

2015 No. 000

MERCHANT SHIPPING

The Merchant Shipping (Domestic Passenger Ships) (Safety Management Code) (Amendment) Regulations 2015

<i>Made</i>	- - - -	2015
<i>Laid before Parliament</i>		2015
<i>Coming into force</i>	- -	2015

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 85 and 86(a) of the Merchant Shipping Act 1995(b) and the Merchant Shipping (Control of Pollution) (SOLAS) Order 1998(c).

The Secretary of State has consulted the persons referred to in section 86(4) of the Merchant Shipping Act 1985 in relation to these Regulations.

Citation and commencement

1. These Regulations may be cited as the Merchant Shipping (Domestic Passenger Ships) (Safety Management Code) (Amendment) Regulations 2015 and come into force on XXXX 2015.

Amendment of the Merchant Shipping (Domestic Passenger Ships) (Safety Management Code) Regulations 2001

2. – (1) The Merchant Shipping (Domestic Passenger Ships) (Safety Management Code) Regulations 2001(d) are amended as follows.

(2) Renumber regulation 1 (**Citation and commencement**) as regulation 1(1), and after regulation 1(2) (as so renumbered) insert –

““(2) These Regulations cease to have effect at the end of the period of seven years beginning with the day on which the Merchant Shipping (Domestic Passenger Ships) (Safety Management Code) (Amendment) Regulations 2015 come into force.”.

(a) Sections 85 and 86 were amended by sections 8 and 29 of, and Schedule 7 to, the Merchant Shipping and Maritime Security Act 1997 (c.28). Sections 85 and 86 apply in relation to hovercraft by virtue of article 4 of the Hovercraft (Application of Enactments) Order 1989 (S.I. 1989/1350).
(b) 1995 c.21.
(c) S.I. 1998/1500.
(d) S.I.2001/3209, amended by S.I. 2004/302 and S.I. 2014/1512: there are other amendments not relevant to these Regulations.

(3) For regulation 3(2) and (3), substitute –

“(2) These Regulations do not apply to those companies and ships to which Regulation (EC) 336/2006^(a) of the European Parliament and of the Council on the implementation of the International Safety Management Code within the Community and repealing Council regulation (EC) No. 3051/95 applies.

(3) These Regulations apply to high speed craft as defined in regulation 2(1) of the Merchant Shipping (High Speed Craft) Regulations 2004^(b).”

(4) After regulation 12, insert—

“**13.**—(1) Before the end of the review period, the Secretary of State must —

- (a) carry out a review of these Regulations,
- (b) set out the conclusions of the review in a report, and
- (c) publish the report.

(2) The report must in particular—

- (a) set out the objectives intended to be achieved by the regulatory system established by these Regulations,
- (b) assess the extent to which those objectives are achieved, and
- (c) assess whether those objectives remain appropriate and , if so, the extent to which they could be achieved with a system that imposes less regulation.

(3) “Review period” means the period of five years beginning with the day on which the Merchant Shipping (Domestic Passenger Ships) (Safety Management Code) (Amendment) Regulations 2015 come into force.

(2) Reports under this regulation are afterwards to be published at intervals not exceeding five years.”

Amendment of the Merchant Shipping (International Safety Management (ISM) Code) Regulations 2014

3.-(1). The Merchant Shipping (International Safety Management (ISM) Code) Regulations 2014^(c) are amended as follows.

(2) In regulation 3 (**Application**), for paragraph (a) substitute –

“(a) United Kingdom ships (other than high speed craft) wherever they may be; and”

(a) OJ No L64, 4.3.2006, p.1.

(b) S.I. 2004/302, to which there are amendments not relevant to these Regulations.

(c) S.I. 2014/1512.

Signatory text

Address
Date

Name
Parliamentary Under Secretary of State
Department

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amends the requirements relating to the Safety Management Code which applies to passenger ships of Classes III to VI(A) (generally known as “small passenger ships”) operating within domestic waters.

Regulation 2 amends the Merchant Shipping (Domestic Passenger Ships) (Safety Management Code) Regulations 2001 so that they apply to high speed craft, as defined in the Merchant Shipping (High Speed Craft) Regulations 2004. An amendment is also made to update the reference in the 2001 Regulations to the current European legislation.

Regulation 2 also inserts into the 2001 Regulations a new regulation 1(2) which provides that those Regulations are to cease to have effect seven years after these Regulations come into force, and a new regulation 13 requiring the Secretary of State to review the operation and effect of the 2001 Regulations and publish a report within five years after these regulations come into force. Following the review it will fall to the Secretary of State to consider whether the 2001 Regulations should be allowed to expire as the new regulation 1(2) provides, be revoked early, or continue in force with or without amendment. A further instrument would be needed to continue the 2001 Regulations in force with or without amendments or to revoke them early.

Regulation 3 amends the Merchant Shipping (International Safety Management (ISM) Code) Regulations 2014 so that those Regulations no longer apply to high speed craft.

A full regulatory impact assessment of the effect that this instrument will have on the costs of business has been produced and a copy placed in the library of both Houses of Parliament. Copies may be obtained from the Department for Transport, Great Minster House, 33 Horseferry Road, London, SW1P 4DR. Alternatively, copies can be obtained from the Department for Transport’s website, which is at www.gov.uk. It is also published with the Explanatory Memorandum alongside the instrument on www.legislation.gov.uk.