

2004 No. 1266

**MERCHANT SHIPPING
SAFETY**

**The Merchant Shipping (Updating of References to
Maritime Conventions) Regulations 2004**

<i>Made</i> - - - -	<i>4th May 2004</i>
<i>Laid before Parliament</i>	<i>6th May 2004</i>
<i>Coming into force</i> - -	<i>28th May 2004</i>

The Secretary of State, after consulting the persons referred to in section 86(4) of the Merchant Shipping Act 1995(a), in exercise of the powers conferred upon him by sections 85, 86 and 267 of that Act, and being a Minister designated(b) for the purposes of section 2(2) of the European Communities Act 1972(c) in relation to measures relating to the safety of ships and the health and safety of persons on them and maritime transport, in exercise of the powers conferred upon him by the said section 2(2), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Merchant Shipping (Updating of References to Maritime Conventions) Regulations 2004 and shall come into force on 28th May 2004.

Purpose

2. The purpose of these Regulations is to provide for the implementation of articles 3, 5, 9 and 11 of 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(d).

Amendment of the Merchant Shipping (Ship Inspection and Survey Organisations) Regulations 1996

3. In regulation 2(1) of the Merchant Shipping (Ship Inspection and Survey Organisations) Regulations 1996(e), at the end of the definition of “international conventions”, insert—
“and any subsequent amendment to these Conventions and related Codes of mandatory status which—
(a) relates to all or any of the purposes set out in section 85(1) of the Merchant Shipping Act 1995,

(a) 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).
(b) S.I. 1993/595 and 1994/757.
(c) 1972 c. 68; by virtue of the amendment of section 1(2) of the European Communities Act by section 1 of the European Economic 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 Area signed at Oporto on 2nd May 1992 (Cmnd. 2073) as adjusted by the Protocol signed at Brussels on 17th March 1993 (Cmnd. 2183).
(d) O.J. L 324, 29.11.2002, p. 55.
(e) S.I. 1996/2908, to which there are amendments not relevant to these Regulations.

- (b) is contained in a document considered by the Secretary of State to be relevant from time to time, and
- (c) is specified in a Merchant Shipping Notice;”.

Amendment of the Merchant Shipping (Minimum Standards of Safety Communications) Regulations 1997

4.—(1) The Merchant Shipping (Minimum Standards of Safety Communications) Regulations 1997(a) shall be amended as follows:

- (2) In regulation 2(1) in the definition of—
 - (a) “chemical tanker”, for “in force on 22nd November 1994” substitute “in its up-to-date version”;
 - (b) “liquefied gas tanker”, for “in force on 22nd November 1994” substitute “in its up-to-date version”; and
 - (c) “STCW Convention”, for “as amended on 7th July 1995” substitute “in its up-to-date version”.

Amendment of the Merchant Shipping (Marine Equipment) Regulations 1999

5. In regulation 2(1) of the Merchant Shipping (Marine Equipment) Regulations 1999(b), at the end of the definition of “relevant international conventions”, insert—

“and any subsequent Protocol, annex or amendment thereto which—

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

Amendment of Merchant Shipping (Accident Reporting and Investigation) Regulations 1999

6. In regulation 6(9)(a) of the Merchant Shipping (Accident Reporting and Investigation) Regulations 1999(c) after “Council Directive 1999/35/EC,” insert “as amended by Directive 2002/84/EC of the European Parliament and of the Council of 5 November 2002, amending the Directives on maritime safety and the prevention of pollution from ships(d),”

Amendment of Merchant Shipping (Mandatory Surveys for Ro-Ro Ferry and High Speed Passenger Craft) Regulations 2001

7. In regulation 2(1) of the Merchant Shipping (Mandatory Surveys for Ro-Ro Ferry and High Speed Passenger Craft) Regulations 2001(e) at the end of the definition of “the Directive” insert “as amended by Directive 2002/84/EC of the European Parliament and of the Council of 5 November 2002, amending the Directives on maritime safety and the prevention of pollution from ships(f)”.

Signed by authority of the Secretary of State for Transport

4th May 2004

David Jamieson
Parliamentary Under Secretary of State
Department for Transport

(a) S.I. 1997/529, amended by S.I. 1999/1704.
(b) S.I. 1999/1957, to which there is an amendment not relevant to these Regulations.
(c) S.I. 1999/2567, amended by S.I. 2001/152.
(d) O.J. No. L 324, 29.11.2002, p. 55.
(e) S.I. 2001/152.
(f) O.J. No. L 324, 29.11.2002, p. 55.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These regulations implement articles 3, 5, 9 and 11 of 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 (“the Directive”). The Regulations provide, as required by the Directive, that references to various international conventions together with the Protocols and amendments to those Conventions and related codes of mandatory status shall be to their up to date versions. In two cases (Regulations 6 and 7), the domestic regulations are amended to refer to the Directive.

The Regulations amend the following Regulations:

The Merchant Shipping (Ship Inspection and Survey Organisations) Regulations 1996 (S.I. 1996/2908)

The Merchant Shipping (Minimum Standards of Safety Communications) Regulations 1997 (S.I. 1997/529)

The Merchant Shipping (Marine Equipment) Regulations 1999 (S.I. 1999/1957)

The Merchant Shipping (Accident and Investigation) Regulations 1999 (S.I. 1999/2567)

The Merchant Shipping (Mandatory Surveys for Ro-Ro Ferry and High Speed Passenger Craft) Regulations 2001 (S.I. 2001/152).

Other Regulations implementing the Directive are the Merchant Shipping (Passenger Ships on Domestic Voyages) (Amendment) Regulations 2003 (S.I. 2003/771) (article 7), the Merchant Shipping (Port State Control) (Amendment) Regulations 2003 (S.I. 2003/1636) (article 4), the Merchant Shipping and Fishing Vessels (Port Waste Reception Facilities) Regulations 2003 (S.I. 2003/1809) (article 10), and the Merchant Shipping (Safe Loading and Unloading of Bulk Carriers) Regulations 2003 (S.I. 2003/2002) (article 12).

A Regulatory Impact Assessment and Transposition Note have been produced in relation to the Directive and copies have been placed in the library of both Houses of Parliament. Copies may be obtained from the Maritime and Coastguard Agency, Spring Place, 105 Commercial Road, Southampton SO15 1EG (telephone number 02380 32917). (The Transposition Note explains where provisions of the Directive have been implemented by other Regulations.)

Merchant Shipping Notices are published by the Maritime and Coastguard Agency. Copies may be obtained from Mail Marketing (Scotland), Blooms Grove Industrial Estate, Norton Street, Nottingham NG7 3JG (telephone number 0115 9013336; fax 0115 901334; e-mail mca@promo-solution.com). They may also be accessed via the MCA’s website <http://www.mcga.gov.uk>

Copies of the international conventions referred to in these Regulations may be obtained from the International Maritime Organization at 4 Albert Embankment, London SE1 7SR.

STATUTORY INSTRUMENTS

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