

SUB-COMMITTEE ON SHIP DESIGN AND  
CONSTRUCTION  
8th session  
Agenda item 4

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**MANDATORY INSTRUMENT AND/OR PROVISIONS ADDRESSING SAFETY  
STANDARDS FOR THE CARRIAGE OF MORE THAN 12 INDUSTRIAL PERSONNEL ON  
BOARD VESSELS ENGAGED ON INTERNATIONAL VOYAGES**

**Comments on SOLAS chapter XV and the IP Code**

**Submitted by IACS**

**SUMMARY**

*Executive summary:* This document seeks clarification on, and proposes some changes to, the draft new SOLAS chapter XV and the IP Code, the introduction of which IACS considers necessary

*Strategic direction, if applicable:* 2

*Output:* 2.4

*Action to be taken:* Paragraph 11

*Related documents:* MSC 102/24 (paragraph 17.17); MSC 103/15/1 and SDC 8/4/1

**Background**

1 The Maritime Safety Committee, at its 102nd session, established the Intersessional Working Group on Carriage of More than 12 Industrial Personnel on Board Vessels Engaged on International Voyages and instructed it as per paragraph 17.17 of document MSC 102/24. Document MSC 103/15/1 by the Secretariat provided information on the outcome of the first Intersessional Working Group (ISWG), the report of which was issued as document SDC 8/4/1.

2 IACS has participated in the work of the ISWG and appreciates the hard work of all those involved and the achievements made. IACS has carefully reviewed the draft SOLAS chapter XV and the draft text for the IP Code, and would like to seek clarification and make suggestions for amendments, as set out in the following paragraphs.

## Discussion and proposals

3 Editorial changes are proposed as follows:<sup>\*</sup>

.1 draft new SOLAS chapter XV: based on the application statements appearing in other chapters of SOLAS (e.g. chapters IV and VI), it is suggested that:

.1 SOLAS regulation XV/3.1 should be revised to read as follows:

"Unless expressly provided otherwise, this chapter applies to cargo ships ~~and of~~ high-speed cargo craft, of 500 gross tonnage and upwards, constructed on or after...";

.2 SOLAS regulation XV/3.4 should be revised to read:

"Cargo ships ~~and of~~ high-speed cargo craft, irrespective of date of construction..."; and

.3 SOLAS regulation XV/5.1 should be revised to read:

"Ships ~~and of~~ high-speed craft shall: ..."; and

.2 draft new IP Code: following the deletion of suits complying with requirements for lifejackets from paragraph 2.3 of the International Life-Saving Appliance (LSA) Code (resolution MSC.207(81)), item 10.2 "Number of suits complying with the requirements for lifejackets" can be deleted from the Record of Equipment for the Industrial Personnel Safety Certificate (appendix to the IP Code).

4 IACS notes that the IP Code would require personnel transfer appliances to be inspected regularly and to be included in the survey requirements. In the ISWG, IACS questioned what the status of the IP Code certificate would be should these become inoperative and alternative means for personnel transfer were used. Noting that this matter has not been addressed in the documents now being considered, IACS proposes that a similar approach to that taken in the work on lifting appliances be used and that an additional regulation be added in SOLAS chapter XV, which would state:

"Except as provided in regulation I/11(c), while all reasonable steps shall be taken to maintain personnel transfer appliances, to which the IP Code applies, in working order, malfunctions of that equipment shall not be assumed as making the ship unseaworthy or as a reason for delaying the ship in ports, provided that action has been taken by the master to take the inoperative personnel transfer appliance into account in planning and executing a safe voyage."

5 IACS considers that it would be an omission to conclude that passenger ships would not be required to meet certain provisions of the IP Code. Under the current provisions, any passenger undertaking walk-to-work activities would not be required to have the training for the industrial personnel, simply because they are carried as passengers. Also, any personnel transfer appliances installed on a passenger ship would not need to meet any requirements; IACS does not believe that this is the intention. IACS' understanding of the intention is that if a

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\* Throughout the text tracked changes are indicated using "strikeout" for deleted text and "grey shading" to highlight all modifications and new insertions, including deleted text.

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passenger ship wants to undertake IP activities, they still have to comply with the IP Code requirements for training and transfer equipment. To address this, IACS proposes an additional paragraph to draft SOLAS regulation XV/3 as follows:

"Passenger ships which carry industrial personnel shall comply with the requirements of Part III of the IP Code."

6 On the matter of permitting sleeping berths on a high-speed craft carrying industrial personnel, IACS believes that this is a matter for the Sub-Committee to decide. At the same time, IACS identified some points which Member States may wish to take into account in their deliberations. The annex contains those points.

7 IACS considers that appropriate survey and certification provisions would be needed. IACS expects the development of such provisions to be undertaken by the III Sub-Committee as part of its annual update of the Survey Guidelines under the Harmonized System of Survey and Certification(HSSC) under the output number OW 16. Further, it is recommended that the HSC Code items are also included in the provisions of the HSSC Guidelines as these are currently missing.

8 IACS understands that in addition to those certificates which are issued under SOLAS chapters I or X, the IP Safety Certificate with the associated Record of Equipment would be issued. This would lead to some of the information being recorded twice. In pursuance of IMO's desire to reduce administrative burdens, IACS suggests that consideration should be given to the issuance of the IP Safety Certificate in lieu of certificates required by SOLAS chapters I and X, necessitating the issuance of one Record instead of two. In that respect, IACS notes the existing precedent in SOLAS, which was established by SOLAS regulation X/3.2, which states:

"The certificates and permits issued under the High Speed Craft Code shall have the same force and the same recognition as the certificates issued under chapter I".

9 As the IP Safety Certificate will be an additional certificate, which should not affect the validity of SOLAS chapters I, VIII and X certificates, it is recommended to prescribe this provision in Part I of the IP Code as a new paragraph 3.6 as suggested below:

"3.6 The Industrial Personnel Safety Certificate and Record of Equipment are to be issued in addition to the relevant SOLAS certificates".

10 There appears to be an inconsistency in the definitions used in the new SOLAS chapter XV and parts IV and V of the IP Code, as follows:

.1 SOLAS regulation XV/2.3 states that the number of industrial personnel "... shall be the aggregate number of industrial personnel, special personnel\* and passengers carried on board, where the number of passengers shall not exceed 12";

.2 regulation 7.1 of Part IV of the IP Code states:

"7.1 In order to meet the functional requirements set out in paragraph II/8.2, the following shall apply:

.1 for ships carrying more than 60 persons on board, the requirements of SOLAS chapter III for passenger ships engaged on

international voyages which are not short international voyages apply.

.2 regardless of the number of the persons on board, regulations 2 and 19.2.3 of SOLAS chapter III are not applicable.

.3 where the term "passenger" is used in SOLAS chapter III, it shall be read to mean "industrial personnel".;

.3 regulations 1.5 and 2.1.2 of part V of the IP Code state:

"1.5 Where the term "passenger" is used in applicable requirements in the HSC Code, it shall be read to mean "persons on board other than crew";

"2.1.2 When applying the provisions of chapter 2 of the 2000 HSC Code, the expression "passenger" shall be read as "persons on board other than crew". In addition, the mass of each such person shall be assumed to be 90 kg instead of 75 kg";

.4 from the above references, it appears that:

.1 under part IV of the IP Code (which provides the additional regulations for ships certified in accordance with SOLAS chapter I) "passengers" include only industrial personnel, however exclude special personnel, passengers and crew members; while

.2 under part V of the IP Code (which provides the additional regulations for craft certified in accordance with SOLAS chapter X) "passengers" would include industrial personnel, special personnel and passengers (maximum of 12 passengers), however exclude crew members;

.5 therefore, noting that:

.1 regulations in parts IV and V of the IP Code are not intended to redefine the meaning of the term "passenger"; and

.2 they are only clarifying that when reading the appropriate requirements for passengers, this should be applied to the aggregate number of passengers, industrial personnel and special personnel,

IACS suggests that regulation 7.1.3 of Part IV of the IP Code be amended as follows:

.3 where the term "passenger" is used in SOLAS chapter III, it shall be read to mean "industrial personnel" as prescribed in SOLAS regulation XV/2.3".

#### **Action requested of the Sub-Committee**

11 The Sub-Committee is invited to consider the information, in particular the discussion and proposals in paragraphs 3 to 10 and take action as appropriate.

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## ANNEX

### SLEEPING BERTHS ON HIGH-SPEED CRAFT

1 The HSC Code was developed based on a risk profile defined by the fact that all passengers are in principle already mustered in public spaces, which implies:

- reduced time to muster the passengers in case of evacuation; and
- increased passenger awareness and reactivity in case of a potential incident.

2 Consequently, allowing sleeping berths on high-speed crafts carrying industrial personnel would impact the entire philosophy of the HSC Code: availability of life-saving, required rescue and survival time (relies heavily on search and rescue), redundancy of systems and people onboard on people being awake.

3 Therefore, and also recognizing currently the proposed SOLAS regulation XV/2.4 on the mutual recognition for chapters 2 to 12 and 18, IACS has concerns with the inclusion of sleeping berths.

4 Industrial personnel are not crew members and it has been agreed that they are not passengers.

5 According to regulations 1.2.10 and 1.2.11 of the HSC Code, 2000, all passengers and crew are provided with seats and no enclosed sleeping berths for passengers are provided; sleeping berths for crew are allowed for sleeping during stops between voyages and not allowed for sleeping during voyages.

6 There are strict requirements set for the construction of seats; please refer to regulations 4.5 and 4.6 of the HSC Code (also please refer to annexes 9 and 10 of the HSC Code).

7 Permission of sleeping berths will have a significant impact on the risk profile in a negative way and on the philosophy, which currently supports the HSC Code. As a consequence, additional measures will need to be defined in order to mitigate the increase of the risk profile, mainly, but not limited to:

- .1 enhance the reserve of stability to take into account the increased evacuation time;
- .2 redefine the evacuation time, which will also have an impact on the fire integrity;
- .3 re-evaluate fire detection and alarm system; and
- .4 assess the need of new instructions, onboard training and drills.

8 There is some doubt that the IP Code can provide simple "additional" requirements to the HSC Code, in the way that has been done for conventional ships. Due to the change in philosophy underpinning the HSC Code, it will either be necessary to completely revise the HSC Code, taking into account the provision of sleeping berths or it will be necessary to develop a separate IP Code for HSC. IACS notes that the time available to do this is limited and modifications to the HSC Code are not included in the current agenda item.