

**MEMORANDUM OF UNDERSTANDING
ON THE PROMOTION OF SEAFARER AND
PUBLIC HEALTH (INCLUDING FOOD SAFETY)
ON BOARD SHIPS**

THE MARITIME AND COASTGUARD AGENCY

AND

**THE ASSOCIATION OF PORT HEALTH
AUTHORITIES**



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Glossary

APHA – Association of Port Health Authorities

FSA – Food Standards Agency

IHR – International Health Regulations

IMO – International Maritime Organization

LA – Local Authority

MARPOL – International Convention for the Prevention of Pollution from Ships

MCA – Maritime and Coastguard Agency

MGN – Marine Guidance Note

MIN – Marine Information Note

MSN – Merchant Shipping Notice

PHA – Port Health Authority

PHO – Port Health Officer

SI – Statutory Instrument

WHO – World Health Organisation

1. INTRODUCTION

1.1 Statement of intent

This Memorandum of Understanding (MoU) is between the Maritime and Coastguard Agency (MCA) and the Association of Port Health Authorities (APHA).

This MOU sets out an agreed framework for co-operation between the parties. It is not legally binding nor is it intended to cover every detailed aspect of their relationships. Rather, it is a statement of principles, which will guide relations between the parties and provide a set of workable ground rules. The MOU cannot override the statutory duties and powers of the individual parties.

1.2 Objectives of the MOU

The agreements reached between the parties are intended to:

- Ensure that procedures are in place and implemented for the public health and safety of seafarers.
- Ensure the most effective use of resources and expertise; to provide a joined-up approach.
- Allow for the appropriate enforcement of all relevant legislation to ensure that effective systems of food hygiene and safety of seafarers are maintained aboard ships.
- Help promote joint working at national and local level to ensure that effective procedures are in place and implemented with regard to ship sanitation, infection control, food safety & hygiene, and health& safety, aboard ships.
- Promote awareness of other agencies role in the maritime industry in order to improve communication.

1.3 Outline

The principal aim of this MoU is to provide a practical guide for meeting the above objectives and the enforcement of standards of food safety and hygiene by the MCA and all PHAs and LAs with designated port health responsibilities in the UK, as well as for the provision of advice by them with regard to such standards. Other areas of common interest, to which this MoU applies, include standards of accommodation, potable and other water supplies, air conditioning, pest control & management, and waste disposal (this list is not exhaustive). It also:

- Summarises general guidance on working arrangements.
- Sets out the protocol for the exchange of information, joint advice, documentation and any educational initiatives.
- Outlines methods of dealing with emergencies/working procedures.

1.4 Scope

- This document is intended to be used by all authorised persons who are involved in inspecting UK registered and foreign ships visiting UK ports.
- In particular this MoU is designed to give guidance on the working arrangements at local level on areas of mutual interest such as public health, food hygiene standards, ship sanitation, health and safety and infection control.
- In addition, the arrangements at national level for monitoring the effectiveness of the MoU are included.

2. GENERAL INFORMATION (Relevant Parties)

2.1 MCA Responsibilities

2.1.1. The MCA has statutory responsibilities arising from International Labour Organisation Conventions for ensuring proper standards for food and water provision, food hygiene, health and safety and accommodation relating to ships' crews. The Agency also has responsibilities arising from the International Convention for the Prevention of Pollution from Ships, 1973, as amended (MARPOL). Under the powers of the Merchant Shipping Act 1995, Marine Surveyors may detain ships or initiate prosecutions against masters or others. Improvement and Prohibition Notices may also be used in certain cases. In order to assist the MCA in publicising requirements and giving guidance to all those who may be affected, Marine Guidance Notes (MGN); Merchant Shipping Notices (MSN) and Marine Information Notices (MIN) are published and available on www.gov.uk.

2.1.2 The following legislation is relevant to the working of the Marine and Coastguard Agency (MCA)

- The Merchant Shipping Act 1995

An Act to consolidate Merchant Shipping Acts 1894 to 1994 and other enactments relating to merchant shipping.

- Merchant Shipping (Maritime Labour Convention) (Minimum Requirements for Seafarers, etc) Regulations 2014 (S.I. 2014/1613) Part 8; MSN 1845 and MSN 1846
- Merchant Shipping (Work in Fishing Convention) Regulations 2018 (S.I. 2018/1106) Part 5 and MGN 595.

Lay down a general duty to provide adequate provisions and water for the crew. They also apply to non-UK ships when in UK ports. Ships may be detained until the health and safety of all crew and other persons aboard ships is secured. MCA surveyors are not prevented from inspecting ships that enter UK ports under force majeure. (However, some UK Regulations exclude sanctions being taken against such ships).

Set out the requirements to carry a qualified ship's cook and trained personnel for handling food in the galley on UK ships, other than fishing vessels.

- Merchant Shipping (Maritime Labour Convention) (Minimum Requirements for Seafarers, etc) Regulations 2014 (S.I. 2014/1613) Part 7
- Merchant Shipping (Work in Fishing Convention) Regulations 2018 (S.I. 2018/1106) Part 5.

Lay down provisions for crew accommodation for all UK ships operating commercially, excluding ships of traditional build.

- Merchant Shipping (Port State Control) Regulations 2011.

Implement EC Directive 2009/16/EC concerning the enforcement, in respect of all non-UK registered ships using community ports and sailing in the waters under the jurisdiction of the Member State, of international standards for ship safety, crew certification, pollution prevention and shipboard living and working conditions.

- Merchant Shipping and Fishing Vessel (Health & Safety at Work) Regulations 1997 (as amended) and other related S.I.s.

Give effect to various Council Directives and apply to all UK ships. Non-UK ships in UK waters are subject to the Regulations covering inspection and detention. They require an up-to-date health and safety policy statement, risk assessments and, if appropriate, health surveillance.

- Merchant Shipping (Prevention of Pollution by Sewage and Garbage from Ships) Regulations 2008.

They apply to UK ships wherever they may be and other ships whilst in UK waters. Ships of 400 tons gross tonnage or above and those certified to carry 15 or more persons are required to carry a garbage management plan and record book.

Sets out in detail how sewage should be treated or held aboard ship and the circumstances in which discharge into the sea may be allowed. It requires Parties to the Convention to provide adequate reception facilities for sewage and contains a model International Sewage Pollution Prevention Certificate to be issued by national shipping administrations to ships under their jurisdiction. Applies to ships engaged in international voyages.

- IMO Guidelines for the Control and Management of Ships' Ballast Water to minimise the transfer of Harmful Aquatic Organisms and Pathogens.

MGN 81 provides guidance on procedures for ships.

- Merchant Shipping (Maritime Labour Convention) (Minimum Requirements for Seafarers etc) Regulations 2014 (SI2014 No 1613) Part 9.

UK ships are required to have a qualified doctor on board if carrying 100 or more persons on an international voyage of more than 3 days, or on a voyage during which it is more than one and a half days' sailing time from a port with adequate medical equipment.

2.2 Port Health Authorities (PHAs) & Local Authorities (LAs) with Designated Port Health Responsibilities

2.2.1 PHAs are constituted under the Public Health (Control of Disease) Act 1984 (as amended). The following legislation is relevant to the working of the Port Health Authorities & LAs with designated port health responsibilities.

2.2.2 The following legislation is relevant to PHAs

- **The International Health Regulations 2005**

The International Health Regulations (IHR) are the overarching International Regulations. The UK Government is a signatory to the Regulations, which are enforced under the Public Health (Ships) Regulations 1979 as amended. The International Sanitary Regulations (ISR) were adopted by Member States of the World Health Organisation (WHO) in 1951 in order to provide a single set of rules to protect the world from the spread of what were termed “quarantinable diseases”. In 1969, the ISR were revised by the World Health Assembly and renamed the International Health Regulations (IHR). By 1981, the initial six diseases covered by the Regulations had been reduced to three: Cholera, plague and yellow fever. However, the emergence of new diseases and the resurgence of old ones as issues of international public health concern has made clear the need to broaden the applicability of the Regulations so that they encompass an “all hazards approach” including microbiological, chemical and radiological risks.

The purpose of the revised Regulations remains essentially unchanged, i.e. to provide security against the international spread of disease while avoiding unnecessary interference with international traffic. The goal is to create a framework within which WHO and others can actively assist States in responding to international public health risks by directly linking the revised Regulations to WHO’s alert and response activities.

Every port must be provided with potable drinking water and wholesome food supplied from sources approved by the health administration for public use and consumption in premises or on board ships. The principles and recommendations set forth in the WHO Guide to Ship’s Sanitation and the International Standards for Drinking Water are applied, as far as practicable, in fulfilling the requirement of the IHR. Every vessel requiring a Ships Sanitation Certificate should comply with appropriate standards within the World Health Organization “Handbook for inspection of ships and issuance of ship sanitation certificates”.(Hereinafter referred to as “The WHO Technical Handbook”.

- **The Public Health (Ships) Regulations 1979 (as amended)*.**

These Regulations provide for inspection of ships, examination of persons suspected of suffering from, or having been exposed to infection from, an infectious disease or suspected of being verminous and authorise measures to be

taken for preventing danger to public health. The PHA is required to conduct inspections and periodical inspections of equipment, installations and premises and shall collect samples of water and food for laboratory examination.

- **Environmental Protection Act 1990**

This Act authorises measures to be taken to deal with statutory nuisances. These include any premises in such a state as to be prejudicial to health, any dust, steam or other effluvia, accumulation or deposit and any tank or cistern used for the supply of water for domestic purposes, constructed and kept so as to render the water liable to contamination and prejudicial to health. The PHA may issue an abatement notice requiring the master or owner of a ship to execute work or take such other steps as may be necessary to abate a nuisance. Failure to comply may result in prosecution, and the PHA may do the work in default and recover the costs.

- **Food Safety Act 1990.**

The Act is an enabling Act, which provides the framework for food legislation.

- **The Food Safety and Hygiene (England) Regulations 2013***

These Regulations made under the Food Safety Act 1990, provides for the enforcement, including imposing penalties of certain provisions of Regulation (EC) 178/2002. PHAs, as Food Authorities, are responsible for enforcing these Regulations as provided for in the Act.

- **The Food Safety and Hygiene (England) Regulations 2013, Schedule 4 – temperature control requirements.***

These Regulations contain specific food temperature control requirements on home-going ships only. For other ships, declared to be “premises” by the Ships and Aircraft Order(s), there are no specified temperatures, but relevant food must not be kept at temperatures which would result in a risk to health.

* Applicable to England only. Similar country specific legislation is applicable in the devolved administrations.

3. Working Procedures

3.1 Working Arrangements for Exchange of Information, Joint Advice between the MCA and Port Health Authorities (PHAs).

In accordance with the principles of this MoU, whichever party has information that is relevant to issues covered by this MoU, should arrange for that information to be shared with the other party. An exchange of information shall be triggered when the PHA or the MCA is in possession of any information about any vessel which may cause concern to either side, or information about any ship which in the view of one

of them may potentially give rise to a problem. Existing liaison at local level through PHAs' local office and the MCA's marine offices should be strengthened with the aim of exchanging information on unsatisfactory or poor conditions on board ships and details of action taken in order to avoid a duplication of work. This exchange of information will be limited to reports of unsatisfactory standards only, in relation to named vessels and not the results of routine inspections or the personal data of any identifiable individual. If thought appropriate, routine joint visits to vessels may be arranged. The MCA will use the PHA contact details and PHA will use the contact details provided by the MCA. Such joint working is to be encouraged.

It is expected that at a local level the PHA and the MCA Marine Office establish and strengthen existing liaison with the aim of exchanging information to ensure that issues arising and the monitoring of the working relationships are dealt with effectively.

3.2 Working Procedures

3.2.1 If during an inspection of a vessel by the MCA, a Food Hygiene or Infectious Disease deficiency arises, the MCA can contact the PHA for advice. The PHA shall aim to provide advice, assistance and an inspection report before the vessel sails.

3.2.2 If during an inspection of a vessel by the PHA, serious Food Hygiene or problems causing health issues including water contamination arises, the PHA can contact the MCA for advice. MCA shall aim to provide advice, assistance and possible enforcement action before the vessel sails.

3.3.3. Inspections of vessels should be carried out as soon as possible after a ship's arrival in port to allow sufficient time to rectify reported deficiencies during its normal stay in port.

3.2.4. PHOs will have regard to the relevant sections concerning ships and aircraft of the statutory Code of Practice made under s.40 of the Food Safety Act 1990 and, the associated Practice Guidance. They will also have regard to the relevant and appropriate standards contained within the [WHO Technical Handbook](#) for the inspection of ships and issuance of ship sanitation certificates.

3.2.5 Marine Surveyors will continue to use the MCA inspection report forms, a copy of which will be given to the Master. The report will be readily available to the PHO during ship visits. PHOs may use a food hygiene or boarding inspection report which would normally be given to the Master when leaving the vessel or emailed soon after. When observations or comments are made in relation to an existing Ship Sanitation Certificate (or for renewal of a Ship Sanitation Certificate), PHOs will use the Evidence Report Form (ERF) contained within Annex 7 of the [Technical Handbook](#). If appropriate, the Report/ERF may be supplemented by means of subsequent correspondence to the Master/Agents/Owner, copied to the relevant MCA Surveyor. This will allow the Marine Surveyors to see the reports when checking the ship's paperwork.

3.2.6 To prevent unnecessary inspections at unsuitable intervals, local Marine Surveyors and PHOs should endeavour to keep each other informed about planning ship visits and agree an inspection strategy.

3.2.7. Where there are clear grounds for taking formal action to secure improved conditions, both parties should discuss options available and agree the most appropriate action to take.

3.2.8. Other issues that may require joint working or requests for assistance or advice from the other party, include instances where deficiencies are such that emergency procedures need to be invoked.

3.2.9. When advice on matters covered by this MoU is to be issued to interested parties, it should be undertaken in consultation with the other party.

3.2.10. Deficiencies giving rise to emergency procedures are defined for the purpose of the MoU as “deficiencies found during an inspection which are clearly hazardous to safety, health or the environment of the crew and other persons aboard the vessel”. In these cases the ship may be detained by the MCA. For the purposes of **food safety and food hygiene deficiencies** the following procedures should be followed:

a) When a Marine Surveyor is of the opinion that either the facilities for the crew fail to meet good hygiene standards or have a direct or indirect effect on hygiene facilities affecting passengers, he should call the PHA for a considered view. The PHA will endeavour to respond and determine the necessary action required, as soon as practically possible.

b) When working alone (or if called to give an opinion by a Marine Surveyor), the PHO shall consider any hygiene deficiencies in relation to relevant parts of the statutory Code of Practice made under s.40 of the Food Safety Act 1990. If a PHO is of the opinion that an imminent risk exists on a vessel the MCA shall be contacted, and they will endeavour to provide a Marine Surveyor to inspect the vessel before it is due to sail.

c) In either of these circumstances, it may be appropriate for the vessel to be detained by the Marine Surveyor, which will mean close collaborative working and may entail further joint visits to the vessel until the defects are remedied. If the PHO is of the opinion that there is an imminent risk to health and the Marine Surveyor agrees, the Marine Surveyor shall detain the vessel. The remedy must allow for, “safe and healthy conditions on board throughout the forthcoming voyage”. All possible efforts will be made to avoid a ship being unduly detained or delayed.

d) In the unlikely event of a difference of opinion between the MCA and the PHA on what constitutes an imminent risk to health, the local Consultant in Public Health Medicine should be consulted.

e) If detention action is taken, liaison and co-operation between the relevant officers should continue until the vessel is released.

3.2.11. Deficiencies giving rise to emergency procedures are defined for the purpose of the MoU as “deficiencies found during an inspection which are clearly hazardous to safety, health or the environment of the crew and other persons aboard the vessel”. In these cases the ship may be detained by the MCA. For the purposes of **other deficiencies of mutual concern** the following procedures should be followed:

- a) When a Marine Surveyor is of the opinion that either the facilities for the crew fail to meet good hygiene standards or have a direct or indirect effect on hygiene facilities affecting passengers, he should call the PHA for a considered view. The PHA will endeavour to respond and determine the necessary action required, as soon as practically possible.
- b) When working alone (or if called to give an opinion by a Marine Surveyor), the PHO shall consider any hygiene deficiencies in relation to relevant parts of the [WHO Technical Handbook](#). If a PHO is of the opinion that an imminent risk exists on a vessel the MCA shall be contacted, and they will endeavour to provide a Marine Surveyor to inspect the vessel before it is due to sail.
- c) In either of these circumstances, it may be appropriate for the vessel to be detained by the Marine Surveyor, which will mean close collaborative working and may entail further joint visits to the vessel until the defects are remedied. If the PHO is of the opinion that there is an imminent risk to health and the Marine Surveyor agrees, the Marine Surveyor shall detain the vessel. The remedy must allow for, "safe and healthy conditions on board throughout the forthcoming voyage". All possible efforts will be made to avoid a ship being unduly detained or delayed.
- d) In the unlikely event of a difference of opinion between the MCA and the PHA on what constitutes an imminent risk to health, the local Consultant in Public Health Medicine should be consulted.
- e) If detention action is taken, liaison and co-operation between the relevant officers should continue until the vessel is released.

4.0 MANAGEMENT OF THE MOU

- Each party is free to withdraw from the MoU upon formal notice to other signatories.
- The memorandum will remain extant until there is a requirement for a major review/amendment.
- Local management should endeavour to meet at least annually.
- Minor amendments could be made in writing and incorporated at the next review meeting whilst major amendments may necessitate in the issue of a new agreement.

Signed

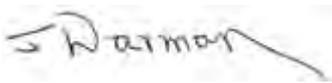


Date:

2/3/20

Brian Johnson
Chief Executive
Maritime and Coastguard Agency

Signed



Date:

16.03.20

John Warman
Chair
Association of Port Health Authorities

CENTRAL POINTS OF CONTACT ON MOU ISSUES

21. The MCA's point of contact is:

Prasad Panicker
Head of Inspection Operations
Bay 2/22
Spring Place
105 Commercial Road
SOUTHAMPTON
SO15 1EG
Tel: 020 3817 2543
E-mail: prasad.panicker@mcga.gov.uk
Or mlc@mcga.gov.uk

www.gov.uk/mca

22. The APHA point of contact is:

Gary Gould

APHA Executive Officer

apha@porthealthassociation.co.uk

www.porthealthassociation.co.uk

CONTACT DETAILS

1. MCA marine and fishing survey offices

Out of hours duty surveyor

+44 (0)7810 528504

Note that this service is for Urgent Technical Enquiries that require action out of office hours only

Policy contact (office hours)

+44 (0)20 3817 2543 or 2498

Aberdeen marine and fishing survey office

Marine House
Blaikies Quay
Aberdeen
AB11 5EZ

Marine office phone 0203 817 2001

Marine office fax 01224 571 920

Fishing survey office phone 020 381 72001

Fishing survey office fax 01224 573 725

Counter services:

Monday to Thursday – 09:00 – 16:00

Friday – 09:00 – 15:30

Telephone query time:

Monday – Thursday 09:00 – 17:00

Friday 09:00 – 16:30

Belfast marine and fishing survey office

Bregenz House
Quay Street
Bangor
BT20 5ED

Marine office phone 020 381 72012

Fishing survey office phone 020 381 72012

Counter services:

Monday to Thursday – 09:00 – 16:00

Friday – 09:00 – 15:30

Telephone query time:
Monday – Thursday 09:00 – 17:00
Friday 09:00 – 16:30

Cardiff marine office

Anchor Court
Keen Road
Cardiff
CF24 5JW

Marine office phone 020 390 85220

Marine office fax 02920 448 820

Counter services:
Monday to Thursday – 09:00 – 16:00
Friday – 09:00 – 15:30

Telephone query time:
Monday – Thursday 09:00 – 17:00
Friday 09:00 – 16:30

Colchester marine office

Iceni Way
Colchester
Essex
CO2 9BY

Email: MOColchester@mcga.gov.uk

Marine office phone 020 390 85165

Public Counter Services:
Monday to Thursday: 09:00 – 16:00
Friday: 09:00 – 15:30
Telephone Queries:
Monday to Thursday: 09:00 – 17:00
Friday: 09:00 – 16:30

Dover marine office

Eastern Region
Langdon Battery
Swingate
Dover
Kent
CT15 5NA

Marine office phone 020 381 72789

Telephone query time:
Monday – Thursday 09:00 – 17:00
Friday 09:00 – 16:30

Falmouth marine office

Pendennis Point
Castle Drive
Falmouth
Cornwall
TR11 4WZ

Marine office phone 020 381 72652

Telephone query time:
Monday – Thursday 09:00 – 17:00
Friday 09:00 – 16:30

Glasgow marine and fishing survey office

1st Floor
West Point
West Point Business Park
1 Marchfield Drive
Paisley
PA3 2RB

Marine and fishing survey office phone 020 381 72011

Marine and fishing survey office fax 0141 842 1258

Counter services:
Monday to Thursday – 09:00 – 16:00
Friday – 09:00 – 15:30

Telephone query time:
Monday – Thursday 09:00 – 17:00
Friday 09:00 – 16:30

Hull marine and fishing office

Crosskill House
Mill Lane
Beverley
North Humberside
HU17 9JB

Marine office phone 020 381 72018

Marine office fax 01482 869 989

Fishing survey office phone 020 381 72018

Fishing survey office fax 01482 869 989

Counter services:

Monday to Thursday – 09:00 – 16:00

Friday – 09:00 – 15:30

Telephone query time:

Monday – Thursday 09:00 – 17:00

Friday 09:00 – 16:30

Liverpool marine and fishing survey office

Hall Road West

Crosby

Liverpool

Merseyside

L23 8SY

Marine office phone 020 390 85110

Marine office fax 0151 931 6615

Fishing survey office phone 020 390 85110

Fishing survey office fax 0151 931 6615

Counter services:

Monday to Thursday – 09:00 – 16:00

Friday – 09:00 – 15:30

Telephone query time:

Monday – Thursday 09:00 – 17:00

Friday 09:00 – 16:30

Milford Haven marine office

Gorsewood Drive

Hakin

Milford Haven

Pembrokeshire

SA73 3HB

Marine office phone 020 381 72007

Marine office fax 01646 699 606

Counter services:

Monday to Thursday – 09:00 – 16:00

Friday – 09:00 – 15:30

Telephone query time:

Monday – Thursday 09:00 – 17:00

Friday 09:00 – 16:30

Plymouth Marine Office

Suite 5
Endeavour House
Oceansgate
Vivid Approach
Plymouth

PL1 4RW

Email: mcaplymouthadmin@mcga.gov.uk

Marine office phone +44 (0) 20 390 85245

Counter services:

Monday to Thursday – 09:00 – 16:00

Friday – 09:00 – 15:30

Telephone query time:

Monday – Thursday 09:00 – 17:00

Friday 09:00 – 16:30

Southampton marine office

Spring Place
105 Commercial Road
Southampton
SO15 1EG

Marine office phone 020 381 72210

Marine office fax 02380 329 351

Counter services:

Monday to Thursday – 09:00 – 16:00

Friday – 09:00 – 15:30

Telephone query time:

Monday – Thursday 09:00 – 17:00

Friday 09:00 – 16:30

Tyne marine office

MCA North East Exam Centre
C/o South Tyneside College
St Georges Avenue
South Shields
NE34 6ET

Marine office phone 0203 81 72016

Counter services:

Monday to Thursday – 09:00 – 16:00

Friday – 09:00 – 15:30

Telephone query time:

Monday – Thursday 09:00 – 17:00

Friday 09:00 – 16:30

2. Port Health Authorities

Contact details of port health authorities can be found using the link to the APHA online directory below:

[port health authority directory](#)

3. LOCAL AUTHORITIES

Details of local food authorities can be found using the Food Standards Agency Authority finder.

[contact-a-local-food-safety-team](#)