

1990 No. 1985

MERCHANT SHIPPING

SAFETY

**The Merchant Shipping (Medical Examination)
(Amendment) Regulations 1990**

<i>Made</i>	- - - -	<i>3rd October 1990</i>
<i>Laid before Parliament</i>		<i>11th October 1990</i>
<i>Coming into force</i>	-	<i>1st November 1990</i>

The Secretary of State, after consulting with the persons referred to in section 22(2) of the Merchant Shipping Act 1979(a), in exercise of the powers conferred on him by section 21(1)(a) and (b), (3) and (4) and section 22(1) of that Act and of all other powers enabling him in that behalf, hereby makes the following Regulations:

1. These Regulations may be cited as the Merchant Shipping (Medical Examination) (Amendment) Regulations 1990 and shall come into force on 1st November 1990.

2. The Merchant Shipping (Medical Examination) Regulations 1983(b) shall be amended as follows:-

(a) in regulation 2 the existing text shall become paragraph (1), and the following shall be added as paragraph (2):-

“(2) Any approval in pursuance of these Regulations shall be given in writing and shall specify the date on which it takes effect and the conditions (if any) on which it is given.”;

(b) regulation 9 shall be replaced by the following:-

“9. If an approved medical practitioner has reasonable grounds for believing that:

- (i) there has been a significant change in the medical fitness of a seafarer during the period of validity of his medical fitness certificate; or
- (ii) when the medical fitness certificate was issued an approved medical practitioner, had he been in possession of full details of the seafarer's condition, could not reasonably have considered that the seafarer was fit, having regard to the medical standards referred to in regulation 7; or
- (iii) that the medical fitness certificate was issued otherwise than in accordance with these Regulations,

he shall notify the seafarer concerned and may:

(a) suspend the validity of that certificate until the seafarer has undergone a further medical examination;

(a) 1979 c.39.
(b) S.I. 1983/808.

- (b) suspend the certificate for such period as he considers the seafarer will remain unfit to go to sea; or
- (c) cancel the certificate if he considers that the seafarer is likely to remain permanently unfit to go to sea.”.

Signed by authority of the
Secretary of State for Transport
3rd October 1990

The Lord Brabazon of Tara
Minister of State,
Department of Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Merchant Shipping (Medical Examination) Regulations 1983. The principal changes are to regulation 9, to enable an approved medical practitioner to suspend or cancel a medical fitness certificate if, when the certificate was issued the seafarer could not in fact have met the appropriate medical standards, or if the certificate when issued was incorrect.

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