

# CHAPTER 1

## INTRODUCTION AND BACKGROUND

### 1.1 Object of the Instructions

These Instructions to surveyors have been produced by the Maritime and Coastguard Agency (MCA), an executive agency of the Department for Transport, for the guidance of surveyors auditing the safety management systems of ships, both at sea and ashore. In addition, they provide guidance for ship owners, operators and others concerned on the procedures adopted for carrying out audits for compliance with the ISM Code.

### 1.2 The ISM Code

The International Management Code for the Safe Operation of Ships and for Pollution Prevention (ISM Code) was adopted by the IMO as Resolution A.741(18), in November 1993. It came into force on 1 July 1998 as SOLAS Chapter IX, "Management for the Safe Operation of Ships". The ISM Code provides an international standard for the safe management and operation of ships and for pollution prevention.

### 1.3 Why is there an ISM Code?

The origins of the ISM Code go back, internationally, to the late 1980s when there was mounting concern about poor management standards in shipping. It is estimated that a high proportion of maritime accidents (80%–90%) are attributable to human error. Investigations into accidents highlighted shortcomings on the part of ship management both at sea and ashore. In 1987 the IMO Assembly adopted Resolution A.595(15) which called upon the Maritime Safety Committee to develop guidelines concerning shipboard and shore-based management to ensure the safe operation of roll-on/roll-off (Ro-Ro) passenger ferries. The tragic loss of the Herald of Free Enterprise in 1987 was a catalyst in this process.

Following this, the UK unilaterally introduced, for UK passenger ships of Classes II and IIA, The Merchant Shipping (Operations Book) Regulations 1988 (S.I.1988 No.1716). These regulations, which are now superseded by S.I. 1997/3022 and S.I. 1998/1561, were developed around the two central tenets that;

such ships carry a book (called the operations book) containing instructions and information for safe and efficient operation;

and

owners of ships nominate a person (known as the Designated Person) to oversee the operation of their ships and to ensure proper provisions are made so that the requirements of the operations book are complied with.

These requirements are also fundamental provisions of the ISM Code. The ISM Code seeks to address the human element of ship operations.

After the loss of the Estonia in 1994 the Council of the European Union adopted Council Regulation (EC) No. 3051/95 of 8 December 1995 on the safety management of roll-on/roll-off passenger ferries. From 1 July 1996 this Regulation made compliance with the ISM Code mandatory for seagoing passenger Ro-Ro ferries operating a regular service to or from a port of a EU Member State. The Merchant Shipping (ISM Code) (Ro-Ro Passenger Ferries) Regulations 1997 (S.I. 1997 No. 3022) provide for the enforcement of this Council Regulation. At the Conference of Contracting Governments to the 1974 Safety of Life at Sea (SOLAS) Convention, held in May 1994, a new chapter (Chapter IX) was added to the Convention which made compliance with the ISM Code mandatory, from either 1 July 1998 or 1 July 2002 depending on ship type. The ISM Code itself was adopted on 4 November 1993 under Resolution A.741(18).

#### **1.4 UK and IMO measures towards Safe Management of Ships**

As a result of the major incidents detailed above, a number of measures were taken both nationally and internationally:

- Resolution A.596 entitled “Safe Management and Operation of Ships” was adopted in 1987;
- the UK implemented the Merchant Shipping (Operations Book) Regulations, S.I. 1988 No. 1716 (now superseded);
- Resolution A.647 “IMO Guidelines on Management for Safe Operation of Ships and for Pollution Prevention” was adopted in 1989 (superseding A.596)
- a further Resolution, A.680, entitled “IMO Guidelines on Management for the Safe Operation of Ships and for Pollution Prevention” was adopted in 1991, superseding A.647; and
- Resolution A.741 “International Management Code for the Safe Operation of Ships and for Pollution Prevention”, the ISM Code, was adopted in 1993.

#### **1.5 Principles and Objectives of the ISM Code**

Given that no two shipping Companies or ship managers are identical and that ships operate under a wide range of different conditions, the ISM Code is expressed in broad terms and based on general principles and objectives. This provides Companies with the scope to develop their own safety management system (SMS) whilst meeting the provisions of the ISM Code. The Code imposes no prescriptive measures and takes a holistic view of a Company and the way in which it operates its ships.

The objectives of the ISM Code are to ensure safety at sea, prevention of human injury, loss of life and the avoidance of damage to the environment, in particular to the marine environment. The ISM Code requires owners and operators of ships to set in place a Safety Management System (SMS). The introduction of a SMS requires a Company to document its management procedures to ensure that conditions, activities and tasks, both ashore and afloat, affecting safety and environmental protection, are planned, organised, executed and checked in accordance with legislative and Company requirements. The mandatory application of the ISM Code will help to ensure:

- compliance with mandatory rules and regulations related to the safe operation of ships and protection of the environment; and
- the effective implementation and enforcement thereof by Flag State Administrations.

## **1.6 The Safety Culture**

The Code aims to support and encourage the development of a safety culture within the shipping industry whilst improving compliance with the requirements of international conventions. The Code requires that Companies establish safety and pollution prevention objectives and that they develop, implement and maintain a SMS and a systematic approach to the safe management of ships by those responsible, both ashore and afloat.

## **1.7 The Safety Management System (SMS)**

The SMS allows a Company to measure its performance against parameters set within a documented system. The SMS will enable a Company to identify areas for improvement in safety practice and pollution prevention measures. The effective implementation of a safety culture should lead to an improvement in safety consciousness and safety management skills.

## **1.8 The UK Policy**

The UK Administration recognises that the ISM Code represents significant progress towards an enhanced safety and pollution prevention culture within the shipping industry. Therefore it was decided that the UK (as a Flag State Administration) would retain direct responsibility for the assessment and audit of UK shipping companies and ships against the ISM Code. To this end, a Marine Guidance Note, MGN 40 (M), entitled “International Safety Management (ISM) Code” was issued providing UK operators with an introduction to the ISM Code and detailing arrangements for application and certification, both statutory and voluntary. This MGN was withdrawn since much of the information and guidance became irrelevant after 1 July, 2002. All UK flag vessels would be expected to have the Safety Management System (SMS) Manual written in or translated into English to enable MCA Auditors to carry out audits.

## 1.9 The Audit for Compliance

The audits will be carried out to verify compliance with the ISM code in accordance with the “Guidelines on Implementation of the ISM Code by Administrations”, IMO Resolution A.788 (19). In addition, the International Chamber of Shipping in association with the International Shipping Federation, has produced “Guidelines on the Application of the IMO International Safety Management (ISM) Code”. It is recommended that surveyors become familiar with both these publications as they establish underlying principles for verifying that a shipping Company’s SMS complies with the ISM Code.

## 1.10 Index of Documents

The following documents are particularly relevant to the ISM Code:

- The ISM Code: IMO Resolution A.741 (18), adopted in November 1993.
- Guidelines on the implementation of the ISM Code by Administrations:
  - IMO Resolution A.788 (19), adopted in November 1995.
  - Guidance to Companies operating multi-flagged fleets and
  - Supplementary Guidelines to Administrations: IMO MSC/Circ. 762 of 11 July 1996.
- The Merchant Shipping (ISM Code) (Ro-Ro Passenger Ferries) Regulations 1997 (S.I. 1997 No. 3022).
- Guidelines on the application of the IMO International Safety Management (ISM) Code, third edition, published jointly in 1996 by the ICS/ISF.
- The Merchant Shipping (International Safety Management (ISM) Code) Regulations 1998 (S.I. 1998 No. 1561).
- IMO Circular MSC/Circ. 762 : Guidance to companies operating multi-flagged fleets and supplementary guidelines to administrations
- Guidance on the Qualifications, Training and Experience necessary for undertaking the role of the Designated Person under the provisions of the International Safety Management Code(ISM). IMO Circular (MSC-MEPC.7/Circ. 6 19 October 2007)
- Guidelines for the Operational Implementation of the International Safety Management (ISM) Code by Companies. IMO Circular MSC-MEPC.7/ Circ 5 19 October 2007 )
- Regulation(EC) No. 336/2006 on the implementation of the ISM code within the community