

2011 No. 2978

MERCHANT SHIPPING

SAFETY

**The Merchant Shipping (Safety of Navigation) (Amendment)
Regulations 2011**

<i>Made</i> - - - -	<i>12th December 2011</i>
<i>Laid before Parliament</i>	<i>14th December 2011</i>
<i>Coming into force</i> - -	<i>6th January 2012</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 85(1), (3), (5) and (7) and 86(1) of the Merchant Shipping Act 1995(a).

In accordance with section 86(4) of that Act the Secretary of State has consulted such persons in the United Kingdom as the Secretary of State considers will be affected by these Regulations.

Citation and commencement

1.—(1) These Regulations may be cited as the Merchant Shipping (Safety of Navigation) (Amendment) Regulations 2011.

(2) They come into force on 6th January 2012.

Amendment of the Merchant Shipping (Safety of Navigation) Regulations 2002

2.—(1) The Merchant Shipping (Safety of Navigation) Regulations 2002(b) are amended as follows.

(2) In regulation 5(2)—

(a) after “regulation 19,” insert “regulation 19-1,”; and

(b) after “regulation 34” insert “, and regulation 34-1”.

(3) In regulation 5(4)(a) omit “regulations in”.

(4) After regulation 11 insert—

“Duty to review

12.—(1) The Secretary of State must from time to time—

(a) 1995 c.21; section 85 was amended by sections 8 and 29 of and Schedule 7 to the Merchant Shipping and Maritime Security Act 1997 (c.28), by section 2 of and Schedule 7, Part 1, to the British Overseas Territories Act 2002 (c.8) and by section 5 of the Health Act 2006 (c.28); section 86 was amended by sections 8 and 29 of and Schedule 7 to the Merchant Shipping and Maritime Security Act 1997.

(b) S.I.2002/1473, amended by S.I. 2004/2110.

- (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) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how Article 6b of Directive 2002/59/EC of the European Parliament and of the Council of 27th June 2002 establishing a Community vessel traffic monitoring and information system (a) (which is implemented by means of regulation 5(2) and paragraph 6A of Schedule 4) is implemented in other Member States.

(3) The report must in particular—

- (a) set out the objectives intended to be achieved by the regulatory system established by these Regulations, and
- (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.

(4) The first report under this regulation must be published before the end of the period of five years beginning with the day on which this regulation comes into force.

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

(5) In Schedule 4—

(a) after paragraph 6 insert—

“6A. If a ship, to which regulation 19-1 applies, proceeds or attempts to proceed on any voyage or excursion without complying with a requirement in paragraph 4,5,6 or 7 of that regulation, the owner and the master shall each be guilty of an offence punishable on summary conviction by a fine not exceeding the statutory maximum and on conviction on indictment by imprisonment for a term not exceeding two years or a fine, or both.”; and

(b) in paragraph 20 for the words “paragraph 3 of regulation 34” substitute “regulation 34-1”.

Signed by authority of the Secretary of State for Transport

Mike Penning
Parliamentary Under Secretary of State
Department for Transport

12th December 2011

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Merchant Shipping (Safety of Navigation) Regulations 2002 to take account of regulations 19-1 and 34-1 of Chapter V of the International Convention for the Safety of Life at Sea (SOLAS).

Regulation 19-1 was inserted into Chapter V by Resolution MSC.202(81) of the Maritime Safety Committee of the International Maritime Organisation and regulation 34-1 was inserted by Resolution MSC.153(78), which deleted paragraph 3 of regulation 34.

These Regulations require compliance with the two new regulations making it an offence to proceed, or attempt to proceed, on a voyage without complying with regulation 19-1 or to contravene regulation 34-1.

(a) OJ No. L208, 5.8.2002, p.10, amended by Directive 2009/17/EC OJ No. L131, 28.5.2009, p.101 and by Directive 2011/15/EU OJ No. L 49, 24.2.2011, p.33.

These Regulations amend the requirement to comply with future amendments of Chapter V specified in Merchant Shipping Notices in accordance with regulation 5(4) of the 2002 Regulations by extending it to all such amendments instead of just those of existing regulations in it.

These Regulations also amend the 2002 Regulations to require the Secretary of State to review their operation and effect and to publish a report within five years after the requirement comes into force and every five years after that. Following each review it will fall to the Secretary of State to consider whether the Regulations should remain as they are, be revoked or be amended. A further instrument would be needed to revoke or amend them.

An impact assessment has been prepared and a copy has been placed in the Library of each House of Parliament. Copies can be obtained from the Maritime and Coastguard Agency, Spring Place, 105 Commercial Road, Southampton, SO15 1EG (telephone 02380 329100). It is also published with the Explanatory Memorandum alongside the instrument on www.legislation.gov.uk.

No Transposition Note has been prepared in respect of these Regulations. By amending regulation 5(2) of, and inserting paragraph 6A into Schedule 4 to, the 2002 Regulations in order to require compliance with regulation 19-1, they include implementation of Article 6b of Directive 2002/59/EC. Article 6b requires ships, to which regulation 19-1 applies, to carry equipment complying with regulation 19-1. It was inserted by Directive 2009/17/EC. This Explanatory Note contains the information that would otherwise be included in the Transposition Note.

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Copies of SOLAS can be obtained from the International Maritime Organisation, 4 Albert Embankment, London SE1 7SR, whose website is www.imo.org.

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STATUTORY INSTRUMENTS

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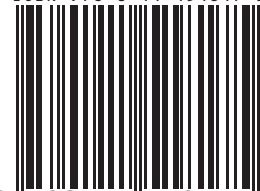
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