



# Railways and Transport Safety Act 2003

## 2003 CHAPTER 20

### PART 4

#### SHIPPING: ALCOHOL AND DRUGS

##### *General*

#### **87 Consequential repeal**

Section 117 of the Merchant Shipping Act 1995 (c. 21) (drunkenness on duty) shall cease to have effect.

#### **88 Orders and regulations**

- (1) An order or regulations under this Part may—
  - (a) make transitional, supplemental and incidental provision;
  - (b) make provision generally or for specified purposes only;
  - (c) make different provision for different purposes.
- (2) The power under section 84(3)(c) for the Secretary of State to designate a class of person includes a power for him to designate—
  - (a) himself, or
  - (b) one or more persons employed in his Department.
- (3) An order or regulations under this Part shall be made by statutory instrument.
- (4) Regulations under this Part shall not be made unless a draft has been laid before and approved by resolution of each House of Parliament.
- (5) An order under section 84(3)(c) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) Before making regulations under section 81(2) the Secretary of State shall consult such organisations as he thinks fit.

## 89 Interpretation

- (1) In this Part—
  - (a) “ship” includes every description of vessel used in navigation, and
  - (b) a reference to the navigation of a vessel includes a reference to the control or direction, or participation in the control or direction, of the course of a vessel.
- (2) Section 313 of the Merchant Shipping Act 1995 (c. 21) (interpretation) shall apply to the following expressions used in this Part—
  - (a) fishing vessel,
  - (b) foreign ship,
  - (c) harbour authority,
  - (d) master,
  - (e) registered,
  - (f) seaman,
  - (g) United Kingdom ship, and
  - (h) United Kingdom waters.
- (3) In this Part “pilot” has the meaning given by section 31(1) of the Pilotage Act 1987 (c. 21) (interpretation).
- (4) Regulations under section 267(4)(a) of the Merchant Shipping Act 1995 (power to define “accident” for the purposes of provisions about marine accident investigations) shall, so far as is practicable, apply to the word “accident” as used in relation to this Part.
- (5) In this Part “drug” includes any intoxicant other than alcohol.

## 90 Crown application, &c.

- (1) This Part shall not apply to a member of Her Majesty’s naval forces, military forces or air forces, within the meaning given by section 225(1) of the Army Act 1955 (c. 18), while acting in the course of his duties.
- (2) Subject to subsection (1), this Part shall apply to a person in the service of the Crown.
- (3) But section 84 shall not have effect in relation to a ship which—
  - (a) is being used for a purpose of Her Majesty’s forces, or
  - (b) forms part of the Royal Fleet Auxiliary Service.
- (4) This Part shall not apply to—
  - (a) a member of a visiting force, within the meaning which that expression has in section 3 of the Visiting Forces Act 1952 (c. 67) by virtue of section 12(1) of that Act, while acting in the course of his duties, or
  - (b) a member of a civilian component of a visiting force, within that meaning, while acting in the course of his duties.

## 91 Territorial application

- (1) This Part shall have effect in relation to—
  - (a) United Kingdom ships,
  - (b) foreign ships in United Kingdom waters, and

- (c) un-registered ships in United Kingdom waters.
- (2) Section 86 shall not extend to Scotland.
- (3) Subsection (2) does not affect any rule of law or enactment concerning the right of a constable in Scotland to board a ship or enter any place for any purpose.