

2011 No. 3056

MERCHANT SHIPPING

The Merchant Shipping (Ship Inspection and Survey Organisations) (Revocation) Regulations 2011

<i>Made</i>	- - - -	<i>19th December 2011</i>
<i>Laid before Parliament</i>		<i>22nd December 2011</i>
<i>Coming into force</i>	- -	<i>23rd January 2012</i>

The Secretary of State is a Minister designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to measures relating to maritime transport.

The Secretary of State has consulted persons she considers will be affected by the following Regulations in accordance with section 86(4) of the Merchant Shipping Act 1995(c).

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972 and sections 85(1)(a), (3), (5) and (7) and 86(1) of the Merchant Shipping Act 1995.

Citation and commencement

1.—(1) These Regulations may be cited as the Merchant Shipping (Ship Inspection and Survey Organisations) (Revocation) Regulations 2011.

(2) These Regulations come into force on 23rd January 2012.

Revocation

2. The Merchant Shipping (Ship Inspection and Survey Organisations) Regulations 1996(d) are revoked.

Consequential amendments

3. The amendments in the Schedule have effect.

(a) S.I. 1994/757.

(b) 1972 c.68. Section 2(2) was amended by section 27 of the Legislative and Regulatory Reform Act 2006 (c.51) and section 3 of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c.7). By virtue of the amendment of section 1(2) of the European Communities Act 1972 by section 1 of the European Economic Area Act 1993 (c.51) regulations may be made under section 2(2) of the European Communities Act 1972 to implement obligations of the United Kingdom created or arising by or under the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 (Cm 2073) and the Protocol adjusting the Agreement signed at Brussels on 17th March 1993 (Cm 2183).

(c) 1995 c.21.

(d) S.I. 1996/2908, amended by S.I. 1997/2971 and S.I. 2004/1266.

19th December 2011

SCHEDULE

Consequential amendments

Regulation 3

The Fishing Vessels (EC Directive on Harmonised Safety Regime) Regulations 1999

1. In regulation 2 of the Fishing Vessels (EC Directive on Harmonised Safety Regime) Regulations 1999(a)—

- (a) delete the definition of “1994 Council Directive”(b); and
- (b) in the definition of “recognised organisation”(c), replace the words from “authorised” to the end with “which has an agreement with the Secretary of State pursuant to Article 5(2) of Directive 2009/15/EC of the European Parliament and of the Council of 23rd April 2009 on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations(d)”.

The Merchant Shipping (Fees) Regulations 2006

2. In the table in paragraph 1 of Part 1 of Schedule 1 to the Merchant Shipping (Fees) Regulations 2006(e), delete the reference to the Merchant Shipping (Ship Inspection and Survey Organisations) Regulations 1996, and the associated references to its SI number and amending instruments.

The Merchant Shipping (Prevention of Air Pollution from Ships) Regulations 2008

3. In regulation 2(1) of the Merchant Shipping (Prevention of Air Pollution from Ships) Regulations 2008(f), in the definition of “Certifying Authority”, replace “is an authorised organisation for the purposes of the Merchant Shipping (Ship Inspection and Survey Organisations) Regulations 1996” with “has an agreement with the Secretary of State pursuant to Article 5(2) of Directive 2009/15/EC of the European Parliament and of the Council of 23rd April 2009 on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations(g)”.

The Merchant Shipping (Prevention of Pollution by Sewage and Garbage from Ships) Regulations 2008

4. In regulation 2(1) of the Merchant Shipping (Prevention of Pollution by Sewage and Garbage from Ships) Regulations 2008(h), in the definition of “Certifying Authority”, replace “is an authorised organisation for the purposes of the Merchant Shipping (Ship Inspection and Survey Organisations) Regulations 1996” with “has an agreement with the Secretary of State pursuant to

(a) S.I. 1999/2998, amended by S.I. 2003/1112; there are other amending instruments but none is relevant.
(b) This definition was inserted by S.I. 2003/1112, regulations 4 and 5(a).
(c) This definition was inserted by S.I. 2003/1112, regulations 4 and 5(g).
(d) OJ No L 131, 28.5.2009, p47.
(e) S.I. 2006/2055, to which there are amendments not relevant to these Regulations.
(f) S.I. 2008/2924, to which there are amendments not relevant to these Regulations.
(g) OJ No L 131, 28.5.2009, p47.
(h) S.I. 2008/3257, to which there are amendments not relevant to these Regulations.

Article 5(2) of Directive 2009/15/EC of the European Parliament and of the Council of 23rd April 2009 on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations^(a)”.

The Merchant Shipping (Anti-Fouling Systems) Regulations 2009

5. In regulation 2 of the Merchant Shipping (Anti-Fouling Systems) Regulations 2009^(b), in the definition of “Certifying Authority”, replace “is an authorised organisation for the purposes of the Merchant Shipping (Ship Inspection and Survey Organisations) Regulations 1996” with “has an agreement with the Secretary of State pursuant to Article 5(2) of Directive 2009/15/EC of the European Parliament and of the Council of 23rd April 2009 on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations^(c)”.

The Merchant Shipping (Passenger Ships) (Safety Code for UK Categorised Waters) Regulations 2010

6. In regulation 2 of the Merchant Shipping (Passenger Ships) (Safety Code for UK Categorised Waters) Regulations 2010^(d), in the definition of “certifying authority”, replace “is an authorised organisation for the purposes of the Merchant Shipping (Ship Inspection and Survey Organisations) Regulations 1996” with “has an agreement with the Secretary of State pursuant to Article 5(2) of Directive 2009/15/EC of the European Parliament and of the Council of 23rd April 2009 on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations^(e)”.

(a) OJ No L 131, 28.5.2009, p47.

(b) S.I. 2009/2796.

(c) OJ No L 131, 28.5.2009, p47.

(d) S.I. 2010/680, to which there are amendments not relevant to these Regulations.

(e) OJ No L 131, 28.5.2009, p47.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement provisions in Directive 2009/15/EC of the European Parliament and the Council of 23rd April 2009 on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations (OJ No L 131, 28.5.2009, p47).

Regulation 2 implements Article 13 of the Directive by revoking the Merchant Shipping (Ship Inspection and Survey Organisations) Regulations 1996 (S.I. 1996/2908), which contained provisions through which the United Kingdom had partially implemented Council Directive 94/57/EC of 22nd November 1994 on common rules and standards of ship inspection and survey organisations and for the relevant activities of maritime administrations (OJ No L 319, 12.12.1994, p20). That Directive was repealed by Article 14 of Directive 2009/15/EC.

Regulation 3 introduces the Schedule which contains consequential amendments arising from the revocation in regulation 2. Those organisations which have an agreement with the Secretary of State pursuant to Article 5(2) of Directive 2009/15/EC are identified in Merchant Shipping Notice 1672.

An impact assessment has not been produced for this instrument as no impact on the private, voluntary or public sector is foreseen.

Merchant Shipping Notices can be read or downloaded free from the Maritime and Coastguard Agency website (www.mcga.gov.uk). Printed copies can be obtained from M-Notices Subscriptions, PO Box 362, Europa Park, Grays, Essex, RM17 9AY (telephone number 01375 484548, fax number 01375 484556 and email mnotices@ecgroup.co.uk).

An Explanatory Memorandum and a Transposition Note are available alongside the instrument on the website www.legislation.gov.uk.

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