

2019 No. 0000

MERCHANT SHIPPING

The Merchant Shipping (Technical Requirements for Inland Waterway Vessels) (Amendment) (No. 2) Regulations 2019

<i>Made</i>	- - - -	2019
<i>Laid before Parliament</i>		2019
<i>Coming into force</i>	- -	1st January 2020

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

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

Citation and commencement

1.—(1) These Regulations may be cited as the Merchant Shipping (Technical Requirements for Inland Waterway Vessels) (Amendment) (No.2) Regulations 2019.

(2) These Regulations come into force on 1st January 2020.

Amendment of Regulations

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

3. In regulation 2(1) (interpretation), for the definition of “technical requirements of Annex II”, substitute—

““technical requirements of Annex II” means the technical requirements contained in ES-TRIN standard 2019/1(c) as referred to in Annex II to Directive (EU) 2016/1629 and as set out in Merchant Shipping Notice MSN 1880(M) Amendment 1 —

(a) excluding the transitional provisions contained in Chapter 32 of ES-TRIN standard 2019/1 for craft navigating on the Rhine, but

(a) 1995 c.21. Section 85 was amended by the Merchant Shipping and Maritime Security Act 1997 (c.28), section 8 and Schedule 7 Part I. Sections 85 and 86 apply to hovercraft by virtue of the Hovercraft (Application of Enactments) Order 1989 (S.I. 1989/1350).

(b) S.I. 2010/1075, amended by S.I. 2018/53, S.I. 2019/160 and prospectively amended by S.I. 2019/808.

(c) ES-TRIN standard 2019/1 is a European standard laying down technical requirements for inland navigation vessels produced by the European Committee for drawing up Standards in the field of Inland Navigation (CESNI). It can be accessed at https://www.cesni.eu/wp-content/uploads/2018/12/ES_TRIN_2019_en.pdf but is set out in full in MSN 1880(M) Amendment 1 (over 500 pages).

(b) including the transitional provisions contained in Chapter 33 of ES-TRIN standard 2019/1 for craft operating exclusively on waterways outside the Rhine,”.

4. In regulation 6(3) (obligation to carry a certificate), after each reference to “MSN 1879(M)”, insert “Amendment 1”.

5. In regulation 9 (union inland navigation certificates and supplementary Union inland navigation certificates)—

(a) for paragraph 1(a), substitute—

“(a) in the form set out in section I of Annex 3 to ES-TRIN standard 2019/1 as set out in Merchant Shipping Notice MSN 1880(M) Amendment 1, and”; and

(b) for paragraph 2(a), substitute—

“(a) in the form set out in section III of Annex 3 to ES-TRIN standard 2019/1 as set out in Merchant Shipping Notice MSN 1880(M) Amendment 1, and”.

6. In regulation 15(1) (transitional provision), for “2016” substitute “2018”.

Signed by authority of the Secretary of State for Transport

Date

Parliamentary Under Secretary of State
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Merchant Shipping (Technical Requirements for Inland Waterway Vessels) Regulations 2010 (S.I. 2010/1075) (“the 2010 Regulations”) to reflect amendments made to Annex II to Directive (EU) 2016/1629 of the European Parliament and of the Council of 14th September 2016 laying down technical requirements for inland waterway vessels, amending Directive 2009/100/EC and repealing Directive 2006/87/EC (“the Directive”) by Commission Delegated Directive (EU) 2019/ XX of XX XX 2019.

The Commission Delegated Directive updates the ES-TRIN standard referred to in Annex II to the Directive to refer to ES-TRIN 2019/1.

Accordingly, it has been necessary to update references to ES-TRIN standard 2017/1 in the 2010 Regulations to ES-TRIN standard 2019/1.

The Regulations are made under sections 85(1), (3) and (5) to (7) and 86(1) and (2) of the Merchant Shipping Act 1995. Section 2(2) of the European Communities Act 1972, which was used to extend the application of the 2010 Regulations to Government ships, is repealed on Exit day and these Regulations do not therefore rely on section 2(2) as an enabling power. As a result, the amendments made by these Regulations do not apply to Government ships.

Regulation 3 amends the definition of “technical requirements of Annex II” in regulation 2 (interpretation) of the 2010 Regulations to refer to the version of Annex II as amended by Commission Delegated Directive (EU) 2019/ XX of XX XX 2019. It also updates the reference to “Merchant Shipping Notice MSN 1880(M)” to “Merchant Shipping Notice MSN 1880(M) Amendment 1” which contains the updated ES-TRIN standard.

Regulation 4 amends regulation 6 (obligation to carry a certificate) of the 2010 Regulations to refer to the updated version of Merchant Shipping Notice MSN 1879(M).

Regulation 5 amends regulation 9 (union inland navigation certificates and supplementary Union inland navigation certificates) of the 2010 Regulations to update references to the ES-TRIN standard and Merchant Shipping Notice MSN 1880(M).

Regulation 6 substitutes “2018” for “2016” in regulation 15 (transitional provision) of the 2010 Regulations in order to accord with a Corrigendum to the Directive(a).

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An impact assessment of the effect of these Regulations on the cost to business is published with the Explanatory Memorandum alongside this instrument on www.legislation.gov.uk.

(a) OJ No. L 181, 5.7.2019, p.123.