act 1998 is outside the policy area of the Department for Transport, as it falls under HMRC, and is not in any case affected by the changes in accommodation standards, so falls outside the scope of this consultation. However, regulation 5(a) of the Merchant Shipping (Seamen's Wages &amp; Accounts) Regulations 1972 specifies the items for which deductions are permissible from seafarers' wages. Accommodation is not one of them, so deductions in respect of seafarer's accommodation are therefore not permitted. There are no plans to change this. It has also been agreed internationally at the ILO that seafarers should not be charged for their accommodation.</p>
RMT	SI Regulation 3.1 (Question 2)	Yes	Noted
RMT	SI Regulation	Yes. However, we are concerned that the	Believe these suggestions go beyond the scope of the MLC.

Consultee	Reference and Regulation	Outline of Comments	MCA Response
	3.1 (Question 3)	Government proposes in the MGN to translate verbatim MLC Guideline B3.1.11 - <i>Recreational facilities, mail, and ship visit arrangements into UK guidance</i> . We are particularly concerned at the acceptance of charges on seafarers for ship-to-shore telephone communication, email and Internet access and do not regard the term "reasonable in amount" as sufficient protection against profiteering by companies that provide these service to shipping companies. In our view, seafarers should be entitled to free telephone and Internet access (incorporating email) or a cap on charges for these specific services should be imposed in order to prevent profiteering; such a cap should be included in the Merchant Shipping Notice attending the reforms under this title.	
Helix Well Operations	Paragraphs 2.7, 2.7.2.8, Section 11.1 (a), 11.10, 13.3 & 23.1	Drafting comments	<p>2.6 - The fact that hospital accommodation on passenger ships may be shared between passengers and crew was provided in existing legislation (regulation 32(12) of the MS (Crew Accommodation) Regulations 1997) and the MLC does not preclude this. To remove this would impose a further restriction which would go beyond the MLC, and would constitute "gold plating" of the Convention, which is against government policy.</p> <p>2.7 - This wording is retained from regulation 4(8) of the MS (Crew Accommodation) Regulations 1997, but is broadly similar to the text you quote from MLC Standard A3.1.6(f). It would be very difficult to prescribe in law all the possible requirements which would make panelling suitable or unsuitable, so it is left to the discretion, experience and common sense of the surveyor.</p> <p>2.8 - This text is retained from regulation 4(9) of the MS (Crew Accommodation) Regulations 1997, so is not new, and has been</p>

Consultee	Reference and Regulation	Outline of Comments	MCA Response
			<p>proven to operate effectively. To change the wording as suggested would be to lower existing standards. MODUs are not excluded under the Convention unless they are excluded on some other basis, e.g. ., the fact that they are on their working station and therefore do not fall under the definition of "Ship".</p> <p>11.10 - Do not agree that it is unclear, but we will consider spitting the sentence for additional clarity.</p> <p>13.3 - The words "seating accommodation" are those used in the MLC. We are trying to stick to MLC terminology unless there is particular reason to depart from it.</p> <p>23.1(c) - Agree this is inconsistent. Regulation 6(4) of the MS (Crew Accommodation) Regulations 1997, appears to be the equivalent of MLC Standard A3.1.6(e). The former does not list store rooms or cold store rooms, but refers to openings from any part of the crew accommodation. The latter does mention store rooms, but only talks about openings from sleeping accommodation. Paragraph 23.1 of the MSN is subject to paragraph 22.2, which lists access from several places, none of which are crew accommodation areas. So the MSN does not entertain the option of an opening into crew accommodation anyway. Therefore paragraph 23.1(c) is superfluous and should be removed.</p> <p>MGN 2.1(b) - The text of paragraph 2(1) is taken from the MS (Crew Accommodation) Regulations 1997. It is not policy to change text without strong reasons, as it has been tried and tested, and a large number of customers are already accustomed to it. The more the text remains the same the less time needed for users to bring themselves up to speed with revised requirements.</p>
IMCA	MSN	Guidance is needed on the application of the requirements to MODUs. If MODUs are to be included they will need to be afforded similar exceptions and flexibilities as are provided for special purpose ships. In addition if the intention is to include offshore divers within the scope of the UK requirements it should be clarified that	Noted.

Consultee	Reference and Regulation	Outline of Comments	MCA Response
		diving chambers will not be expected to comply with the accommodation requirements.	
IMCA	SI Draft Regulations	IMCA supports the Government's plan to make use of the exceptions provided by the MLC for smaller vessels	No response required.
IMCA	SI Paragraph 2.2	The requirement to exclude noise "as far as reasonably practicable" needs to be clarified. This appears to be more onerous than the MLC provision which refers to preventing "the risk of exposure to hazardous levels of noise and vibration and other ambient factors" (MLC Standard A3.1 paragraph 6(h) ) and the Government should consider providing some guidance on what would be considered "reasonably practicable"	The phrase "as far as reasonably practical" is used in relation to the exclusion of noise in existing legislation, namely regulation 4(2) of the Merchant Shipping (Crew Accommodation) regulations 1997 (MS(CA)R 1997) (SI 1997/1508), and is also mentioned in MLC Guideline B3.1.12 paragraph 1 relating to location of accommodation. You have correctly mentioned that MLC Standard A3.1 paragraph 6(h) does not use this phrase, but the UK government considers the phraseology used to be equally subjective. There are some other provisions contained in the MLC and MS(CA)R 1997 within the context of the subject matter, e.g ., MLC B3.1.2 para 2(a), MLC B3.1.12 para 2, regulations 4(3), 14(2)&(3) MS(CA)R 1997, however further prescription beyond this would exceed requirements both the MLC and existing legislation, and would therefore be considered to be "gold plating" of the MLC, which is against UK government policy. In any case, it is not considered possible or desirable to attempt to prescriptive requirements for every eventuality, as this would remove the scope for a surveyor to use their common sense and professional judgement in a situation and restricts innovation amongst ship builders. However, the text has been added at the end of paragraph 2.2 "(See IMO Resolution A.468(XXII), Noise on Ships, for guidance.)"
IMCA	SI Paragraph 2.7	The requirement for inside panelling to be constructed of a "suitable material" needs to be clarified. Is this referring to the materials insulation properties, or its durability or is this requirement to provide something that looks nice?	Further prescription is not considered necessary or helpful, as it is not possible to prescribe the nature of the material to cover every eventuality, and over-prescription would not only restrict the available materials but could also be considered "gold-plating" of the MLC, which goes against government policy.

Consultee	Reference and Regulation	Outline of Comments	MCA Response
IMCA	SI Paragraph 2.8	With respect to the requirement to exclude effluvia, it would prove impossible to completely mitigate in all circumstances the potential for effluvia, especially odour, to transfer to the accommodation via a circuitous route. There may be instances, such as external environmental factors or the need for critical remedial maintenance work which cannot reasonably be controlled. The word "ensure" should therefore be replaced with "as far as reasonably practicable"	This wording is carried over from the Merchant Shipping (Crew Accommodation) Regulations 1997 (MS(CA) R 1997), so this wording is tried and tested. To relax this requirement would be to reduce existing standards and is therefore not considered acceptable..
IMCA	SI Paragraph 3.4	Paragraph 3.5 states that there shall be no opening in any of the bulkheads separating any part of the crew accommodation from any of the spaces listed in paragraph 3.4, including a store room (3.4(g)). However this prohibition seems to contradict the provision in paragraph 23.1 [c] which would allow a door to a cold store room to be located in the bulkhead. For clarity we suggest that the wording "cold store room" in 3.4.(g) is replaced by a "store room other than that exclusively used for the storage of provisions"	The term "cold store room" has a different meaning to simply "store room".
IMCA	SI Paragraph 7.1	it is not clear how the ventilation system performance levels would be expected to be maintained and monitored and as these requirements are in excess of the MLC provisions we would recommend that this paragraph is amended to align it with the MLC guidance (MLC guideline B3.1.2 paragraph 2(a))	This text is simply carried over from the existing Merchant Shipping (Crew Accommodation) Regulations 1997 (MS(CA)R 1997), so current arrangements would continue to apply.
IMCA	SI Paragraph 7.2	the reference to the heating system being operated by steam seems to contradict the advice in paragraph 7 of the MGN, that steam should not be used for heat transmission in the	The text has now been included in both the MGN and MSN.

Consultee	Reference and Regulation	Outline of Comments	MCA Response
		accommodation area, so these two paragraphs need to be aligned.	
IMCA	SI Paragraph 8.1	with respect to the requirement to provide natural light, the draft regulation qualifies that for passenger ships crew accommodation should be lit by natural light "wherever reasonably practicable". This goes considerably beyond the MLC guidance which recommends only the provision of electric light and the draft regulation should therefore be amended to reflect the MLC guideline B3.1.4 paragraph 1. For practical reasons the revised provision should be extended to special purpose ships (and MODUs). These vessels are likely to have considerably larger crews than traditional cargo ships and the natural lighting requirement would therefore similarly unrealistic.	The draft Regulations do not contain any reference to lighting as this level of detail is dealt with in the MSN and MGN. MLC Standard 3.1 paragraph 8 contains the requirement for sleeping rooms and mess rooms on non-passenger ships to be lit by natural light, while recognising that special arrangements may apply on passenger ships. This is reflected in MSN paragraphs 8.1 to 8.3.
IMCA	SI Paragraph 11.10	states that spaces in cabins, which by reason of their small size or irregular shape cannot accommodate furniture do not contribute to the area available for free movement, shall not be included in the measurement of the floor area. This is not an MLC guideline and not a mandatory provision, so this should be deleted.	This approach for measuring floor space is outlined in MLC Guideline B3.1.5 paragraph 6.
IMCA	SI Paragraph 14.6	requires that, other than on passenger ships, the floor area of mess rooms for seafarers should not be less than 1.5 square metres per person of the planned seating capacity. As the impact assessment makes clear this implements an MLC guideline as a mandatory provision, but table 3 of the impact assessment state that this would be implemented "with provision for exceptions where	The MLC excepts only passenger ships, and this is the provision for exceptions referred to in the Impact Assessment

Consultee	Reference and Regulation	Outline of Comments	MCA Response
		<p>this is impractical" However, this paragraph only provides an exception for passenger ships. Given the potentially large numbers of personnel that may have to be accommodated on offshore support vessels (and MODUs) the impact of providing an additional 0.5 metre squared might not prove "negligible" for these types of vessels and this paragraph should therefore be amended to incorporate a broader exception for cases in which the provision of additional space is not practicable.</p>	
IMCA	SI Paragraph 16	<p>the requirement to provide permanently reserved deck space for recreational purposes goes beyond the MLC provision, and would be impossible to implement for OSVs, While seafarers will be provided with access to space or spaces on open deck, in line with the MLC provisions (MLC Standard A3.1paragraph 14), weather considerations and changes to the space needed for the working area on deck mean that it is simply impractical to provide permanently reserved areas. This paragraph should be amended to reflect the MLC provision.</p>	<p>MLC Standard A3.1paragraph 14 makes this requirement mandatory. However, the requirement has existed for a considerable period of time as it is already contained in regulation 24(3) of the Merchant Shipping (Crew Accommodation) Regulations 1997, so effectively this brings no change in existing requirements.</p>
John Vanezos, IACS	MSN, Paragraph 19.3	<p>the vague expression "automatic means of disinfection" should be clarified</p>	<p>This is a tried and tested phrase carried over from r27(4) of the Merchant Shipping (Crew Accommodation) Regulations 1997, so it is something in existing standards, not added by the MLC. Further prescription would "gold plate" MLC standard which, without exceptional justification, goes against government policy.</p>
Lyn Yeo, Carnival UK	MGN 20.9	<p>We have wet room arrangements on many of our ships which in my experience is much safer than baths for both patient and healthcare worker</p>	<p>No response required</p>

Consultee	Reference and Regulation	Outline of Comments	MCA Response
		(manual handling)  <i>Does the requirement for a bath apply to <b>all</b> ships over 5000 tons or is this something that might be present?</i>	
Mona Ehrreich Princess Cruises (Carnival Australia)	MSN 18.1	Every "officer" shall have an adjoining private bathroom.	Bathrooms are counted in the area of the sleeping room.
Nautilus	SI Regulation 10 (1)	Offences and penalties - Nautilus requests for consideration to be given as to whether more regulations should be specified here, in particular regulations 6 and 9.	Specific suggestions are welcome, however, government policy is to reduce the number and nature of offences rather than increase them.
Nautilus	SI Regulation 12 (7) (b)	the reference to the possibility of the master being convicted should be removed. The only person liable to a charge under these Regulations should be the shipowner.	Reg 12(7)(b) deals with the possibility that the master might have been convicted in respect of an offence under the Regulations. 12(7)(b) itself does not make it possible that the master might be convicted, but other provisions like regulation 10 do. There are matters in the regulations which are appropriate for the master to take responsibility. The regulations have been drafted with that in mind.
Nautilus	SI Regulation 12 (8)	again there appears to be a typographical error and the reference to paragraph (7) [c] should probably be a reference to paragraph (6) [c]. Furthermore the reference to the possibility of the master being convicted of an offence under regulation 8 should be removed. The only person liable to a charge should be the shipowner. The reference in draft regulation 8 (a) to costs or expenses by the court to by the shipowner or	Agreed.

Consultee	Reference and Regulation	Outline of Comments	MCA Response
		master should be altered to remove any reference to the master.	