



Merchant Shipping Act 1995

1995 CHAPTER 21

PART IV

SAFETY

Safety and Health on Ships

86 Provisions supplementary to section 85: general

(1) Safety regulations may—

- (a) make different provision for different circumstances and, in particular, make provision for an individual case;
- (b) be made so as to apply only in such circumstances as are prescribed by the regulations;
- (c) be made so as to extend outside the United Kingdom;
- (d) contain such incidental, supplemental and transitional provisions as the Secretary of State considers appropriate;
- (e) make provision for compensation to be paid, where a signal is used or displayed otherwise than in accordance with the regulations, for any expense or loss caused in consequence of the signal's being taken for a signal of distress;

and any compensation falling to be paid by virtue of regulations under paragraph (e) above may, without prejudice to any other remedy, be recovered in the same manner as salvage.

(2) The Secretary of State may by regulations—

- (a) make such repeals or other modifications of provisions of the Merchant Shipping Acts 1894 to 1977 re-enacted in this Act, and of any instruments made under those Acts as he considers appropriate in consequence or in anticipation of the making of safety regulations;
- (b) make such repeals or other modifications of provisions of any enactment passed and any instrument made before 4th April 1979 as he considers

Status: This is the original version (as it was originally enacted).

appropriate in connection with any modification made or to be made in pursuance of paragraph (a);

- (c) provide for anything done under a provision repealed or otherwise modified by virtue of either of the preceding paragraphs to have effect as if done under safety regulations and make such other transitional provision and such incidental and supplemental provision as he considers appropriate in connection with any modification made by virtue of either of those paragraphs.

(3) Nothing in section 85(3) to (6) or subsection (1) above shall be construed as prejudicing the generality of section 85(1).

(4) Where the Secretary of State proposes to make safety regulations or he or another person proposes to give an approval in pursuance of safety regulations it shall be the duty of the Secretary of State or other person, before he gives effect to the proposal, to consult such persons in the United Kingdom (if any) as he considers will be affected by the proposal.

(5) Except where subsections (6) below applies, a statutory instrument containing regulations under section 85 of the following descriptions shall be subject to annulment in pursuance of a resolution of either House of Parliament—

- (a) regulations under subsection (1)(a) of that section;
- (b) regulations under subsection (1)(b) of that section which—
 - (i) relate to an international agreement laid before Parliament before 4th April 1979, or
 - (ii) relate to safety matters and give effect to amendments in force to an international agreement already implemented under that paragraph; and
- (c) regulations under subsection (1)(c) of that section which contain a statement that they are made only for the purpose of applying to certain other ships the provisions of an international agreement implemented under subsection (1)(b) of that section;

and regulations of any other description under section 85 shall not be made unless a draft of the regulations has been approved by resolution of each House of Parliament.

(6) Regulations falling within paragraphs (a) to (c) of subsection (5) above, if contained in the same instrument as any regulations required to be approved in draft by virtue of that subsection, shall also require to be so approved.