
STATUTORY INSTRUMENTS

1998 No. 2198

MERCHANT SHIPPING

**The Merchant Shipping (Port State Control)
(Amendment No. 2) Regulations 1998**

<i>Made</i>	- - - -	<i>5th September 1998</i>
<i>Laid before Parliament</i>		<i>11th September 1998</i>
<i>Coming into force</i>	- -	<i>30th September 1998</i>

The Secretary of State, being a Minister designated⁽¹⁾ for the purposes of section 2(2) of the European Communities Act 1972⁽²⁾ in relation to safety of ships and the health and safety of persons on them, in exercise of the powers conferred by the said section 2(2) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

1. These Regulations may be cited as the Merchant Shipping (Port State Control) (Amendment No. 2) Regulations 1998 and shall come into force on 30th September 1998.

2. The Merchant Shipping (Port State Control) Regulations 1995⁽³⁾ shall be further amended as follows.

3. In regulation 2(1) after “Council Directive 98/25/EEC” there shall be inserted “and by Commission Directive 98/42⁽⁴⁾.”

4. In regulation 2(2) the following definition shall be inserted in the appropriate alphabetical position:

““Member State” includes a State Party to the European Free Trade Association;”.

5. In regulation 2(2), for “M.1639” there shall be substituted “MSN 1725”.

6. For regulation 5(2) the following shall be substituted:

“(2) In selecting ships for inspection the Maritime and Coastguard Agency shall give overriding priority to the ships referred to in Annex I, Part I of MSN 1725; and in determining the order of priority for inspection of the other ships listed in the said Annex

(1) S.I.1993/595.

(2) 1972 c. 68; by virtue of the amendment of section 1(2) of the European Communities Act by section 1 of the European Economic Area Act 1993 (c. 5) regulations may be made under section 2(2) of the European Communities Act to implement obligations of the United Kingdom created or arising by or under the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 and the Protocol adjusting the Agreement signed at Brussels on 17th March 1993 (Cm 2847).

(3) S.I. 1995/3128, amended by S.I. 1998/1433.

(4) OJ No. L 184, 27.6.98, p. 40.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

I, the Maritime and Coastguard Agency shall use the ship's overall target factor referred to in Annex I, Part II.”

7. In regulation 15(1), for sub-paragraphs (a) and (b) there shall be substituted:
- “(a) in the case of an authorised pilot, the port authority authorising the pilot, who shall immediately inform the Maritime and Coastguard Agency; or
 - (b) in the case of other pilots:
 - (i) the Maritime and Coastguard Agency; or
 - (ii) the competent authority of another member State,”

Signed by authority of the Secretary of State

Glenda Jackson
Parliamentary Under Secretary of State,
Department of the Environment, Transport and
the Regions

4th September 1998

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Merchant Shipping (Port State Control) Regulations 1995 to implement Commission Directive [98/42/EC](#), amending Commission Directive [95/21/EC](#) on port State control.

The Regulations require the Maritime and Coastguard Agency, in selecting ships for port State control inspections, to give overriding priority to the ships referred to in Part I of Annex I of Merchant Shipping Notice MSN 1725, (which replaces Merchant Shipping Notice M 1639, and implements other amendments made by Directive [98/42/EC](#)). In addition, in determining the order of priority of inspection of other ships listed in Annex I, the overall target factor to be used is that specified in Part II of the Annex.