

**2020 No. 0000**

**MERCHANT SHIPPING**

**The Merchant Shipping (Safety Standards for Passenger Ships  
on Domestic Voyages) (Miscellaneous Amendments)  
Regulations 2020**

<i>Made</i>	- - - -	***
<i>Laid before Parliament</i>		***
<i>Coming into force</i>	- -	***

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 85(1), (3)(a), (c) and (d), (5) to (7), and 86(1)(a) to (d) of the Merchant Shipping Act 1995(a) and section 2(2) of the European Communities Act 1972(b).

The Secretary of State has consulted the persons referred to in section 86(4) of the Merchant Shipping Act 1995.

The Secretary of State is a Minister designated(c) for the purposes of section 2(2) of the European Communities Act 1972 in relation to measures relating to the safety of ships and the health and safety of persons on them.

**Citation and commencement**

1. These Regulations may be cited as the Merchant Shipping (Safety Standards for Passenger Ships on Domestic Voyages) (Miscellaneous Amendments) Regulations 2020 and come into force on \*\*\*.

**Amendment of the Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000**

2.—(1) The Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000(d) are amended as follows.

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- (a) 1995 c. 21. Sections 85 was amended by the Merchant Shipping and Maritime Security Act 1997 (c. 28), section 8 and Schedule 7 Part 1 and the British Overseas Territories Act 2003 (c. 8), section 2(3) and section 86 was amended by the Merchant Shipping and Maritime Security Act 1997 (c. 28), section 8 and Schedule 7 Part 1.
- (b) 1972 c. 68. The European Communities Act 1972 was repealed by section 1 of the European Union (Withdrawal) Act 2018 (c. 16) with effect from exit day, but saved with modifications until IP completion day by section 1A of that Act (as inserted by section 10f of the European Union (Withdrawal Agreement) Act 2020 (c. 1)). Section 2(2) of the European Communities Act 1972 was amended by section 27(1) of the Legislative and Regulatory Reform Act 2006 (c. 51) and by section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c. 7).
- (c) S.I. 1993/595.
- (d) S.I. 2000/2687. The Regulations were amended by S.I. 2002/1473, 2003/771, 2004/302, 2004/2883, 2010/680, 2010/1075, 2012/2636, 2018/53, 2020/501 and prospectively by S.I. 2018/1221.

(2) In regulation 2(1) (interpretation)—

(a) for the definition of “the Directive”, substitute—

““the Directive” means Directive 2009/45/EC of the European Parliament and of the Council of 6th May 2009 on safety rules and standards for passenger ships(a);”;

(b) in the definition of “domestic voyage”, after the words “sea areas”, insert “ or sea routes”;

(c) in the definition of “Maritime and Coastguard Agency”, for “of the Environment, Transport and the Regions” substitute “for Transport”;

(d) in the definition of “port waters”, for “Merchant Shipping Notice No M 1719(M)” substitute “Merchant Shipping Notice 1837(M) Amendment 2”;

(e) at the end of the definition of “port waters”, insert the following—

“;

“United Kingdom passenger ship” means a passenger ship which is a United Kingdom ship”.

(3) In regulation 2(2A)(c) (interpretation), for “Note”, substitute “Notice”.

(4) For regulation 3 (classification of ships), substitute—

#### **“ Classification of ships**

**3.** For purposes of these Regulations passenger ships engaged on domestic voyages shall be arranged in classes as follows—

(a) Class A ships, being ships engaged solely on domestic voyages in Areas A, B, C and D as defined in regulation 3A(1);

(b) Class B ships, being ships engaged solely on domestic voyages in Areas B, C and D as defined in regulation 3A(1);

(c) Class C ships, being ships engaged solely on domestic voyages in Areas C and D as defined in regulation 3A(1); and

(d) Class D ships, being ships engaged solely on domestic voyages in Area D as defined in regulation 3A(1).

#### **Categorisation of sea areas**

**3A.—**(1) For purposes of these Regulations sea areas are categorised as follows—

(a) Area A is a sea area other than Areas B, C and D;

(b) Area B is a sea area other than Areas A, C and D, the geographical coordinates of which are at no point more than 20 miles from the line of the coast, corresponding to the medium tide height;

(c) Area C is a sea area other than Areas A, B and D, where the probability of significant wave heights exceeding 2.5 metres is less than 10% over a period of one year for all year round operation, or over a specific restricted period of the year for operation exclusively in such period, and the geographical coordinates of which are at any point no more than 5 miles from the line of the coast, corresponding to the medium tide height;

(d) Area D is a sea area other than Areas A, B and C, where the probability of significant wave heights exceeding 1.5 metres is less than 10% over a period of one year for all year round operation, or over a specific restricted period of the year for operation exclusively in such period, and the geographical coordinates of

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(a) OJ L 163, 25.6.2009, p. 1, as amended by Commission Directive 2010/36/EU dated 1 June 2010 (OJ L 162, 29.6.2010, p. 1), Commission Directive (EU) 2016/844 dated 27 May 2016 (OJ L 141, 28.5.2016, p. 51) and Directive (EU) 2017/2108 of the European Parliament and of the Council dated 15 November 2017 (OJ L 315, 30.11.2017, p. 40).

which are at any point no more than 3 miles from the line of the coast, corresponding to the medium tide height.

(2) For the purposes of the categorisation of sea areas in accordance with the criteria set out in paragraph (1), the Secretary of State shall—

- (a) establish, and update when necessary, a list of sea areas under United Kingdom jurisdiction which includes the limits of the inner border of the sea areas closest to the lines of the coast and the limits of zones for all year round operation and, where appropriate, for periodical operation; and
- (b) publish that list in its updated version in a Merchant Shipping Notice and in a public database available on the Internet site of the Maritime and Coastguard Agency.”.

(5) In regulation 4 (application)—

(a) for paragraph (1), substitute—

“(1) These Regulations apply to—

- (a) United Kingdom passenger ships of Class A, B, C or D of 24 metres or over in length, engaged on domestic voyages; and
- (b) non-United Kingdom passenger ships of Class A, B, C or D of 24 metres or over in length, engaged on domestic voyages while they are within United Kingdom waters.”;

(b) in paragraph (2)—

(i) after sub-paragraph (b), insert—

“(ba) a sailing ship;”;

(ii) for sub-paragraph (e), substitute—

“(e) a traditional ship;”;

(iii) for sub-paragraph (f), substitute—

“(f) a pleasure yacht or pleasure craft;”;

(iv) at the end of sub-paragraph (j), insert—

“;

(k) an offshore service craft;

(l) an offshore service ship;

(m) a tender”.

(6) In regulation 5(1) (application and amendment of existing Regulations)—

(a) for the words before sub-paragraph (a), substitute—

“In relation to a passenger ship the keel of which was laid before 1st July 1998, the following Regulations do not apply—”;

(b) omit sub-paragraph (i).

(7) In regulation 6 (safety requirements)—

(a) in paragraph (1), omit “Subject to paragraph (1B) below, ”;

(b) omit paragraphs (1A) and (1B);

(c) in paragraph (2)—

(i) omit “ or (1A)”;

(ii) for “ No M 1672”, substitute “1672 (M + F) Amendment 3”.

(8) In regulation 7C (safety requirements for persons with reduced mobility), omit sub-paragraph (b).

## **Amendment of the Merchant Shipping (High Speed Craft) Regulations 2004**

- 3.—(1) the Merchant Shipping (High Speed Craft) Regulations 2004(a) are amended as follows.
- (2) In regulation 2 (interpretation)—
- (a) in the definition of “Category A, B, C or D waters”, for “1776(M)” substitute “1837(M) Amendment 2”;
  - (b) after the definition of “craft”, insert—  
““the Directive” means Directive 2009/45/EC(b) of the European Parliament and of the Council of 6th May 2009 on safety rules and standards for passenger ships;”.
- (3) In regulation 3(2)(h) (application), for “1.4.37” substitute “1.4.38”.
- (4) In regulation 7A (safety requirements for persons with reduced mobility)—
- (a) in sub-paragraph (1)(b), for “Directive 2009/45/EC as amended on safety rules and standards for passenger ships” substitute “the Directive”;
  - (b) in paragraph (2), for “Council Directive 1998/18/EC” wherever it appears substitute “the Directive”;
  - (c) omit paragraph (3).

Signed by the authority of the Secretary of State for Transport

Date

*Name*  
Parliamentary Under Secretary of State  
Department for Transport

### **EXPLANATORY NOTE**

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

These Regulations implement Directive (EU) 2017/2108 of the European Parliament and of the Council of 15 November 2017 amending Directive 2009/45/EC on safety rules and standards for passenger ships.

Regulation 2 makes a number of amendments to the Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000 (S.I. 2000/2687). Regulation 2(2) updates several definitions. Regulation 2(3) updates terminology to be consistent with other legislation. Regulation 2(4) amends provisions regarding the classification of ships and categorisation of sea areas. Regulation 2(5) updates the application of these Regulations by amending provisions describing vessels to which they apply. Regulation 2(6) updates provisions regarding several Regulations which no longer apply to certain vessels. Regulation 2(7) updates the safety requirements applicable under these Regulations. Regulation 2(8) removes an expired and completed requirement for publication of a national action plan in respect of public transport vessel safety requirements for persons with reduced mobility.

Regulation 3 makes a number of amendments to the Merchant Shipping (High Speed Craft) Regulations 2004 (S.I. 2004/302). Regulation 3(2) updates definitions used in these Regulations. Regulation 3(3) updates a paragraph number in a High Speed Craft Code reference. Regulation 3(4) updates references to Directive 2009/45/EC and removes an expired and completed requirement for publication of a national action plan in respect of public transport high speed craft safety requirements for persons with reduced mobility.

Merchant Shipping Notices are published by the Maritime and Coastguard Agency. Copies may be downloaded from the MCA’s website <https://www.gov.uk/government/organisations/maritime->

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(a) S.I. 2004/302. The Regulations were amended by S.I. 2012/2636 and 2004/2883. There are other amending instruments but none is relevant.

(b) OJ L 163, 25.6.2009, p. 1, as amended by Commission Directive 2010/36/EU dated 1 June 2010 (OJ L 162, 29.6.2010, p. 1), Commission Directive (EU) 2016/844 dated 27 May 2016 (OJ L 141, 28.5.2016, p. 51) and Directive (EU) 2017/2108 of the European Parliament and of the Council dated 15 November 2017 (OJ L 315, 30.11.2017, p. 40).

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A full impact assessment has not been produced for this instrument as no, or no significant impact, on the private or voluntary sector is foreseen. An Explanatory Memorandum is published alongside this instrument on [www.legislation.gov.uk](http://www.legislation.gov.uk).