

# PARLIAMENTARY DEBATES

HOUSE OF COMMONS  
OFFICIAL REPORT

Third Delegated Legislation Committee

DRAFT MERCHANT SHIPPING (SAFETY  
STANDARDS FOR PASSENGER SHIPS ON  
DOMESTIC VOYAGES) (MISCELLANEOUS  
AMENDMENTS) REGULATIONS 2022

*Tuesday 25 October 2022*

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**The Committee consisted of the following Members:**

*Chair:* ESTHER McVEY

Abrahams, Debbie (*Oldham East and Saddleworth*)  
(Lab)

† Baynes, Simon (*Clwyd South*) (Con)

† Crouch, Tracey (*Chatham and Aylesford*) (Con)

† Fletcher, Colleen (*Coventry North East*) (Lab)

† Fletcher, Nick (*Don Valley*) (Con)

† Frazer, Lucy (*Minister of State, Department for  
Transport*)

† Graham, Richard (*Gloucester*) (Con)

† Kane, Mike (*Wythenshawe and Sale East*) (Lab)

† Langan, Robert (*High Peak*) (Con)

† Long Bailey, Rebecca (*Salford and Eccles*) (Lab)

† Longhi, Marco (*Dudley North*) (Con)

† Moore, Damien (*Southport*) (Con)

† Morris, David (*Morecambe and Lunesdale*) (Con)

† Newlands, Gavin (*Paisley and Renfrewshire North*)  
(SNP)

Ross, Douglas (*Moray*) (Con)

Russell-Moyle, Lloyd (*Brighton, Kemptown*) (Lab/Co-  
op)

Spellar, John (*Warley*) (Lab)

Anna Kennedy-O'Brien, Susie Smith,  
*Committee Clerks*

† **attended the Committee**

## Third Delegated Legislation Committee

Tuesday 25 October 2022

[ESTHER McVEY *in the Chair*]

### Draft Merchant Shipping (Safety Standards for Passenger Ships on Domestic Voyages) (Miscellaneous Amendments) Regulations 2022

9.25 am

**The Minister of State, Department for Transport (Lucy Frazer):** I beg to move,

That the Committee has considered the draft Merchant Shipping (Safety Standards for Passenger Ships on Domestic Voyages) (Miscellaneous Amendments) Regulations 2022.

It is an honour to serve under your chairmanship, Ms McVey. The purpose of these regulations is to raise the safety standards of older passenger ships such that they are consistent with the safety standards with which modern ships must comply. The regulations are made under sections 85 and 86 of the Merchant Shipping Act 1995. The draft regulations were laid before the house on 11 July.

The regulations are the last of several measures that Governments have introduced over a prolonged period following the Marchioness tragedy in 1989, when 51 lives were lost—a figure that could so easily have been higher. Since that disaster, we have seen published Lord Justice Clarke’s Thames safety inquiry into that incident, a marine accident investigation branch report on the same, and a more general, formal safety assessment study into domestic passenger ship safety. All of them have driven measures to improve safety. The recommendations covered a wide variety of situations, and although not seeking to address a carbon-copy Marchioness-type scenario, they have driven a number of safety improvements between then and now, culminating in the regulations before us today, which will give older ships a similar chance of survival as a newer ship in an incident.

Early safety developments following the Marchioness covered the categorisation of inland and inshore waters according to risk, the creation of a boatmaster’s licence, and qualifications and higher bridge visibility standards to make navigation safer. The Government have undertaken extensive—for maritime, almost unprecedented—engagement on the regulations. In addition to being developed within the main Government industry safety group, the Maritime and Coastguard Agency has conducted two public consultations and five interactive workshops on them with industry, and discussed them in other meetings with industry generally over several years. There has also been engagement in both Houses.

Although there is still a vocal minority associated with older vessel operators that have concerns about the regulations, I am grateful to the Port of London authority, which has been extremely supportive of the measures and considers them to be a vital step to minimise the risk of tragedy on the Thames. That engagement has been important, despite the inevitable additional delays

that have arisen because of it. Every person, whether native or tourist, using passenger transport in the UK has a right to expect—and does expect—that whichever vehicle they choose to carry them meets consistent safety standards fit for the 21st century.

With these regulations, the Government have continued a proportionate approach by applying the more demanding aspects of the standards only to ships operating in the more hazardous waters. The regulations uplift the lifejacket carriage requirements and life raft capacity for ships operating in all but the safest waters. The assumption of passengers is that there are enough lifejackets for everyone onboard and enough space in life rafts for all, but that is currently not the case in many older vessels.

While these regulations cover a number of safety features, including fire protection measures, life-saving appliances and bilge pumping and warnings, one of the most important aspects of the standards for applicable ships is damage stability—perhaps more easily understood as survivability—which must be sufficient to keep the ship afloat long enough after a hull breach incident for passengers and crew to escape in an emergency, which might not be possible in a rapidly sinking vessel.

**Tracey Crouch** (Chatham and Aylesford) (Con): Will my right hon. and learned Friend the Minister join me in congratulating and thanking the many volunteer crew in the Royal National Lifeboat Institution, for which Tower lifeboat station is one of the busiest of all the lifeboat stations around the country?

**Lucy Frazer:** I am very pleased and happy to join my hon. Friend in that tribute.

I was touching on the safety measures and how they apply in relation to older vessels. Some will argue that older vessels should not have to meet modern safety standards, because of historical interest, and some may say that this is an attack on Dunkirk “little ships”, although the overwhelming majority of them are unaffected. We in this House have a responsibility to ensure that all passenger transport meets modern safety standards. Older vessels that cannot be adapted to meet the updated standards will be limited to operating in safer waters. Some older ships, if holed below the waterline, can sink in seconds, not giving those onboard time to ascend to the upper deck, let alone put on lifejackets. In that type of situation, there is barely time to make a call to the emergency services, let alone wait for them to arrive. We must ensure that vessels stay afloat long enough that people are not cast into fast-flowing water or trapped inside a submerged vessel. Our society cannot afford another tragedy on the scale of the Marchioness disaster. The safety of passenger transport is paramount and we must not neglect our responsibilities.

I have highlighted the importance of these regulations to fulfil our duty as a Government to ensure that appropriate safety standards are in place for maritime passenger transport. I hope and believe that this issue transcends party politics. I commend the regulations to the Committee.

9.31 am

**Mike Kane** (Wythenshawe and Sale East) (Lab): It is a pleasure to serve under your chairmanship today, Ms McVey. You are not just my parliamentary neighbour, but a well known Liverpool fan, and there is a well known Manchester United fan right behind me—my

hon. Friend the Member for Salford and Eccles. This humble Manchester City fan is going to have a smug smile all the way through—

**The Chair:** Order. [*Laughter.*]

**Mike Kane:** I recall discussing this issue at the height of covid—on St Patrick’s day during lockdown in 2021, some 18 months ago. That seems an extraordinarily long time ago. On doing further research, I was amazed to see that this statutory instrument addresses the final piece of the jigsaw recommended in the 2001 report by Lord Justice Clarke. There were 30 recommendations in that report, and all were accepted by the then Deputy Prime Minister, now Lord Prescott. The report followed an inquiry, as the Minister rightly said, into the sinking of the *Marchioness*, which was hit by a dredger in 1989. As she said, this caused the death of 51 innocent souls. To put it in context, I was 20 years old when that report was published. These measures are long overdue, and we will be supporting them today.

The regulations aim to provide suitable regulation for existing domestic passenger vessels to bring them in line with modern regulations, while being proportionate and practical. The Thames, which we overlook, is home to a large variety and number of passenger boats, which are a real draw for tourists and visitors to London and help to deliver tourists to places such as Kew gardens and Hampton Court, as well as being available for private charter. They employ many people in skilled jobs. It is because of the popularity of these boats that we must take action to improve safety standards for all. Every vessel must be safe, regardless of its age.

The River Thames, a water highway that we are all familiar with, is the busiest inland stretch of waterway in the country. The Port of London authority closely monitors ship movements on the Thames using modern systems not dissimilar to those used by air traffic controllers. Crew are better trained in safety drills and better certified now. Any ship built in the past 30 years must meet modern safety standards in relation to damage survivability, whether that is to keep it afloat should it start to take on water long enough to evacuate or rescue crew and passengers, or enable it to make its own way back to shore. However, those modern safety standards were not retrospectively applied to older ships, and that is where the concerns that we seek to address today lie.

This instrument covers life-preserving equipment such as lifejackets and lights for lifejackets, equipment to detect and extinguish fire, the availability of life rafts, alarms to warn when a ship is taking on water, and stability equipment. It feels unthinkable to me that in 2022, some 33 years since the *Marchioness* tragedy, we are discussing this matter.

I have read with some sympathy the feedback given during the consultation and understand the concerns raised by operators about their craft and the costs to their businesses of the safety improvements, but my concerns are to do with the safety of crew and passengers, which must be at the fore of any legislator’s mind. Although older boats have a reasonable safety record, I and—more important—the safety experts at the Maritime and Coastguard Agency and the Port of London authority are of the opinion that this is more by luck than anything else. We cannot leave safety of crew and

travellers to luck; it would be remiss of us to do so. Anyone working on or stepping on board a boat must have faith that they will be safe.

I have a couple of questions. When we discussed this matter 18 months ago, questions were raised about potential job losses. Were the unions involved in the consultation at any stage? Is there sufficient capacity in the industry to ensure that all older ships can be made compliant by the end of the two-year lead-in period? I was pleased to note in the explanatory memorandum that there is some leeway for businesses that seek to make the necessary changes to their vessels, provided they are engaging with the process. Who will monitor and define engagement with the process and how much additional time might that buy for businesses?

Almost 15 years ago, just outside the room we are in today, a vessel crashed into Westminster bridge. It had been pushed into the bridge by tides and was damaged, with an 8 foot below-the-waterline gash. The Maritime and Coastguard Agency expressed the opinion that, had the vessel that hit the bridge been an older style ship that was not compliant with the regulations contained within this instrument, it might have sunk, resulting in loss of life. Between 2010 and 2021 there were 511 incidents on the River Thames involving class V passenger boats, and almost 8% of those collisions or contacts involved older vessels in that class. Thankfully, none of the incidents resulted in fatalities, though there were injuries.

The Port of London authority has navigational safety at the heart of everything it does to ensure navigational safety along the tidal Thames—almost 100 miles from Teddington to the North sea. In line with its targets in the marine safety plan, there has been a significant reduction in serious incidents on the Thames, and the measures outlined in this instrument can only improve standards further for all. I look forward to fewer incidents and a reduction in the severity of those that do occur in the future.

9.37 am

**Gavin Newlands** (Paisley and Renfrewshire North) (SNP): I start by saying that I do not oppose the instrument and will not seek to hold up the Committee. I agree with almost every word the hon. Member for Wythenshawe and Sale East said, though I have to disagree with his reference to Manchester United.

This is an important piece of legislation. Both the Minister and the hon. Gentleman stated that it comes largely, although not entirely, on the back of the *Marchioness* disaster in 1989—33 years ago—in which 51 people died. The 2001 report has already been referenced, so I will not take more of the Committee’s time by talking further about it. I know it is said we legislate in haste and repent at leisure, but 33 years, by any standards, is ridiculous.

The maritime passenger safety is of course hugely important to Scotland, whether they are travelling on a service for tourism, or a lifeline to the mainland. We have more than 900 islands, of which at the last count just under 100 are permanently inhabited. I very much echo what the hon. Member for Wythenshawe and Sale East said and a lot of the questions that he asked. I have one additional question for the Minister: what consultation was had with the devolved Administrations and with operators in Scotland and elsewhere?

9.40 am

**Lucy Frazer:** I thank the Opposition speakers for their comments and for indicating that they will not oppose this obviously sensible measure. I will respond to the points that have been made.

The hon. Member for Wythenshawe and Sale East mentioned the question of time for compliance and whether there would be an opportunity for everyone to comply in time. There is a two year phase-in period, which runs from the date that the regulations come into force. That gives operators the chance to implement the changes, which, as has been mentioned, have actually been in the public domain for a long time. These measures are not a surprise to the industry, and representatives of the industry have been involved in their development. A longer phase-in period was considered but was ruled out because it would give competitive advantage to operators who chose to use their vehicles without improvement to the end of that period, and then to scrap them. Operators who sought to comply would be disadvantaged.

The hon. Gentleman also asked about the consultation period more broadly and whether unions had been consulted. The hon. Member for Paisley and Renfrewshire

North also asked about the consultation. The level of engagement from the MCA on this matter has been almost unprecedented. The Government developed the regulations in conjunction with industry representative groups. There have been two public consultations, instead of the normal one, and the MCA held five workshops over a period spanning five years, so, yes, unions have been consulted and there has been tremendous engagement with the industry group that represents crew, as well as many owner-operators.

The hon. Member for Paisley and Renfrewshire North also asked why this has taken so long. I assure him that this is not the first step that we have taken in those years. He will know that standards have been improved for different parts of the passenger vessel sector over a long period of time, with particular step changes in 1992 and 2010. We needed to consider a number of issues—hon. Members have mentioned some of them—but now we would like to bring these regulations into force.

*Question put and agreed to.*

9.42 am

*Committee rose.*



