

2019 No. XXXX

EXITING THE EUROPEAN UNION

MERCHANT SHIPPING

**The Merchant Shipping (Inland Waterways) (Amendment etc.)
(EU Exit) Regulations 2019**

<i>Sift requirements satisfied</i>	2019
<i>Made - - - -</i>	2019
<i>Laid before Parliament</i>	2019
<i>Coming into force in accordance with regulation 1(2)</i>	

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018^(a) and paragraph 21 of Schedule 7 to that Act.

The requirements of paragraph 3(2) of Schedule 7 to that Act (relating to the appropriate Parliamentary procedure for these Regulations) have been satisfied.

PART 1

Introduction

Citation and commencement

1.—(1) These Regulations may be cited as the Merchant Shipping (Inland Waterways) (Amendment etc.) (EU Exit) Regulations 2019.

(2) These Regulations come into force on whichever is the later of exit day or the 22nd day after the day on which they are laid before Parliament.

^(a) 2018 c. 16.

PART 2

Amendment of subordinate legislation

Amendment of the Merchant Shipping (Technical Requirements for Inland Waterway Vessels) Regulations 2010

2.—(1) The Merchant Shipping (Technical Requirements for Inland Waterway Vessels) Regulations 2010(a) are amended as follows.

(2) For regulation 3(3)(b) substitute—

“(b) in the case of a passenger vessel which does not hold all the relevant Convention Certificates—

- (i) a Passenger Certificate appropriate to the class of passenger ship;
- (ii) a Passenger Ship Safety Certificate; or
- (iii) a short international voyage Passenger Ship Safety Certificate issued pursuant to the Merchant Shipping (Survey and Certification) Regulations 2015(b); or
- (iv) a certificate on safety rules and standards for passenger ships issued by an EEA State in conformity with Directive 2009/45/EC(c) of the European Parliament and of the Council on safety rules and standards for passenger ships as it has effect in EU law.”.

(3) In regulation 4(1)(a), omit “other than the United Kingdom”.

(4) In regulation 6(3)—

- (a) in sub-paragraph (a)—
 - (i) omit paragraph (i);
 - (ii) omit paragraph (ii);
- (b) in sub-paragraph (b)—
 - (i) omit paragraph (i);
 - (ii) omit paragraph (ii).

(5) In regulation 9, after each reference to “Directive (EU) 2016/1629” insert “as it has effect in EU law”.

(6) In Schedule 1—

- (a) omit paragraph 1(a);
- (b) in paragraph 1(b), after each reference to “Directive 2009/100/EC” insert “as it has effect in EU law”;
- (c) in paragraph (2), omit “other than the United Kingdom”.

Amendment of the Merchant Shipping (Boatmasters’ Qualification, Crew and Hours of Work) Regulations 2015

3.—(1) The Merchant Shipping (Boatmasters’ Qualification, Crew and Hours of Work) Regulations 2015(d) are amended as follows.

(2) In regulation 4—

- (a) in paragraph (1)—

(a) S.I. 2010/1075, amended by S.I. 2018/53, S.I. 2019/160.
(b) S.I. 2015/508, amended by S.I. 2018/53.
(c) OJ L 163, 25.6.2009, p.1, as amended by Commission Directive 2010/36/EU dated 29 June 2010 (OJ L 162, 29.6.2010, p.1) and Commission Directive 2016/844/EU dated 27 May 2016 (OJ L141, 28.5.2016, p.51).
(d) S.I. 2015/410, to which there are amendments not relevant to these Regulations.

- (i) omit the definition of “boatmaster’s certificate”;
 - (ii) omit the definition of “Directive 96/50/EC”;
- (b) omit paragraph (5).
- (3) In regulation 6(1)—
 - (a) for the definition of “normal duties”, substitute—
 - ““normal duties”, in relation to the holder of a boatmaster’s licence, means the duties normally performed by a person holding a boatmaster’s licence (with or without endorsement);”;
 - (b) in the definition of “qualifying service”—
 - (i) in sub-paragraph (a), omit “or in another EEA State”;
 - (ii) in sub-paragraph (c), omit “or boatmaster’s certificate”;
 - (c) omit the definition of “Rhine navigation licence”;
 - (d) omit the definition of “supplementary licence”;
 - (e) omit the definition of “UK certificate”.
- (4) In regulation 9—
 - (a) in paragraph (1)—
 - (i) at the end of sub-paragraph (a)(ii), insert “or”;
 - (ii) omit sub-paragraph (b);
 - (iii) omit sub-paragraph (c);
 - (b) in paragraph 2(a), omit “or 30”.
- (5) Omit regulation 11.
- (6) In regulation 12(1)—
 - (a) at the end of sub-paragraph (a), insert “or”;
 - (b) omit sub-paragraph (b);
 - (c) omit sub-paragraph (c).
- (7) Omit regulations 27 to 33.
- (8) In regulation 35—
 - (a) in paragraph (1)—
 - (i) in sub-paragraph (a), omit “and boatmaster’s certificate”;
 - (ii) in sub-paragraph (b), after “boatmaster’s licence”, omit “or certificate”;
 - (b) in paragraph (2)(b), omit “of boatmaster’s certificate”.
- (9) In regulation 36—
 - (a) omit “or boatmaster’s certificate”;
 - (b) omit “or certificate” on each occasion it appears.
- (10) In regulation 38—
 - (a) at the end of sub-paragraph (a), insert “or”;
 - (b) omit sub-paragraph (b).
- (11) In regulation 46, on each occasion that it appears, omit “, 31(5) or 33(1)”.
- (12) In regulation 50(1), omit sub-paragraph (b).

Amendment of the Merchant Shipping (Fees) Regulations 2018

4.—(1) The Merchant Shipping (Fees) Regulations 2018(a) are amended as follows.

(2) In Part 5 of Schedule 1, in sub-paragraph (a)—

- (a) after ““boatmaster’s licence” and related expressions,” insert “and”;
- (b) omit ““boatmaster’s certificate” and related expressions,”;
- (c) omit ““Rhine navigation licence”, and”;
- (d) omit ““supplementary licence”,”.

(3) In the Table of fees in Part 5—

- (a) in items 4 and 5, under the heading “Subject of fee”, omit “, certificate”;
- (b) in item 6, under the heading “Subject of fee”, omit sub-paragraph (b);
- (c) in item 8, under the heading “Subject of fee”, omit “or boatmaster’s certificate,”;
- (d) omit item 10.

Signed by authority of the Secretary of State

Date

Parliamentary Under Secretary of State
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018 (c.16) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under paragraphs (a), (c), (d) and (g) of section 8(2)) arising from the withdrawal of the UK from the European Union. Some small amendments are made under the power in paragraph 21 of Schedule 7 to that Act.

These Regulations make amendments to legislation in the field of inland waterways and, in particular, amend legislation relating to boatmasters’ qualifications, technical requirements for inland waterway vessels and fees. Part 2 amends subordinate legislation.

An 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 available alongside the instrument on the UK legislation website, www.legislation.gov.uk.

(a) S.I. 2018/1104, to which there are amendments not relevant to these Regulations.