

This draft Statutory Instrument supersedes the draft of the same title which was laid before Parliament and published on the 12th March 2015 (ISBN 978-0-11-113329-3). It is being issued free of charge to all known recipients of that draft Statutory Instrument.

Draft Regulations laid before Parliament under section 88(4) of the Railways and Transport Safety Act 2003, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2015 No. 0000

MERCHANT SHIPPING

ALCOHOL AND DRUGS

The Merchant Shipping (Alcohol) (Prescribed Limits Amendment) Regulations 2015

Made - - - - 2015

Coming into force - - 2015

In accordance with section 88(4) of the Railways and Transport Safety Act 2003⁽¹⁾ a draft of these Regulations has been laid before and approved by resolution of each House of Parliament.

The Secretary of State has consulted in accordance with section 88(6) of that Act.

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 81(2) of that Act.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Merchant Shipping (Alcohol) (Prescribed Limits Amendment) Regulations 2015.

(2) They come into force on the 22nd day after the day on which they are made.

(3) In these Regulations—

“the Act” means the Railways and Transport Safety Act 2003;

“STCW Code” means the Seafarers’ Training, Certification and Watchkeeping Code adopted by the 2010 Manila Conference of Parties to the STCW Convention⁽²⁾;

(1) 2003 c.20.

(2) ISBN 978-92-801-1528-4.

“STCW Convention” means the International Convention on the Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended (3).

Amendment of prescribed limit

- 2.—(1) In section 81 of the Act (prescribed limit), subsection (1) is amended as follows.
- (2) In paragraph (a) for “35” substitute “25”.
 - (3) In paragraph (b) for “80” substitute “50”.
 - (4) In paragraph (c) for “107” substitute “67”.

Review

- 3.—(1) The Secretary of State must from time to time—
- (a) carry out a review of the amendments made by 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 paragraph 10 of section A-VIII/1 (Fitness for duty) of the STCW Code (which is implemented by Part 4 of the Act (Shipping: Alcohol and drugs) as amended by regulation 2) is implemented in other States which are parties to the STCW Convention.
- (3) The report must in particular—
- (a) set out the objectives intended to be achieved by the amendments made by these Regulations;
 - (b) assess the extent to which those objectives have been achieved; and
 - (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system which 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 these Regulations come into force.
- (5) Reports under this regulation are afterwards to be published at intervals not exceeding five years.

Signed by authority of the Secretary of State

Date

Name
Parliamentary Under Secretary of State
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations set new, lower limits of alcohol for the purposes of Part 4 (Shipping: Alcohol and Drugs) of the Railways and Transport Safety Act 2003.

Regulation 2 reduces the prescribed limits of alcohol in breath and blood to those prescribed by the International Maritime Organisation in the Seafarers' Training, Certification and Watchkeeping Code adopted by the 2010 Manila Conference of Parties to the International Convention on the Standards of Training, Certification and Watchkeeping and by Directive 2012/35/EU (O.J. L343, 14.12.2012, p.78) of the European Parliament and of the Council amending [Directive 2008/106/EC](#) on the minimum level of training of seafarers. It also reduces the prescribed limit for alcohol in urine to a commensurate level.

Regulation 3 requires the Secretary of State to review the operation and effect of these Regulations and to publish a report within five years after the Regulations come into force. Following the review it will fall to the Secretary of State to consider whether the amendments made by the Regulations should remain as they are, or be amended.

An impact assessment has been prepared on the implementation of the amendments which were adopted by the 2010 Manila Conference and which include these new lower limits for alcohol. 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.

Copies of the STCW Convention and the STCW Code can be obtained from the International Maritime Organisation, 4 Albert Embankment, London SE1 7SR (telephone 020 7735 7611) or from www.imo.org.