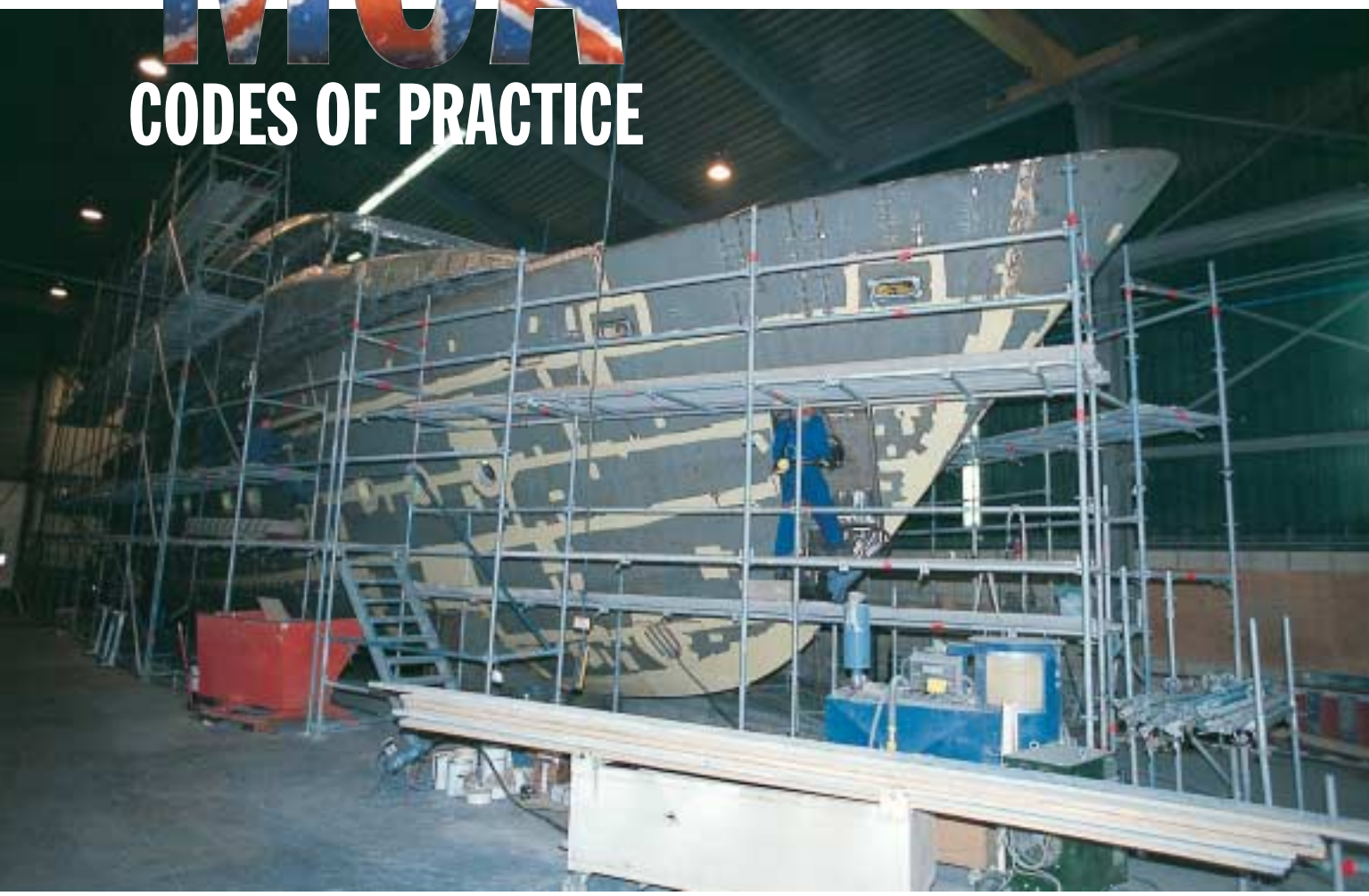
MCA CODES OF PRACTICE

What one needs to know concerning regulations



Many yachts that are registered in London, Southampton, Guernsey or Gibraltar, and fly the British flag, call Italian and French Riviera ports home. The reasons for foreign registry include its tax advantages as well as the prestige of international recognition. But, contrary to popular belief, recreational vessels flying the British flag have never been exempt from regulations regarding safety equipment and crew qualifications. The fact is, all yachts over 13.7 m (45 feet) are considered by British authorities as class XII vessels and, as such, must be outfitted with specific safety, firefighting and other equipment. Yachts over 80 gross tons must also be operated by a qualified crew.

BY ERIC OGDEN

In the early 90s , with a rapidly growing charter industry, and following the loss of the sail training vessel MARQUES, British maritime authorities established regulations for commercial pleasure vessels. To this end, a committee comprised of specialists involved in the design, building and management of these types of vessels was formed.

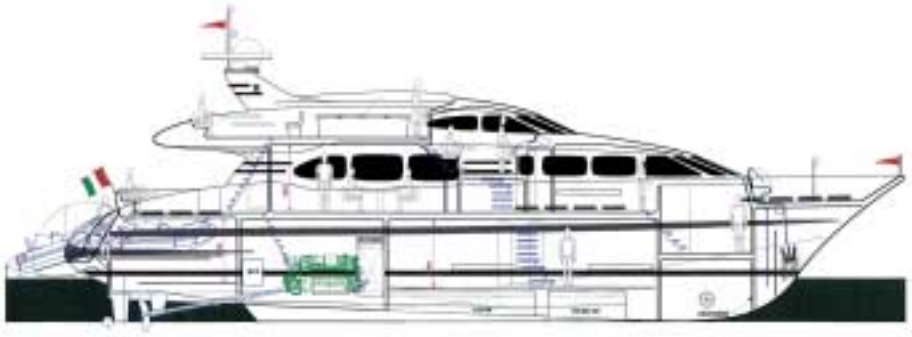
The British Ministry of Transport released the first two codes of practice in 1993 called "The Code of Practice for Small Motor Vessels" and "The Code of Practice for Small Sailing Vessels." Since the April 1994, these codes have been applicable to all commercial British registered yachts of less than 24 meters (78 feet) in length and carrying fewer than 12 passengers. Worth mentioning is that the length referred to is neither the waterline length nor the length overall, but the Load Line length. According to the 1969 International Load Line Convention (ILLC), it means either 96% of the total length on a waterline at 85% of the least molded depth measured from the top of the keel, or the length from the leading edge of the stem to the axis of the rudder stock on that waterline, whichever is greater. The definition of passenger is also clearly defined by SOLAS (Safety Of Life At Sea): all people other than the Master and the members of the crew or other persons engaged in any capacity on board a ship on the business of ships, and all children under one year of age, are considered as passengers. Any vessel carrying more than 12 passengers is considered to be a passenger ship and must comply with the regulations applicable to this type of vessel.

Towards a fundamental change

The UK Ministry of Transport delegated the application of these regulations to the MSA (Marine Safety Agency), which has since become the MCA (Maritime and Coastguard Agency). In June, 1997, the MCA published a third code of practice applicable to pleasure vessels having a length over 24 meters and carrying fewer than 12 passengers-"The Code of Practice for Safety of Large Commercial Sailing and Motor Vessels." At this point, many professional yachtsmen and crew suddenly realized that the world of commercial yachting was being transformed. From now on, they would have to comply with strict safety regulations and hold professional qualifications in order to make a career in the yachting industry.

Before considering the qualifications required of the crew and other regulations imposed by the Codes of Practice, let's emphasize that since December 1998, all British-registered commercial yachts must comply with the various MCA codes. They have been enacted into English law by the Merchant Shipping (Vessels in Commercial Use for Sport and Pleasure) Regulations of 1998 and came into force in December, 1998. Non-conformity can lead to legal proceedings against an owner, a manager and a captain. The owner of a non-compliant yacht may be guilty of an offense under section 94-100 of the Merchant Shipping Act of 1995 if the failure to comply with the Codes render the yacht "dangerously unsafe," for which the penalty is a fine of up to £50,000, up to two years' imprisonment, and/or detention of the vessel.

In the event of a civil claim arising out of the operation of a yacht, non-compliance (if relevant to the circumstances of the claim) will be viewed by the courts as an indicator of negligence or breach of statu-



This view gives us an idea of a yacht's necessary compartmentalization in answer to MCA standards.

tory duty which will in turn make it more likely that the owner of a non-compliant yacht will be found liable by the claimant. So, it's not surprising that most, if not all, English insurers and charter agencies now require the insured or the people they represent to produce an MCA certificate of compliance.

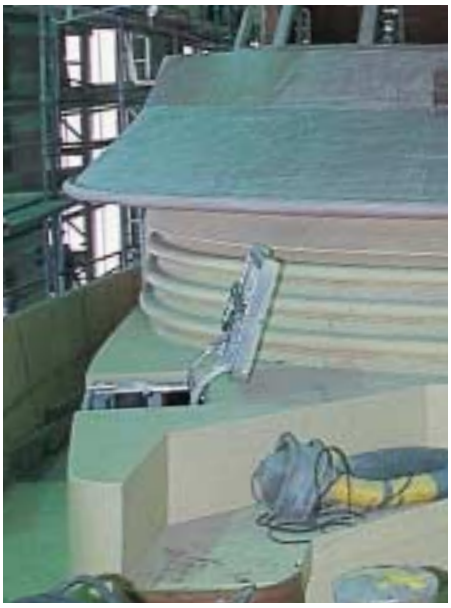
Common rules

In spite of the differences between the various codes, the main requirements are the same, and as in numerous maritime regulations, they mainly cover structural integrity, loadline, intact and damaged stability, bilge pumping, fire protection and fighting, life-saving appliances and manning. Space doesn't allow us to cover all these subjects, so we'll limit ourselves to the most common deficiencies found during the inspections of existing vessels. Regarding stability, the regulations require all yachts with an overall length of more than 15 meters to carry a Stability Information Booklet (SIB). Unfortunately, a large number of yachts were, and still are, built without their stability calculated prior to their construction and checked by means of an inclining experiment after launching. So, it's essential to have the intact and damaged stability assessed and an SIB prepared and submitted to the MCA by a qualified Naval Architect.

Many yachts do not have enough watertight compartments to meet the damaged stability requirements. In this case, there are only two options; either adding subdivision watertight bulkheads, or having the MCA issue an exemption restricting the operation of the vessel to 60 miles from a safe haven in favorable weather. Many existing yachts no longer have the necessary drawings (lines, tanks, etc.) to generate a computer model for stability calculations. If a shipyard or a designer is unable to supply these plans, the vessel will have to be drydocked in order to allow the Naval Architect in charge of the stability

The question of stability must be taken into account when designing specifics such as a Jacuzzi or a Helideck.

During a major refit, the initial stability must be re-calculated.



Insulation must be done with the use of fireproof materials

The side doors in the hull must answer to strict rules of entry

One needs be able to open the hatches from the outside as well as the inside.

assessment to measure the hull, lift off the lines and generate a suitable hull geometry model.
For vessels already provided with a SIB, an inclining experiment witnessed by an MCA surveyor could be requested. In any event, the assessment of the stability must take place at the beginning of the certification process, as several months can pass between the submission of the SIB and its approval by the MCA. We always advise an owner, manager and a captain to start the stability certification process early on.
Obviously, in order to comply with MCA requirements, a yacht must have a satisfactory hull structure. Either the vessel is regularly inspected by a Classification Society, which certifies its general condition, or the owner can prove and document that the yacht has had more than five years of satisfactory service history. In any case, the structure will be inspected. Work can be requested, in particular the renewal of hull plating or other structural elements in the case of steel hulls.
Important rules regarding the deck are the watertight integrity of hatches and doors as well as the height of the door coamings; the latter are sometimes too low, especially with a door providing access to the engine room and aft deck. Athwartship doors, or doors located on the forward part of the superstructure, must have coaming heights of at least 300 or 600. Deck hatches must be watertight and must open from both sides if they are to be used as emergency exits. Each com-

All the materials necessary for the installation of interior surfaces are MCA compliant.

partment must have two means of escape in order to allow the evacuation of passengers in the event of a fire or flooding. Deck hatch hinges must be fitted on the forward end of the hatches. The surface area of the freeing ports must be equal or greater than 4% of the bulwarks surface area. Tank air pipes must be fitted with suitable closing devices. Hull portlights must have a diameter of less than 250 mm and be fitted with suitable deadlights. Minimum heights for the guardrails are specified, but a large number of yachts do not conform with these dimensions.
The engine room is usually not a big problem, but the following points should be noted. One must be able to shut off the engine room ventilation from outside the engine room and the vents must be fitted with remotely operated fire shutters. Flexible hoses in the fuel lines must be of a fire-resistant type (USCG A1, ISO 7840 or equivalent), and piping connected to seawater inlets must be made of metal or otherwise be fire resistant. To keep our engineers happy, many existing yachts have opening portlights in the engine room which are often open, at least when the boat is in port; these must now be permanently blocked off. Sound insulation in the engine room is sometimes a problem as it must be of a fire-resistant type (mineral wool or equivalent) and be protected against fuel impregnation. Foams are generally not acceptable as they can burn or emit toxic fumes.

Fire fighting

For the bilge pumping and the fire-fighting systems, the Codes specify at least two pumps located in different compartments. In numerous vessels, all the electrical or mechanical pumps are installed in the engine room allowing the pumping of the other compartment's bilges through a bilge manifold. In this case, an additional emergency pump must be installed in the forepeak or in the lazarette. The other solution is to carry a portable pump driven by a propulsion or auxiliary diesel engine. Bilges must be fitted with high-water alarms connected to an alarm in the wheelhouse and in the crew quarters.
Complying with regulations regarding lifesaving and fire-fighting equipment is not an exceptionally demanding affair; simply follow the MCA requirements for the type and number of life rafts, life jackets, life buoys and flares. All this equipment must be manufactured to meet internationally recognized standards and be acceptable to the British authorities. Numerous existing yachts are currently outfitted with noncompliant and unsuitable life rafts. The crew must be trained for emergency situation procedures and know how to use the safety equipment.

Professional qualification

From now on, the crew employed on board must hold professional certificates recognized by British authorities; British-issued certificates are not the only acceptable ones. Certificates of Equivalent Competency can be obtained on condition that the crew qualifications presented are recognized by the STCW (Seafarers' Training, Certification and Watch keeping) convention adopted in 1995 by the member nations. In order to issue such an equivalent, the UK authorities also require the crew to have good command of the English language and a certain knowledge of Britain's maritime law. French boating licenses are not recognized by the STEW convention because they are strictly intended for French pleasure vessels.
Britain is not the only maritime nation to have adopted regulations for commercial leisure crafts. The Grand Duchy of Luxembourg instituted regulations for their vessels, and in 1993, the United States adopted the "Passenger Vessel Safety Act", which regulates the activities of charter yachts. Note, too, that, in France, yachts over 25 m (82 feet) of length overall have for a long time been subject to the Division 222 regulations applicable to vessels which have a gross tonnage of less than 500 tons and which carry fewer than 12 passengers. Owners of these commercial yachts benefit from a favorable fiscal plan regarding the purchase of fuel.

Conclusion

The sole reason for these regulations is to assure the safety of the passengers carried on board these yachts. Inspections routinely point out the glaring shortcomings present on many yachts in contravention of fundamental rules of safety at sea. Rather than being construed as onerous, there is good reason for their wholehearted acceptance by the yachting public.

The equipment varies according to the size of the vessel.

Hopefully adherence to the MCA Codes of practice will prevent situations such as this.