

ANNEX 26

**RESOLUTION MSC.518(105)
(adopted on 28 April 2022)**

MODEL REGULATIONS ON DOMESTIC FERRY SAFETY

THE MARITIME SAFETY COMMITTEE,

RECALLING Article 28(b) of the Convention on the International Maritime Organization concerning the functions of the Committee,

BEING DEEPLY CONCERNED with the high number of lives lost through domestic ferry accidents around the world,

RECOGNIZING that issues concerning domestic ferry safety are international and collective in nature which require accelerated measures to fill a critical gap in the regulatory framework concerning domestic ferries,

RECOGNIZING ALSO the need to provide a set of recommendatory framework model regulations for consideration by Member States to incorporate relevant provisions, as appropriate, into their national legislation,

ACKNOWLEDGING that the Model Regulations on Domestic Ferry Safety are to be used on a voluntary basis to improve domestic ferry safety,

HAVING APPROVED, at its 104th session, the Model Regulations on Domestic Ferry Safety,

1 ADOPTS the Model Regulations on Domestic Ferry Safety, the text of which is set out in the annex to the present resolution;

2 ENCOURAGES Member States to use the recommendatory Model Regulations on Domestic Ferry Safety based on risk analysis, in whole or in part, as a basis for:

- .1 developing national legislation governing domestic ferry safety,
- .2 bilateral or multilateral agreements governing the safe operation of domestic ferries in their respective waters;

3 URGES Member States and other stakeholders to take accelerated measures towards improving domestic ferry safety through, inter alia, the domestication and implementation of Model Regulations on Domestic Ferry Safety;

4 REQUESTS Member States to inform the Secretary-General upon the domestication and implementation of the Model Regulations on Domestic Ferry Safety;

5 ALSO REQUESTS the Secretary-General to bring this resolution and its annex to the attention of all Member States and other stakeholders.

ANNEX

MODEL REGULATIONS ON DOMESTIC FERRY SAFETY

PREAMBLE

1 These model regulations (a) provide framework provisions on domestic ferry safety for incorporation into national law; (b) do not promulgate provisions on facilitation, security, and pollution; (c) are drafted in a way to enable easy translation and incorporation into national law; and (d) may serve as a basis for intergovernmental agreements, whether multilateral, bilateral or regional.

2 The incorporation of model regulations into national law by interested countries is purely voluntary and recommendatory and it is the prerogative of those countries to decide on their incorporation in their national law.

3 The modality through which these regulations are to be implemented is left to the competent authority, thereby encouraging, inter alia, indigenous solutions which may be low-cost yet fit for purpose, taking into account developments in the Organization. The competent authority may delegate a responsibility to a recognized organization, an equivalent domestic entity or a nominated surveyor.

4 A domestic ferry when in compliance with these regulations may move from the domestic waters of one country directly to another subject to bilateral or multilateral agreement(s) between the countries concerned.

ARTICLE 1 Application

These regulations shall apply to domestic ferries which operate in domestic waters as identified by the competent authority and as shown in annex 1.

ARTICLE 2 General

1 These regulations shall be complied with by all entities associated with the construction, modification, conversion, management and operational safety of domestic ferry, and education and training of crew on board and shore personnel.

2 The competent authority may take measures to protect, preserve and promote safe and secure ways of development and construction of craft and means of transport in domestic waters.

Use of terminology

The words "shall", "should" and "may" when used in these regulations mean "mandatory", "recommendatory" and "optional", respectively.

Definitions

For the purposes of these regulations:

Certificated officer means an officer holding a valid certificate of competency issued by an accredited institution and recognized by the competent authority.

Chief engineer means a certificated officer in possession of a certificate of competency corresponding to the rank and responsible for the efficient running and maintenance of all machinery and electrical equipment on the domestic ferry.

Competent authority means a government entity responsible for the implementation of these regulations.

Crew means any person including the master working on or operating the domestic ferry.

Dangerous goods mean any goods including personal belongings covered by the provisions of the International Maritime Dangerous Goods Code.

Deadweight tonnage means the maximum carrying capacity, in tonnes, of the domestic ferry.

Displacement means the mass of water, in tonnes, displaced at any particular draught.

Domestic ferry means a craft of any type and construction, using any means of propulsion, intended for the carriage of passengers and their belongings, including accompanied or unaccompanied freight units, over water only within domestic waters and certified as such by the competent authority.

Domestic waters mean waters in which domestic ferries may operate, clearly identified, designated and promulgated as such by the competent authority.

Draught means the vertical distance from the keel amidships to the waterline.

Exception means any provision enacted by the competent authority through a decree which gives blanket relief to certain types of domestic ferries from compliance with these regulations.

Exemption means any provision enacted by the competent authority in writing which gives relief from any obligation or liability imposed by these regulations.

Gross tonnage means the measure of the overall size of a domestic ferry determined in accordance with the provisions of the present International Convention on Tonnage Measurement of Ships.

High-speed domestic ferry means a high-speed craft capable of carrying passengers and as defined in SOLAS, chapter X.

Marine casualty means an event, or a sequence of events, that has resulted in any of the following which has occurred directly in connection with the operations of a domestic ferry:

- .1 the death of, or serious injury to, a person;
- .2 the loss of a person from a domestic ferry;
- .3 the loss, presumed loss or abandonment of a domestic ferry;

- .4 material damage to a domestic ferry;
- .5 the stranding or disabling of a domestic ferry, or the involvement of a domestic ferry in a collision;
- .6 material damage to marine infrastructure external to a domestic ferry that could seriously endanger the safety of the domestic ferry, another ship or an individual; or
- .7 severe damage to the environment, or the potential for severe damage to the environment, brought about by the damage of a domestic ferry or domestic ferries.

However, a marine casualty does not include a deliberate act or omission, with the intention to cause harm to the safety of a domestic ferry, an individual or the environment.

Marine incident means an event, or sequence of events, other than a marine casualty, which has occurred directly in connection with the operations of a domestic ferry that endangered, or, if not corrected, would endanger the safety of the domestic ferry, its occupants or any other person or the environment.

Master means an officer in possession of a certificate of competency corresponding to the rank and having command or charge of the domestic ferry.

Net tonnage means the measure of the useful capacity of a domestic ferry determined in accordance with the provisions of the present International Convention on Tonnage Measurement of Ships.

Nuclear domestic ferry means a domestic ferry provided with a nuclear power plant.

Organization means the International Maritime Organization.

Passenger means any person on board the domestic ferry other than the master and crew members.

Recognized organization means an organization that has been assessed by, and found to comply with the standards acceptable to, the competent authority. A recognized organization may be authorized to carry out surveys, issue certificates and undertake any other activity required per these regulations at the request and on behalf of the competent authority.

Seaworthy means fit to undertake the intended voyage without danger to the domestic ferry, environment or persons and complying with the provisions of these regulations in all aspects.

ARTICLE 3

Safety culture

The competent authority shall put in place effective mechanisms to promote and strengthen safety culture in all areas of domestic ferry operations.

ARTICLE 4

Surveys and certificates

1 All inspections, tests and surveys shall be carried out by the competent authority or a recognized organization, an equivalent domestic entity or a nominated surveyor. Upon satisfactory completion of the inspections, tests and surveys, certificates issued in association with such inspections, tests and surveys shall clearly and legibly state the name, functional title and contact information of the person undertaking such inspections, tests and surveys.

2 Certificates issued by the competent authority or a recognized organization, an equivalent domestic entity or a nominated surveyor shall be kept on board and be readily available for inspection at short notice.

ARTICLE 5

New-built domestic ferry

A new-built domestic ferry shall comply with the following requirements, as appropriate:

Construction

A domestic ferry shall be issued with a safety construction certificate.

Stability standards

A domestic ferry shall comply with appropriate intact and damaged standards.

Stability management

The master shall be provided with an approved stability booklet and sufficient information in order to maintain stability and for damage control.

Fire detection system

A domestic ferry shall have an adequate and approved fire detection system.

Fire-extinguishing equipment

A domestic ferry shall have adequate and approved fire-extinguishing equipment.

High-speed domestic ferry

A high-speed domestic ferry shall comply with SOLAS chapter X.

Inclining test

A domestic ferry shall undergo an inclining test upon completion of construction to determine its displacement and position of the centre of gravity for the lightship condition.

Life-saving equipment

A domestic ferry shall have adequate and approved life-saving equipment on board.

When determining the life-saving equipment to be carried on board a domestic ferry, the competent authority may consider the provisions of annex 2.

Load line

A domestic ferry shall be assigned a load line mark.

Markings and displays

A domestic ferry shall have the following marked or displayed, as appropriate, at a conspicuous place or places and clearly visible at all times:

- .1 name;
- .2 port of registry;
- .3 draught marks and scales;
- .4 load line mark;
- .5 deadweight tonnage;
- .6 gross tonnage;
- .7 net tonnage;
- .8 total number of passengers certified to carry;
- .9 number of passengers certified to carry on each deck;
- .10 number of lifejackets required;
- .11 life-saving equipment location plan;
- .12 fire-extinguishing equipment location plan; and
- .13 navigational limits.

Nuclear domestic ferry

A nuclear domestic ferry shall comply with SOLAS chapter VIII.

Note: The domestic ferry shall retain on board certified copies of the above certificates, plans, markings and displays, which shall be, where necessary, weatherproof and securely affixed to the domestic ferry at a suitable place or places.

ARTICLE 6

Modification or conversion to domestic ferry

- 1 Any craft modified or converted to a domestic ferry shall comply with the requirements meant for new-built domestic ferry.
- 2 Navigational routes shall be reassessed.

ARTICLE 7

Repair, modification and conversion

All repairs, modifications and conversions shall be carried out under the supervision of the competent authority or a recognized organization, an equivalent domestic entity or a nominated surveyor.

ARTICLE 8

Registration

1 The competent authority shall maintain a register of domestic ferries under its jurisdiction with the name and details of the domestic ferry, and the name and contact information of its owner.

2 All major repairs, modifications and conversions shall be recorded by the competent authority or the recognized organization, an equivalent domestic entity or a nominated surveyor in the file or in an equivalent document.

ARTICLE 9

Manning

1 The domestic ferry shall be manned by well-qualified, certificated, medically fit and properly rested seafarers.

2 A safe manning certificate shall be issued by the competent authority and be available on board.

3 Crew shall be in possession of appropriate certification issued or recognized by the competent authority.

4 Crew shall be in possession of valid medical certificates prescribed by the competent authority prior to boarding the domestic ferry. A work arrangement schedule and record of rest hours shall be provided to ensure fitness for duty.

ARTICLE 10

Education and training

1 Education and training of shore staff and domestic ferry crew shall be provided by institutions which are duly accredited by the competent authority.

2 Education and training institutions accredited by the competent authority shall be audited by the competent authority at regular intervals to confirm the institution's suitability for purpose.

3 Education and training of shore staff and domestic ferry crew may follow the training courses developed by the Organization or by the competent authority.

4 The competent authority may benefit from the provisions of explanatory notes, and guidelines or guidance prepared by the Organization when developing syllabuses for education and training of shore staff and domestic ferry crew.

ARTICLE 11

Safety management and governance

1 The competent authority shall ensure adequate provision of safety management systems and governance mechanisms ashore and on board.

2 The competent authority shall audit the safety management system to ensure its effectiveness.

3 The company shall ensure that safety management systems clearly establish that the master has the overriding authority and the responsibility to make decisions with respect to safety.

4 The company shall review safety management systems regularly and following any marine casualty or marine incident to ensure they remain effective in achieving its safety outcomes.

5 The owner, the charterer, the company operating the domestic ferry, or any other person shall not prevent or restrict the master of the domestic ferry from taking or executing any decision which, in the master's professional judgement, is necessary for safety of life at sea and protection of the marine environment.

6 The master shall consider the checklist in annex 3 when deciding the seaworthiness of the domestic ferry.

ARTICLE 12 **Occupational health and safety**

The competent authority shall ensure adequate provision of occupational health and safety systems ashore and on board with emphasis on new and emerging health and safety issues.

ARTICLE 13 **Navigation and radio communications**

1 All equipment on board shall be certified by the competent authority or the recognized organization, an equivalent domestic entity or a nominated surveyor and be fully functional at the time of departure.

2 All domestic ferries should carry appropriate safety radio equipment which may comply with GMDSS requirements where appropriate.

Equipment

The competent authority shall establish the requirements for navigational and communications equipment for the domestic ferry taking into account its size, capacity and navigational limits.

Navigational charts

Navigational charts, including electronic versions, for the intended voyage shall be up to date.

Navigational routes

The competent authority should indicate regular navigational routes for high-speed domestic ferries.

Navigational limits

The competent authority should assign each domestic ferry navigational limits.

The domestic ferry shall not operate beyond its navigational limits other than in exceptional circumstances.

Weather

Approved weather monitoring equipment that is able to receive weather forecasts shall be fitted.

ARTICLE 14
Inspection and maintenance

The condition of the domestic ferry and its machinery and equipment shall be routinely and regularly inspected and maintained by qualified crew or operating personnel to conform with the provisions of these regulations to ensure that the domestic ferry in all respects will remain fit to proceed without danger to the domestic ferry or persons on board.

ARTICLE 15
Stowage and securing

1 All personal belongings, baggage, cargo and vehicles shall be properly stowed and lashed before commencing the intended voyage so as to prevent as far as is practicable, throughout the voyage, damage or hazard to the domestic ferry and the persons on board, and loss of cargo overboard.

2 Dangerous goods shall not be allowed on board unless carried in compliance with relevant competent authority approved provisions.

ARTICLE 16
Embarkation and disembarkation

1 Adequate and appropriate safe gangways, fenders and safety nets shall be in place, where necessary, for the safety of the domestic ferry.

2 Adequate and safe means of access between the domestic ferry and the berth shall be provided.

ARTICLE 17
Prior to departure and arrival

1 Prior to departure from a port, the master shall confirm that the domestic ferry is in compliance with these regulations.

2 The master shall ensure that the crew is adequately rested and fit prior to the voyage.

3 Under no circumstances shall the master take, or be compelled to take, an unsafe or unseaworthy domestic ferry on any voyage.

Checklist

Prior to departure, the master shall complete a checklist, such as in annex 3, to ensure the domestic ferry's seaworthiness.

Crew and passengers

Prior to departure, all crew shall be accounted for by the master, and passengers and cargo shall be documented both on board and ashore.

The master shall ensure the maximum number of passengers on each deck does not exceed assigned numbers.

Terms and conditions of carriage shall be clear and readily accessible.

Crew and passenger lists shall be clear and readily accessible.

Departure

The master shall be fully satisfied with safety matters on board and related external circumstances before taking the domestic ferry to sea.

The master shall not take an unsafe or unseaworthy domestic ferry on a voyage.

Fitness for the voyage

A valid certificate of fitness for the intended voyages issued by the competent authority shall be kept with the master.

Life-saving equipment

Before the domestic ferry leaves port and at all times during the voyage, all life-saving appliances shall be in working order and ready for immediate use.

Load line marking and draughts

The domestic ferry shall not sail with the appropriate load line mark submerged at any time during the voyage or on arrival.

Draught readings shall be taken by the master or a certificated officer and duly recorded in the logbook.

Safety briefing

Pre-departure safety briefing shall be conducted that shall include an abandon domestic ferry demonstration, donning and wearing of lifejackets and boarding of any life-saving equipment or usage of floating devices as appropriate.

Weather bulletin

The master shall be provided with the latest weather bulletin to be encountered during the voyage.

The master shall not take the domestic ferry on the voyage in the absence of a latest weather bulletin or in receipt of an adverse weather forecast.

The competent authority shall not allow the domestic ferry to depart in or in the face of adverse weather.

Arrival

Prior to arrival the master shall conduct safety checks and make safety announcements.

The master shall be fully satisfied with safety matters on board and related external circumstances before bringing the domestic ferry to the port.

ARTICLE 18
Certificates

All certificates shall be issued by or on behalf of the competent authority or by a recognized organization, an equivalent domestic entity or a nominated surveyor.

ARTICLE 19
Exemption and exception

1 Under no circumstances shall the domestic ferry sail, or be allowed to sail, unless in full compliance with the provisions of these regulations or be in possession of a valid exemption certificate or covered by an exception decree, issued by the competent authority providing equivalent level of safety.

2 The exemption certificate shall clearly and explicitly show the reason for the exemption including the name, functional title and recognized and verifiable contact information of the authorized person issuing it. An exemption shall be verified by the master.

ARTICLE 20
Aids to navigation

1 The competent authority shall ensure provision of sufficient number of aids to navigation to facilitate safe navigation.

2 Such aids to navigation shall be fully functioning and regularly maintained.

3 Deficiencies in the functioning of the aids to navigation shall be promptly promulgated as Notices to Mariners and other appropriate means.

ARTICLE 21
Marine casualties and marine incidents

1 Any marine casualty or marine incident involving a domestic ferry shall be reported by the master to the competent authority as soon as practicable.

2 Any marine casualty or marine incident involving a domestic ferry shall be promptly investigated by the competent authority and duly recorded with emphasis on why and how it occurred.

3 The competent authority shall ensure appropriate measures are taken by all relevant parties to avoid similar or near similar future occurrences.

ARTICLE 22
Duty to render assistance

The master shall render assistance to any person in distress or who appears to be in distress at sea regardless of the nationality or status and in accordance with domestic and international law.

ARTICLE 23
Breach of regulations

The competent authority shall ensure appropriate national legal provisions are in place to take regulatory action where there is a breach of these regulations.

ARTICLE 24 Amendments

Amendments to these regulations shall be promulgated by the competent authority, according to national legislation.

ARTICLE 25 Implementation

In order to facilitate the implementation of and compliance with these regulations, the competent authority may issue guidance.

ARTICLE 26 Annexes

The annexes shall form an integral part of these regulations.

ANNEX 1 NAVIGATIONAL AREA

The competent authority shall insert:

- .1 Certified copy of the chart of the domestic waters of the country concerned with coordinates clearly shown.
- .2 Certified copy of the domestic ferry navigational area chart with coordinates clearly shown.

ANNEX 2 LIFE-SAVING EQUIPMENT

The life-saving equipment required by article 5 may include:

- .1 float-free emergency position-indicating radio beacon (EPIRB);
- .2 two-way automatic identification system (AIS);
- .3 waterproof floating hand-held VHF radio;
- .4 flares;
- .5 sufficient float-free survival craft to carry all permitted passengers plus 25%; and
- .6 sufficient approved lifejackets for all permitted passengers plus 25%.

ANNEX 3 CHECKLIST

This declaration shall be signed by the master and chief engineer.

Notes:

- 1 Responses shall be "Yes" or "No" only.
- 2 If in doubt, the response shall be "No".

3 For question 8, insert "NA" if the domestic ferry is not subject to damaged stability.

4 If the response to any question is "No", the domestic ferry shall not sail nor shall the master be instructed to sail, except with written permission to do so from a competent authority.

	Question	Response
1	Are the required certificates valid, including exemption certificate where required?	
2	Is the manning according to safe manning certificate?	
3	Are the crew adequately rested and fit for duties?	
4	Are there adequate and enough bunkers?	
5	Is the intended voyage within the assigned navigational area?	
6	Are the fire and bilge pumps in operational readiness?	
7	Is its stability sufficient per the stability booklet?	
8	Does it comply with the damage stability requirements?	
9	Are watertight doors and hatches closed and secured?	
10	Are the passengers distributed on various decks safely?	
11	Is it confirmed that the load line mark is not submerged?	
12	Have the draughts been taken and recorded?	
13	Is the navigational and communications equipment fully functional?	
14	Is the weather forecast confirmed for a safe journey?	
15	Are the crew and passengers accounted and reported for?	
16	Have the preparations been made for the safety briefing?	
17	Is all life-saving equipment certified and ready for use?	
18	Is the vessel safe and seaworthy?	

Date, location, name of master and signature

Date, location, name of chief engineer and signature
