
Status: This version of this Instrument contains provisions that are prospective.
Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Merchant Shipping (Ship Inspection and Survey Organisations) (Revocation) Regulations 2011. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

STATUTORY INSTRUMENTS

2011 No. 3056

MERCHANT SHIPPING

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

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

The Secretary of State is a Minister designated⁽¹⁾ for the purposes of section 2(2) of the European Communities Act 1972⁽²⁾ 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⁽³⁾.

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.

PROSPECTIVE

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.

Commencement Information

II Reg. 1 in force at 23.1.2012, see [reg. 1\(2\)](#)

(1) [S.I. 1994/757](#).

(2) [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).

(3) [1995 c.21](#).

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Revocation

2. The Merchant Shipping (Ship Inspection and Survey Organisations) Regulations 1996⁽⁴⁾ are revoked.

Commencement Information

I2 Reg. 2 in force at 23.1.2012, see [reg. 1\(2\)](#)

Consequential amendments

3. The amendments in the Schedule have effect.

Commencement Information

I3 Reg. 3 in force at 23.1.2012, see [reg. 1\(2\)](#)

Signed on behalf of the Secretary of State for Transport

19th December 2011

Mike Penning
Parliamentary Under Secretary of State
Department for Transport

(4) [S.I. 1996/2908](#), amended by [S.I. 1997/2971](#) and [S.I. 2004/1266](#).

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PROSPECTIVE

SCHEDULE

Regulation 3

Consequential amendments

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⁽⁵⁾—

- (a) delete the definition of “1994 Council Directive”⁽⁶⁾; and
- (b) in the definition of “recognised organisation”⁽⁷⁾, 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⁽⁸⁾”.

Commencement Information

I4 Sch. para. 1 in force at 23.1.2012, see [reg. 1\(2\)](#)

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⁽⁹⁾, 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.

Commencement Information

I5 Sch. para. 2 in force at 23.1.2012, see [reg. 1\(2\)](#)

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⁽¹⁰⁾, 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⁽¹¹⁾”.

⁽⁵⁾ [S.I. 1999/2998](#), amended by [S.I. 2003/1112](#); there are other amending instruments but none is relevant.

⁽⁶⁾ This definition was inserted by [S.I. 2003/1112](#), regulations 4 and 5(a).

⁽⁷⁾ This definition was inserted by [S.I. 2003/1112](#), regulations 4 and 5(g).

⁽⁸⁾ OJ No L 131, 28.5.2009, p47.

⁽⁹⁾ [S.I. 2006/2055](#), to which there are amendments not relevant to these Regulations.

⁽¹⁰⁾ [S.I. 2008/2924](#), to which there are amendments not relevant to these Regulations.

⁽¹¹⁾ OJ No L 131, 28.5.2009, p47.

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Commencement Information

I6 Sch. para. 3 in force at 23.1.2012, see [reg. 1\(2\)](#)

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(**12**), 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(**13**)”.

Commencement Information

I7 Sch. para. 4 in force at 23.1.2012, see [reg. 1\(2\)](#)

The Merchant Shipping (Anti-Fouling Systems) Regulations 2009

5. In regulation 2 of the Merchant Shipping (Anti-Fouling Systems) Regulations 2009(**14**), 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(**15**)”.

Commencement Information

I8 Sch. para. 5 in force at 23.1.2012, see [reg. 1\(2\)](#)

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(**16**), 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(**17**)”.

(12) [S.I. 2008/3257](#), to which there are amendments not relevant to these Regulations.

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

(14) [S.I. 2009/2796](#).

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

(16) [S.I. 2010/680](#), to which there are amendments not relevant to these Regulations.

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

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Commencement Information

19 Sch. para. 6 in force at 23.1.2012, see [reg. 1\(2\)](#)

PROSPECTIVE

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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Changes and effects yet to be applied to :

- Sch. para. 1 coming into force by [S.I. 2011/3056 reg. 1\(2\)](#)
- Sch. para. 2 coming into force by [S.I. 2011/3056 reg. 1\(2\)](#)
- Sch. para. 3 coming into force by [S.I. 2011/3056 reg. 1\(2\)](#)
- Sch. para. 4 coming into force by [S.I. 2011/3056 reg. 1\(2\)](#)
- Sch. para. 5 coming into force by [S.I. 2011/3056 reg. 1\(2\)](#)
- Sch. para. 6 coming into force by [S.I. 2011/3056 reg. 1\(2\)](#)
- Sch. para. 5 revoked by [S.I. 2024/509 Sch. Pt. 2](#)
- reg. 1 coming into force by [S.I. 2011/3056 reg. 1\(2\)](#)
- reg. 2 coming into force by [S.I. 2011/3056 reg. 1\(2\)](#)
- reg. 3 coming into force by [S.I. 2011/3056 reg. 1\(2\)](#)