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11 November 2014

Dear Consultee

STATUTORY CONSULTATION – AMENDMENTS TO THE MERCHANT SHIPPING (SURVEY AND CERTIFICATION) REGULATIONS

The existing Merchant Shipping (Survey and Certification) Regulations 1995 allow the Secretary of State (SoS) to delegate certain survey and certification work relating to the construction, safety equipment and radio equipment of passenger and cargo ships to competent private sector organisations. However, there are certain limitations on delegation of the work; according to the type of survey, type of ship and, on occasions, location of the ship. These existing provisions are inflexible as they do not allow further delegation of survey and certification work.

The proposed Regulations will:

- Provide the SoS with the maximum flexibility to provide a wider scope for further delegation of survey and certification work to the Recognised Organisations and Certifying Authorities in the future, if current policy changes;
- Consolidate and replace the existing Merchant Shipping (Survey and Certification) Regulations 1995, SI 1995 No. 1210.

Full delegation is not the current MCA policy, nor its immediate intention, but the proposed changes to legislation give the potential for full delegation if it becomes policy.

Any policy decisions on full delegation would be subject to consideration of changed risks consultation with all stakeholders and the impacts will be assessed in a separate impact assessment (IA).

Consultation Package

This consultation package details the proposal to implement these changes into UK Law through a revision of the Merchant Shipping (Survey and Certification) Regulations.

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The consultation package is available on-line (www.gov.uk > Departments and Policy > Consultations) and consists of:

- Annex A – Draft Merchant Shipping (Survey and Certification) Regulations
- Annex B – Draft pre consultation IA
- Annex C - Draft Merchant Shipping Notice (MSN 1751) Harmonised System of Survey and Certification.

If you require hard copies of these documents please use the contact details below.

You are invited to comment on the consultation package for the proposed Regulations.

Comments to the consultation must be set out in writing and submitted by 10 December 2014 to:

Suzanne Landolfi
Survey Operations Branch
Maritime & Coastguard Agency
Spring Place, 105 Commercial Road
Southampton
SO15 1EG

suzanne.landolfi@mcga.gov.uk

Next Steps

In the light of any comments received, the draft Statutory Instrument, Merchant Shipping Notice and Impact Assessment will be reviewed with the aim of finalising and publishing them as soon as possible.

Comments on this consultation, together with the Maritime & Coastguard Agency's (MCA) responses, will be made available on-line (www.gov.uk > Departments and Policy > Consultations) within three months of the closing date of this Consultation.

Freedom of Information Act

Please be aware that information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000

(FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you

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regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department will process your personal data in accordance with the DPA and in the majority of circumstances; this will mean that your personal data will not be disclosed to third parties.

Consultation Criteria

This consultation has been conducted in accordance with the Cabinet Office Consultation Principles Guidance, which is available from:

www.gov.uk/government/publications/consultation-principles-guidance

This is a four week consultation running between 11 November and 10 December 2014.

Feedback

If you have any comments regarding the conduct of this consultation please contact the Consultation Co-ordinator at consultation.coordinator@mca.gov.uk. We are continually trying to improve the way in which we conduct consultations and appreciate your views, so we would also be grateful if you could complete and return the feedback form attached to this consultation. These should be submitted to the Consultation Co-ordinator and are not affected by the deadline for this consultation.

Yours sincerely

Simon Roberts
Head of Survey Operations Branch

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Consultees:

American Bureau of Shipping
Registro Italiano Navale
Bureau Veritas
Det Norske Veritas - Germanischer Lloyd
Lloyds Register of Shipping
Nippon Kaiji Kyokai

Chamber of Shipping

Passenger Boat Association
Burness Corlett Three Quays (Southampton) Ltd.
International Institute of Marine Surveying
MECAL Ltd
Port of London Authority
Royal Yachting Association
Seafish Industry Authority
Society of Consulting Marine Engineers and Ship Surveyors
Yacht Designers and Surveyors Association
Padstow Harbour Commissioners
Torridge District Council

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