
STATUTORY INSTRUMENTS

2019 No. 311

The Merchant Shipping and Other Transport (Environmental Protection) (Amendment) (EU Exit) Regulations 2019

PART 2

Amendment of legislation made under the European Communities Act 1972

Amendment of the Transport and Works Act 1992

- 2.—(1) Part 1 of the Transport and Works Act 1992(1) is amended as follows.
- (2) For section 6A(3)(2) (cases where other Member States are affected) substitute—
- “(3) “Member State”, in relation to any time, includes a State which is at that time a party to the EEA agreement.”.

Amendment of the Merchant Shipping (Prevention of Air Pollution from Ships) Regulations 2008

- 3.—(1) The Merchant Shipping (Prevention of Air Pollution from Ships) Regulations 2008(3) are amended as follows.
- (2) In regulation 2 (interpretation)—
- (a) omit the definition of “the 1999 Directive”(4);
- (b) after the definition of “the 1995 Regulations” insert—
- ““the 2016 Directive” means Directive (EU) 2016/802 of the European Parliament and of the Council of 11th May 2016 relating to a reduction in the sulphur content of certain liquid fuels(5);”.
- (3) In regulation 32(3A)(b)(6) (offences) for “articles 4c2, 4c3 or 4d of the 1999 Directive” substitute “paragraphs 2 and 4 of Article 8, and Article 9, of the 2016 Directive”.
- (4) In Schedule 2A (sulphur oxides)(7)—
- (a) in paragraph 1 (interpretation), in the definition of “emission abatement method”(8), for “1999 Directive” substitute “2016 Directive”;
- (b) in paragraph 2(9) (control of sulphur oxide emissions: general provisions), in each place it occurs, for “Article 4c of the 1999 Directive” substitute “Article 8 of the 2016 Directive”;

(1) 1992 c. 42.

(2) As inserted by S.I. 1998/2226, and subsequently amended by S.I. 2000/3199.

(3) S.I. 2008/2924, as amended by S.I. 2010/895, S.I. 2010/3035, S.I. 2011/3056, S.I. 2014/3076, S.I. 2014/3306 and S.I. 2016/1025.

(4) Definition inserted by S.I. 2014/3076.

(5) O.J. No. L 132, 21.05.2016, p. 58.

(6) Regulation 32(3A) was inserted by S.I. 2010/895 and subsequently substituted by S.I. 2014/3076.

(7) Schedule 2A was inserted by S.I. 2010/895.

(8) Definition substituted by S.I. 2014/3076.

(9) Paragraph 2 was amended by S.I. 2014/3076.

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- (c) in paragraph 3(2)(d)(ii)(**10**) (maximum sulphur content of marine fuel used by passenger ships) for “articles 4c2, 4c3 and 4d of the 1999 Directive” substitute “paragraphs 2 and 4 of Article 8, and Article 9, of the 2016 Directive”;
- (d) in paragraph 4(2)(e)(ii)(**11**) (maximum content of marine fuel used by ships at berth) for “articles 4c2, 4c3 and 4d of the 1999 Directive” substitute “paragraphs 2 and 4 of Article 8, and Article 9, of the 2016 Directive”;
- (e) in paragraph 10(3)(**12**) (analysis) for “articles 3a, 4, 4a and 4b of the 1999 Directive” substitute “Articles 4, 5, 6 and 7 of the 2016 Directive”.

(10) Paragraph 3(2)(d) was substituted by [S.I. 2014/3076](#).

(11) Paragraph 4(2)(e) was substituted by [S.I. 2014/3076](#).

(12) Paragraph 10(3) was substituted by [S.I. 2014/3076](#).