



# Deregulation Act 2015

## 2015 CHAPTER 20

### *Legislative reform*

#### **106 Ambulatory references to international shipping instruments**

After section 306 of the Merchant Shipping Act 1995 insert—

##### **“306A Power to make ambulatory references to international instruments**

- (1) This section applies where—
  - (a) a person has power under this Act to make subordinate legislation, and
  - (b) the person proposes to exercise that power to make subordinate legislation which refers to an international instrument.
- (2) The power may be exercised so as to have the effect that the reference to the instrument is construed—
  - (a) as a reference to the instrument as modified from time to time;
  - (b) if the instrument is replaced by another instrument, as a reference to that other instrument.
- (3) For the purposes of subsection (2)(a), an instrument is modified if—
  - (a) omissions, additions or other alterations to the text of the instrument take effect, or
  - (b) supplementary provision made under the instrument takes effect.
- (4) In this section, provision included in subordinate legislation by virtue of subsection (2) is referred to as ambulatory provision.
- (5) Subordinate legislation which makes ambulatory provision may make provision as to—
  - (a) when a modification of an international instrument is to be treated as taking effect for the purposes of subsection (2)(a) (read with subsection (3));

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*Status: This is the original version (as it was originally enacted).*

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- (b) when an international instrument is to be treated as having been replaced by another instrument for the purposes of subsection (2)(b).
- (6) In this section—
- (a) “international instrument” means an international convention or treaty or an instrument made under such a convention or treaty except that “international instrument” does not include an EU instrument;
  - (b) “subordinate legislation” has the same meaning as in the Interpretation Act 1978.”