Work carried out by ships' crews in shipyards and dry docks

Application of legislation to activities of ships' crews

There is a Memorandum of Understanding (MOU) between HSE and the Maritime Coast Guard Agency (MCA) and Marine Accident investigation Branch (MAIB) which describes in detail how the three organisations co-operate in enforcement responsibilities.

The Health and Safety at Work etc Act (HSW Act) applies to the activities of ships' crews in Great Britain including vessels being loaded or unloaded. However, merchant shipping legislation enforced by MCA will take precedence with respect to the normal shipboard activities of the crew. Regulations made under HSW Act often do not apply ‘to the master or crew of a sea-going ship..... in respect of the normal ship-board activities of a ship's crew under the directions of the master’.

Ships' crews may be encountered engaging in a wide range of activities while their vessels are in shipyards or dry dock for repair. Some of these activities may be quite extensive. There will be cases where the work does not meet the test of ‘normal ship-board activities’ and therefore HSW legislation applies.

The Workplace (Health, Safety and Welfare) Regulations apply on ships in respect of lighting and safe access.

Voyage repairs, when they are being carried out by members of the crew of vessels afloat in docks as well as when at sea are considered to be subject to merchant shipping legislation and will be dealt with by MCA. Voyage repairs are typically minor work activities such as replacement of seals on hatch covers, minor engine repairs, repairs to lifting equipment or rigging etc.

Crew carrying out repair work in shipyards and dry docks are covered by health and safety legislation, unless that work passes the test of normal ship-board activities, as mentioned above.

Where there is uncertainty about whether a situation should be dealt with by HSE or MCA, inspectors will liaise with their local MCA marine surveyor (see the MoU for contact details).