

2001 No. 54

MERCHANT SHIPPING

The Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Amendment) Regulations 2001

<i>Made</i> - - - - -	<i>11th January 2001</i>
<i>Laid before Parliament</i>	<i>12th January 2001</i>
<i>Coming into force</i> - -	<i>12th February 2001</i>

Whereas the Secretary of State for the Environment, Transport and the Regions is a Minister designated(a) for the purpose of section 2(2) of the European Communities Act 1972(b) in relation to measures relating to the safety of ships, and the health and safety of persons on them;

And whereas, in so far as the following Regulations are made in exercise of the powers conferred by section 85 of the Merchant Shipping Act 1995(c), the Secretary of State has in pursuance of subsection (4) of section 86 of that Act consulted persons he considers will be affected as mentioned in that subsection;

Now, therefore, the Secretary of State for the Environment, Transport and the Regions in exercise of the powers conferred by the said section 2(2) of the European Communities Act 1972, and by sections 85(1) and (3) of the Merchant Shipping Act 1995 and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Amendment) Regulations 2001 and shall come into force on 12th February 2001.

Amendment of the Merchant Shipping and Fishing Vessels (Health and Safety at Work) Regulations 1997

2.—(1) The Merchant Shipping and Fishing Vessels (Health and Safety at Work) Regulations 1997(d) shall be amended as follows.

(2) In regulation 3 (application), paragraph (3) shall be omitted.

(a) S.I. 1993/595.

(b) 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. 51) 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 (Cm 2073) and the Protocol adjusting the Agreement signed at Brussels on 17th March 1993 (CM 2183).

(c) 1995 c. 21; sections 85 and 86 were amended by the Merchant Shipping and Maritime Security Act 1997 (c. 28), section 8, and are applied to hovercraft by the Hovercraft (Application of Enactments) Order 1989 (S.I. 1989/1350) to which there are amendments not relevant to these Regulations.

(d) S.I. 1997/2962.

(3) In regulation 5(1) (general duties), for the words “which duty shall be met by the application of” there shall be substituted the words “having regard to”.

Signed by authority of the Secretary of State for the Environment, Transport and the Regions

Keith Hill

Parliamentary Under-Secretary of State

11th January 2001

Department of the Environment, Transport and the Regions

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make two amendments to the Merchant Shipping and Fishing Vessels (Health and Safety at Work) Regulations 1997 (S.I. 1997/2962) (“the principal Regulations”) to implement recommendations made by Lord Justice Clarke in his Interim Report on the Thames Safety Inquiry (Cm 4530) (“the Interim Report”) which was published in December 1999.

The first amendment implements recommendations 27.35 and 27.36 in the Interim Report which called for the rationalisation of health and safety legislation in relation to non-seagoing ships. The effect of the amendment is to apply merchant shipping health and safety legislation to non-seagoing ships, thereby allowing effective enforcement by the Maritime and Coastguard Agency, an Executive Agency of the Department of the Environment, Transport and the Regions.

The second amendment implements recommendation 27.34 in the Interim Report to align the duties under the merchant shipping legislation with those under the Health and Safety at Work Act 1974 (c. 37).

These Regulations are made under the powers contained in the Merchant Shipping Act 1995 (c. 21) except in respect of their application to Government ships (regulation 2(2) of the principal Regulations) and in respect of the provision of benefits to new or expectant mothers (regulations 8 and 9 of the principal Regulations), where the power is provided by section 2(2) of the European Communities Act 1972 (c. 68).

A copy of the Interim Report can be obtained from The Stationery Office Limited.

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