

# Dangerous Spaces – Legal Issues

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# Introduction

- Confined, Dangerous and Enclosed spaces – why important to regulate?
- Viking Islay
- Far Service
- Starlight Rays

# Legal Framework

- Merchant Shipping (Entry into Dangerous Spaces) Regulations 1988 (MS Regs 1988)
  - Code of Safe Working Practices for Merchant Seafarers 2015 (COSWP)
- Confined Spaces Regulations 1997 (CS Regs 1997)
  - HSE Approved Code of Practice for Safe Work in Confined Spaces (ACOP)
- Management of Health and Safety at Work Regulations 1999

# Terminology – Scope for Confusion

- MS Regs 1988
  - “Dangerous Space means any enclosed or confined space in which it is foreseeable that the atmosphere may at some stage contain toxic or flammable gases or vapours, or be deficient in oxygen, to the extent that it may endanger the life or health of any person entering that space.”
- CS Regs 1997
  - “Confined Space means any place, including any chamber, tank, vat, silo, pit, trench, pipe, sewer, flue, well or other similar space in which by virtue of its enclosed nature, there arises a reasonably foreseeable ... risk ... arising from a fire or explosion ... loss of consciousness or asphyxiation ... or ... drowning ...”

# Terminology – Scope for Confusion continued

- “Confined”
- “Dangerous”
- “Enclosed”
- Easier to use a single term – “Dangerous”

# Main Risks

- Tanks
- Void spaces
- Chain lockers

# Scenarios – at least 5 scenarios

1. Vessel – crew only
2. Vessel – shore contractors only
3. Vessel – crew and contractors
4. Vessel – surveys and inspections
5. Offshore installations

# 1. Vessel – Crew Only

- MS Regs 1988
- COSWP
- Applicable to UK registered vessels wherever situated
- Applicable to non-UK registered vessels in UK ports
- Assess the risk
- Control the risk

# 1. Vessel – Crew Only continued

- “Competent Person”
  - Assesses the risk
  - Identifies control measures
- PTW prepared by “Competent Person”, issued by senior officer to the “Authorised Person”
- System of checks and balances
- Toolbox talk

## 2. Vessel – Shore Contractors Only

- CS Regs 1997 apply
- ACOP
- But MS Regs 1988 apply if even one crew member assists
- What must the vessel do to minimise the risk for, e.g., tank cleaning?

# 2. Vessel – Shore Contractors Only

## continued

- Know which tank cleaning company will be attending even if organised by charterer
- Ensure you have seen the company's tank cleaning procedures and they appear to be comprehensive – no need to consider them in detail
- When contractors come on board an officer should talk through the job with the supervisor before issuing vessel's PTW
- Supervisor signs control sheet confirming that tank now in control of contractor
- A crew member should be assigned as supervisor's point of contact and keep regular contact. If any concerns report immediately to an officer
- When work complete and PTW signed as complete officer signs control sheet to take back responsibility of tank to the vessel
- No crew member should be allowed to enter the tank while under the control of the contractor – even in dire emergency

# 3. Vessel – Crew and Contractor

- If combination of crew and contractor then MS Regs 1988 apply and responsibilities lie with the vessel to assess and control the risk
- If combination then CS Regs 1997 apply to the contractors
- Recommendation – avoid this scenario if at all possible because of risk of divided command

# 4. Vessel – Surveyors and Inspectors

- For example Class and MCA
- Do not allow lone working
- Surveyor/inspector must be accompanied
- If a crew member involved MS Regs 1988 apply and vessel must assess risk and put in place control measures
- Recommendation – avoid this scenario if at all possible and arrange for shore contractor to work with surveyor/inspector

# 5. Offshore Installations

- MS Regs 1988, CS Regs 1997, COSWP and ACOP do not apply
- For installation in UKCS Management of Health and Safety at Work Regulations 1999 do apply
  - Need to carry out suitable and sufficient assessment of risk
  - Need to put in place control measures to minimise that risk
- In effect need to do the same as if the MS Regs 1988 and CS Regs 1997 apply

# Conclusion

- Must always err on side of caution
- Always have confidence to Stop The Job
- As Viking Islay, Far Service and Starlight Rays cases show effect can be catastrophic



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