

2003 No. 771

**MERCHANT SHIPPING
SAFETY**

The Merchant Shipping (Passenger Ships on Domestic Voyages) (Amendment) Regulations 2003

Made - - - - - 18th March 2003
Laid before Parliament 20th March 2003
Coming into force - - 10th April 2003

The Secretary of State for Transport, after consulting the persons referred to in section 86(4) of the Merchant Shipping Act 1995(a), in exercise of the powers conferred by section 85(1)(a) and (b), (3) and (5) to (7) and section 86(1) of that Act(b) 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 (Passenger Ships on Domestic Voyages) (Amendment) Regulations 2003 and shall come into force on 10th April 2003.

Amendment of the Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations

2.—(1) The Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000(c) shall be amended as follows.

(2) In regulation 2(1) (Interpretation), at the end of the definition of “the Directive” there shall be added “as amended by Commission Directive 2002/25/EC of 5th March 2002 amending Council Directive 98/18/EC on safety rules and standards for passenger ships(d), and as amended by Directive 2002/84/EC of the European Parliament and of the Council of 5th November 2002 amending the Directives on maritime safety and the prevention of pollution from ships(e) in so far as the references in the Directive as so amended to the Conventions, Codes and System in their up-to-date versions:

- (a) relate to all or any of the purposes set out in section 85(1) of the Merchant Shipping Act 1995,
- (b) are considered by the Secretary of State to be relevant from time to time, and
- (c) are specified in a Merchant Shipping Notice”.

(3) In regulation 6:

- (a) after paragraph (1) there shall be inserted the following paragraph:

(a) 1995 c. 21.

(b) Sections 85 and 86 were amended by the Merchant Shipping and Maritime Security Act 1977 (c. 28), section 8, and are applied to hovercraft by the Hovercraft (Application of Enactments) Order 1989 (S.I. 1989/1350).

(c) S.I. 2000/2687.

(d) O.J. L098, 15.04.2002, p. 1.

(e) O.J. L324, 29.11.2002, p. 55.

“(1A) A ship which is less than 24 metres in length shall, in probable loading conditions and after correcting for the effect of free surface of liquids in tanks, satisfy the stability criteria set out in Schedule 1 of Merchant Shipping Notice 1699.”, and

(b) in paragraph (2), after “paragraph (1)” there shall be inserted “or (1A)”.

Amendment of the Survey and Certification Regulations

3. The Merchant Shipping (Survey and Certification) Regulations 1995^(a) shall be amended by the insertion in regulation 1(2), at the end of the definition of “the Directive”^(b), of the words “as amended by Commission Directive 2002/25/EC of 5th March 2002 amending Council Directive 98/18/EC on safety rules and standards for passenger ships and as amended by Directive 2002/84/EC of the European Parliament and of the Council of 5th November 2002 amending the Directives on maritime safety and the prevention of pollution from ships”.

Signed by authority of the Secretary of State for Transport

18th March 2003

David Jamieson
Parliamentary Under-Secretary of State
Department for Transport

(a) S.I. 1995/1210, amended by S.I. 1996/2418, S.I. 2000/1334 and S.I. 2000/2687.
(b) Inserted by paragraph 7 of the Schedule to S.I. 2000/2687.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement Commission Directive 2002/25/EC of 5th March 2002 (O.J. L 098, 15.04.2002, p. 1) amending Council Directive 98/18/EC on safety rules and standards for passenger ships (O.J. L 144, 15.5.1998, p. 1) and Parliament and Council Directive 2002/84/EC of 5th November 2002 amending the Directives on maritime safety and the prevention of pollution from ships (O.J. L 324, 29.11.2002, p. 55) in so far as it amends Council Directive 98/18/EC.

Commission Directive 2002/25/EC replaces Annex 1 of Directive 98/18/EC, which deals with detailed technical issues concerning the safety rules and standards for passenger ships. The replacement Annex 1 is implemented into UK law through regulation 2(2) of these Regulations, with a consequential amendment being made through regulation 3 of these Regulations. Annex 1 as replaced by Commission Directive 2002/25/EC imposes an additional requirement regarding stability criteria for ships under 24 metres in length (see the third paragraph of Chapter 1 General Provisions in Annex 1), and this additional requirement is implemented through regulation 2(3) of these Regulations.

Parliament and Council Directive 2002/84/EC provides that references in Directive 98/18/EC to international instruments setting technical standards shall be references to those instruments in their up to date versions. This is implemented through regulation 2(2) of these Regulations, which provides that, where Directive 98/18/EC is referred to in the 1998 Regulations, references in the Directive to international instruments shall be taken to be the up to date versions of those instruments in so far as those up to date versions relate to the purposes for which regulations may be made under section 85(1) of the Merchant Shipping Act 1995 (c. 22), are considered by the Secretary of State to be relevant from time to time and are specified in a Merchant Shipping Notice.

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