

## CHANGING MERCHANT SHIPPING REGULATIONS: WEIGHING OF GOODS VEHICLES AND EMERGENCY EQUIPMENT LOCKERS

### SUMMARY OF COMMENTS AND MCA RESPONSES

In light of the comments received during the consultation the Minister of State for Transport, the Right Honourable John Hayes, met further with the three maritime unions and industry representatives. Having now considered all views, the Minister is content that safety will not be compromised by the revocation of the three Weighing of Goods Vehicles and other Cargo Regulations.

However, the Minister felt that the arguments made at the meeting in favour of retaining the equipment lockers on UK Ro-Ro ferries were persuasive. Therefore, the Minister is not content to remove these requirements from UK law and the Merchant Shipping (Emergency Equipment Lockers) Regulations 1988 will not be revoked.

The following table provides a summary focused on the technical comments received for the revocation of the three merchant shipping regulations relating to the weighing of goods vehicles and other cargo.

<b>Respondent</b>	<b>Summary of Comments</b>	<b>Response</b>
Western Ferries	We assume all HGV's presented for shipment will comply with normal road going norms of maximum weight of circa 44 tonnes and maximum axle loading of 14 tonnes, and position on deck accordingly. These limits have been used in the design of linkspan and vessel structures. We would be concerned that the removal of these Regulations may be seen by unscrupulous hauliers as a relaxation that could result in overloading of vehicles presented for shipment.	<p>The requirement for the correct weighing and declaration of cargo weights remains in the Merchant Shipping (Carriage of Cargoes) Regulations 1999. The issue in relation to accuracy of weights on the road is a not a subject for this consultation.</p> <p>A port operator or ship operator may wish to continue to use weighbridges voluntarily if they seriously believe they need to in order to protect their linkspans or vessel structures.</p> <p>It is considered that knowing the precise as opposed to the declared weight when loading</p>

		<p>cargo on RoRo passenger ships will have only a marginal effect on stability calculations.</p> <p>The need to formally declare weights of cargo items are under the 1999 Carriage of Cargo Regulations, and the deterrent effect of random DFT weight checks has improved the reliability of declared weights over the last 20 years.</p>
<p>A C Reynolds IEng IMar Eng MIMarEST</p>	<p>As a maritime professional of many years standing, and being involved heavily with ferry safety I would comment that the only real burden in any of the stated regulations must surely be the weighing of goods vehicles. If the recent “experts” had fully explored the reports of the investigations carried out they would see easily that even then, the majority of goods vehicles were often overloaded, some by a large margin. Indeed, some lorry trailers with a zero goods way bill declaration actually weighed more than the legal limit for UK roads.</p>	<p>The Formal Investigation in to the HERALD OF FREE ENTERPRISE (HOFE) disaster in 1987 concluded that the HOFE was probably overloaded when she sank but it was not a contributory factor in the accident. It recognised that the International Maritime Organization (IMO) was the most appropriate forum to bring about significant change. However, in the 25 years since these UK Regulations were implemented, it has not been considered necessary to bring the same requirements into international legislation through the IMO.</p>
<p>Chamber of Shipping</p>	<p>We would like to comment that the Chamber fully supports the removal of the weighing of goods regulations, as we said when we responded to the MCA's consultation exercise last summer. Please find our previous comments quote/unquote below. We urge the MCA to proceed with the removal as soon as possible. It is not satisfactory that it has taken so long already.</p> <p>“Please also note that in discussions with members, it was observed that operational and commercial</p>	<p>The revocation only removes the statutory requirement to weigh goods vehicles and cargo on a weighbridge at the port. Ports may wish to continue to operate weighbridges, and this is a commercial matter for individual ports to decide.</p>

	<p>imperatives for being able to weigh large vehicles would remain -- to avoid damage to ramps and linkspans by overweight vehicles, to identify vehicles that were too heavy for the deck of fast craft, or to identify those liable for a weight surcharge -- and that the repeal of the weighing requirement might be unlikely to result in the physical removal of all port weighbridges.”</p>	
<p>Nautilus International</p>	<p>It is widely known that the Maritime and Coastguard Agency (MCA) has concern over SOLAS 2009, where depending on design of the ship, as is confirmed collectively in Papers MSC 91/7/2, MSC 91/7/3 and MSC 91/7/4 and specifically Papers MSC 91/7/2 and MSC 91/7/3 safety is less than in SOLAS 1990 plus Stockholm. It is unbelievable that the statement is made on page 5, penultimate paragraph, of the consultation document, namely, “Ship design has further advanced significantly ... (where the ship does not capsize/sink when damage occurs);” – so are we using the old and spurious argument of the unsinkable ship?</p> <p>The European Union GOULD Project has demonstrated that Ro/Ro Passenger Ships are vulnerable and currently built to a 1:20 year event of the loss of 1000 or more passengers whereas a 1:100 year event is generally acceptable in other industry sectors. This improvement can be achieved at little cost. But neither SOLAS 1990 plus Stockholm OR SOLAS 2009 approach anywhere near this level of safety.</p>	<p>SOLAS 90 and Stockholm are significantly better than the STAB-80 standard to which HOFE was based. MCA is of the view that modern standards are much better than in the past.</p> <p>There are two separate issues here; the development of stability criteria is ongoing at IMO and in Europe, and the standards will not be changed unless the consensus of scientific and professional opinion is that any new standards are appropriate for the risks faced by ferries. This consultation is about the totally separate issue of whether the cargo weight used for the stability assessment is based on figures weighed at the port or provided by the responsible shipper.</p>

	<p>While there have been significant improvements in navigational equipment there has been an erosion of experience due to officers serving at their 'ticket' rather than holding superior certificates above the position held.</p> <p>The present requirements are referred to as 'gold plating' by those seeking to make small cost savings and those who have little regard for the lessons of history, even where they came from a properly instituted Inquiry. These essential measures were rejected internationally and by countries where life is considered of little value. Rather than revoking these regulations, which protect seafarers and EU citizens, the United Kingdom should be seeking to shine the light on these essential measures for the adoption by SOLAS and non-SOLAS vessels.</p> <p>While it is generally accepted that the issue of overloaded goods vehicles is not an issue where they are integral units since owner and owner drives seek to protect their assets, whereas, containers, be they accompanied or unaccompanied when carried on Ro/Ro Ships present a potential danger. Given the potential dangers associated with the mis-declaration of weight of containers, Nautilus is of the opinion that the Regulations should remain in force in the interests of safety of road, rail, sea transport and port operations until there is a satisfactory ILO/IMO/UNECE solution.</p>	<p>This is not relevant to the weighbridge issue as a truck weighs the same regardless of the experience of the navigator.</p> <p>The UK has taken a proactive role in all discussions concerning passenger ship safety at the IMO over many years and will continue to do so. The outcome of the discussions at the IMO is always based on consensus amongst Member States.</p> <p>There is a large difference in the container trade and the cross-channel or UK ro-ro trade, and in the incentives of mis-declare weights. The main difference is that the containers on a large container ship represent three-quarters of the total weight of the ship, while vehicles on a ro-ro ferry are quite a small proportion of the weight of the ship so the impact of error is much smaller.</p> <p>Also, containers are stacked many tiers high so the errors are multiplied, and this affects stack</p>
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<p>Disaster Action Group</p>	<p>If vehicles to be taken on board passenger ferries are not weighed at the port but instead owners/drivers provide certificates noting the weight of the cargo, then a higher degree of trust will be required on the part of the port authorities and ferry operators. Assumptions will have to be made that the information being presented is accurate and that nothing has been done to add to or interfere with cargo since it has been weighed elsewhere. This should be considered as a potential risk should the relevant regulations be removed.</p> <p>The above point relates to the cargo weight in particular, but it is also essential to ensure that heavy goods vehicles are weighed; it is not clear how or where this would be done if the proposal to remove the requirement to carry out the weighing at the port is acted upon.</p>	<p>Part II (4)(3) of The Merchant Shipping (Carriage of Cargoes) Regulations 1999 states 'In preparing cargo units for carriage by ships, the shipper or, as the case may be, the forwarder, shall ensure that the gross mass of such units is in accordance with the gross mass declared on the shipping documents.' The legislation in place addresses the correct weighing and declaration of cargo weights.</p> <p>The need to formally declare weights of cargo items are under the 1999 Carriage of Cargo Regulations, and the deterrent effect of random DFT weight checks has improved the reliability of declared weights over the last 20 years. Knowing the precise as opposed to the declared weight will have only a marginal effect on stability calculations.</p>

		<p>The outcomes of research into the discrepancies of truck weights have been incorporated into the Maritime and Coastguard Agency's guidance for calculating vessel stability, which is to compare the overall observed displacement with the calculated displacement. Any significant difference is treated as an additional weight, and to add a weight margin where there may be uncertainty about vehicle weights.</p>
<p>Trading Standards Institute</p>	<p>From the responses received around the country (representatives from local authorities and TSI) there is a mixture of weighbridges solely in place for the purposes of the regulations under consultation and there are many which have been subjected to verification/approval under the Non-Automatic Weighing Instruments (NAWI) Regulations which can also be used for NAWI regulated purposes.</p> <p>There is no legal barrier to such multiple usage, nor would this response seek to propose that there should be.</p> <p>TSI would in fact seek to promote the holistic view that ports should source and maintain sufficient equipment suitable for all of its uses.</p> <p>As one correspondent pointed out, it can be important to check incoming foreign vehicles which may be overloaded above the axle weights for this</p>	<p>The revocation of these regulations only removes the statutory requirement to weigh goods vehicles and cargo on a weighbridge at the port for the purposes for the carriage of such cargo on RoRo passenger ships. Ports may wish to continue to operate weighbridges, and this is a matter for individual ports to decide.</p> <p>The issue in relation to the wider issue of accuracy of weights was not a subject for this consultation.</p>

	<p>country in order to protect our infrastructure and prevent monetary advantage over operators in this country (which are often small businesses).</p> <p>It is worthy of note that recently one particular port identified by a correspondent to this response found that they were being subjected to systematic overloading to the extent that the issue was raised in the local press.</p> <p>We note that there is only one option in this consultation and that consultees are therefore limited to commenting upon the assertions and assumptions detailed within it.</p> <p>TSI would therefore seek to comment upon such and look to the future when the regulations have been revoked to suggest ways that trading standards services can engage with the ports and the ferry owner/operators.</p> <p>It is clear from TSOs who correspond with TSI that at many ports there are good working relationships at a local level with their local authorities that they would certainly wish to continue. There is a range of throughput around the country and a lot of smaller ports, particularly those in Scotland where smaller vessels are used, are in fact more susceptible to the effects of overloaded vehicles than those ports where larger vessels are used.</p>	
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	<p>TSI holds a clear view that needs to be stated at the outset: the skilled staff who load ferried need accurate information about the gross weight of heavy goods vehicles - failure to address that need would do those personnel as great disservice in their quest to load a ship in a balanced way and evenly across the decks front and back/side to side.</p> <p>For those persons not to have access to a weighbridge when they have a vehicle in front of them of unknown weight is to fail to provide them with an essential tool that they need to function correctly.</p> <p>TSI would therefore propose that it is essential that there remain weighbridge facilities at the point of loading and that, due to environmental conditions in which they operate, an appropriate maintenance programme is in place.</p>	<p>The Merchant Shipping (Carriage of Cargoes) Regulations 1999 states 'In preparing cargo units for carriage by ships, the shipper or, as the case may be, the forwarder, shall ensure that the gross mass of such units is in accordance with the gross mass declared on the shipping documents.' The legislation in place addresses the correct weighing and declaration of cargo weights. It is these regulations which the shipper has to comply with to ensure that accurate information is made available during the loading process.</p>
Unite	<p>The stability of Ro-Ro vessels may well have improved in recent years, but this does not mean that the accurate weighing of vehicles is not of great significance to worker and passenger safety nor that any vessel is "unsinkable".</p> <p>Many of our dock worker members load a large number of lorries onto both short sea and deep sea RoRo. We understand that it is ports practice to weigh all lorries prior to loading and our members are not aware of complaints being raised about this requirement.</p>	<p>The revocation of these regulations only removes the statutory requirement to weigh goods vehicles and cargo on a weighbridge at the port for the purposes for the carriage of such cargo on RoRo passenger ships. Ports may wish to continue to operate weighbridges, and this is a matter for individual ports to decide.</p>

	<p>One of the major issues is the stability of the ship: it is essential that the weight across each RoRo deck is evenly distributed, and that the upper decks are not loaded in such a way to make the ship top heavy. An unladen unit and trailer weighs around 10t; laden it weighs up to 38t. If vehicles are not weighed then there is a significant risk to the stability of the vessel.</p> <p>Whilst some of the uneven weight distribution can be managed with ballasting, operators know that increased weight equates to increased fuel costs. So weighing trailers reduces fuel consumption, which is beneficial to both the vessel operator and the environment.</p> <p>Other factors include the safe lashing and securing of vehicles. The type of lashing and the number of lashings used are primarily dependent upon weight and weather conditions. A fully laden lorry will require strong chains if laden and sailing during winter conditions; if unladen during the summer it may require far fewer lashings which may be of the webbing variety.</p> <p>Unaccompanied trailers, i.e. those being exported without a unit and driver, have to be attached to port equipment to be loaded. Therefore it is important that port drivers are aware of the weight of lorries to ensure that the correct equipment is used to move them, or in the case of breakdowns, to tow them.</p>	<p>Whilst this may be right, it is the shipper's responsibility for declaring the correct weight of the cargo. The Ro-Ro Ferries Stowage and Securing of Vehicles Code of Practice has fairly broad bands of vehicle weight 10, 20, 30 tonnes. An experienced port driver or deck officer would be able to assess the difference between a vehicle declared empty and one actually weighing 20 tonnes or more.</p> <p>However, IMO has recently published in MSC1/ Cir. 1475 (Guidelines regarding the verifying load mass of a container carrying cargo). The application of these guidelines is currently being considered in the UK.</p>
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	<p>Lorries are often required to ascend/descend steep ramps to the upper/lower decks of RoRo ships; again it is important that the correct equipment is used for handling vehicles. The incorrect vehicle, or even the incorrect drive settings, risk an uncontrolled descent which may endanger the driver.</p> <p>Of additional concern is container safety. We are aware both that that the loads in containers shift, and also the weight declared may not be accurate. This has safety implications for the safe carriage of containers on the road. We are aware of a number of accidents involving overturns of vehicles carrying containers.</p>	
RMT	<p>The removal of the requirement for the use of weighbridges in recording the load on passenger ferries will have a disproportionate effect on Scottish Ferries, where 6 out of the 12 UK ports found by the MCA to operate weighbridges are located.</p> <p>The regulations on weighing goods vehicles and cargo should be retained in light of the MCA's efforts at the IMO to amend the SOLAS Convention's provisions on verification of vessel loads.</p> <p>The proposal to remove the regulation applying weighing requirements to non-UK ferries operating from UK ports actively lowers international maritime safety standards. As of May 2013, there were 95 non-UK and 20 non-EU ferries licensed to operate in the UK ferry industry and removing this regulation is</p>	<p>The revocation of these regulations only removes the statutory requirement to weigh goods vehicles and cargo on a weighbridge at the port for the purposes for the carriage of such cargo on RoRo passenger ships. Ports may wish to continue to operate weighbridges, and this is a matter for individual ports to decide.</p> <p>The Formal Investigation in to the HOFE disaster in 1987 concluded that the HOFE was probably overloaded when she sank but it was not a contributory factor in the accident. It recognised that the IMO was the most appropriate forum to bring about significant change. However, in the 25 years since these UK Regulations were implemented, it has not</p>

	<p>a threat to the safety of seafarers and passengers working and travelling on them respectively.</p> <p>RMT is especially concerned at the attempt to portray weighbridges as out of date and inaccurate methods of weighing all road vehicles (apart from buses) and non-vehicular cargo 7.5 tonnes and over. Weighbridges are in use more widely than the Impact Assessment's suggestion that only 12 ports in the UK use them. Stornoway and Ullapool, for example are two other ports using weighbridges and also serve to illustrate the reliance on weighbridges in ports on the Scottish ferry network, from the mainland to the Western Isles and from the north east coast of Scotland to the Northern Isles.</p> <p>Given the lifeline nature of the service and the rougher seas that vessels encounter off the West Coast and on the North Sea, we are especially concerned at the consequences for seafarer and passenger safety on Scottish ferries of revoking these regulations.</p> <p>The Impact Assessment states that ports and shipping companies could save thousands of pounds from the removal of the statutory requirements in these regulations to use and maintain weighbridges but it would seem from the small number of ports using weighbridges that the existing regulations are not being properly enforced by the MCA. We would welcome clarification of this point from the MCA.</p>	<p>been considered necessary to bring the same requirements into international legislation through the IMO. Therefore, only RoRo passenger ferries operating to and from the UK have validated lorry weights on the outbound journeys. There is no similar requirement for inbound journeys.</p> <p>With regards to SOLAS amendments, the new regulation VI/2(4) reads –</p> <p><i>“4 In the case of cargo carried in a container*, except for containers carried on a chassis or a trailer when such containers are driven on or off a ro-ro ship engaged in short international voyages as defined in regulation III/3, the gross mass according to paragraph 2.1 of this regulation shall be verified by the shipper ...”</i></p> <p>The freight traffic in Scottish domestic routes is very limited compared to international routes to/from Europe or Ireland, so the Scottish ports are faced with the same costs per weighbridge at a much higher cost per vehicle, which has to be paid for by the shipper and the customers buying the cargo.</p> <p>From the outcome of discussions at IMO, the Member States have made it clear that there is no need to weigh containers being carried on short voyages on roll-on/roll-off (ro-ro) ferries,</p>
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	<p>We also note that the MCA is seeking to amend the IMO Convention on Safety of Life at Sea (SOLAS) Chapter VI on Carriage of Goods in order to tighten up load verification laws on container vessels. Whilst this change would not apply to international short sea or domestic voyages, the MCA acknowledge in the consultation document that the discussions at the IMO will influence the behaviour of port owners should the weighbridge regulations be revoked:</p> <p>“...it is potentially unlikely that ports would remove all weighbridges entirely due to the ongoing discussions in the IMO.” Para 5.3.2</p> <p>Coupled with the MCA’s additional claim that weighbridges would continue to be used in UK ports for establishing vessel loads, this is further evidence that revocation would again lead to an uneven regulatory framework that RMT believe could undermine safety standards in ports and shipping operations.</p> <p>The MCA state in the Impact Assessment that their analysis of the effect of revoking this regulation is “...based on UK registered ships as the number of non-UK ships is difficult to quantify.” (para 5.2.)</p> <p>This is not the case. Written Answers in the House of Commons in May 2013 easily established the number of non-UK and non-EU vessels licensed to operate in the UK passenger ferry sector from UK ports:</p>	<p>such as those to which the UK regulations currently apply.</p> <p>The need to formally declare weights of cargo items are under the 1999 Carriage of Cargo Regulations, and the deterrent effect of random DFT weight checks has improved the reliability of declared weights over the last 20 years. Knowing the precise as opposed to the declared weight will have only a marginal effect on stability calculations.</p> <p>The outcomes of research into the discrepancies of truck weights have been incorporated into the Maritime and Coastguard Agency’s guidance for calculating vessel stability, which is to compare the overall observed displacement with the calculated displacement. Any significant difference is treated as an additional weight, and to add a weight margin where there may be uncertainty about vehicle weights.</p> <p>Shipping companies are required to have in place procedures for ensuring that the weights of trucks are used for stability calculations, and these procedures are documented in the ships Safety Management System. This is audited regularly by MCA surveyors who also inspect car ferries in operation, and part of the checks confirm that the ships’ masters are correctly using the weight information supplied.</p>
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	<p>Karl Turner: To ask the Secretary of State for Transport how many vessels with valid licences to operate in the UK ferry sector are registered under (a) non-UK and (b) non-EU flags.</p> <p>Stephen Hammond: The number of individual vessels currently operating in the UK ferry sector is as follows:</p> <p>Number</p> <p>(a) Non-UK 95</p> <p>(b) Non-EU 20</p>	<p>The small number of ports reflects the requirements of the regulations, viz that the ships on domestic voyages must be of Class IIA and operating out of one of the limited list of ports in the schedule. Many ferries are not of Class IIA, or operate out of ports not on the schedule.</p>
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