

**2004 No. 1469**

**MERCHANT SHIPPING**

**The Merchant Shipping (Hours of Work) (Amendment)  
Regulations 2004**

<i>Made</i> - - - -	<i>1st June 2004</i>
<i>Laid before Parliament</i>	<i>15th June 2004</i>
<i>Coming into force</i> - -	<i>7th July 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 by sections 85(1), (3) and (7) and 86(1) of that Act, hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Merchant Shipping (Hours of Work) (Amendment) Regulations 2004 and shall come into force on the 7th of July 2004.

**Amendment of the Merchant Shipping (Hours of Work) Regulations 2002**

- 2.—(1) The Merchant Shipping (Hours of Work) Regulations 2002(b) are amended as follows.
- (2) In regulation 2—
- (a) in the definition of “sea-going” in paragraph (1), for “certified” there is substituted “certificated”; and
  - (b) in paragraph (2), the word “and” after sub-paragraph (a) is deleted and after sub-paragraph (b) there is inserted—  
“; and
  - (c) in relation to any state other than a member State, any authority designated as such by that State.”.
- (3) In regulation 3(1)(b)—
- (a) for “sea-going ships of member States other than the United Kingdom” there is substituted “sea-going ships other than United Kingdom ships,”; and
  - (b) paragraph (iv) is revoked.
- (4) For the heading to regulation 15 there is substituted “Inspection of ships other than United Kingdom ships”.

Signed by authority of the  
Secretary of State for Transport

1st June 2004

*David Jamieson*  
Parliamentary Under Secretary of State,  
Department for Transport

### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the Merchant Shipping (Hours of Work) Regulations 2002 (“the 2002 Regulations”). The most significant amendment, in regulation 2(3)(a), amends regulation 3(1)(b) of the 2002 Regulations (application) by extending the provisions relating to inspections of ships and rectification of deficiencies to ships not registered in the United Kingdom or other member States of the European Union.

Convention 180 of the International Labour Organization (seafarer’s hours of work and the manning of ships) came into force on 10<sup>th</sup> January 2003. From that date Directive 1999/95/EC of the European Parliament and of the Council (concerning the enforcement of provisions in respect of seafarers’ hours of work on board ships calling at Community ports) (OJ L 014, 20.1.2000, p.29) takes effect in relation to all ships including ships not registered in the territory of, or flying the flag of, a member State of the European Union.

The Regulations give effect to this provision and make amendments consequential upon it (regulation 2(2)(b) and (5)); bring to an end an exclusion in the 2002 Regulations in relation to certain sea-going tugs (regulation 2(3)(b)); and make other minor changes to the 2002 Regulations.

International Labour Organization Conventions are published by the International Labour Organization and copies may be obtained from ILO Publications, International Labour Office, CH-211 Geneva 22, Switzerland.

A Regulatory Impact Assessment has been produced and a copy 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 023 8032 9380.)

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