

2001 No. 2349

MERCHANT SHIPPING

**The Merchant Shipping (Port State Control)
(Amendment) Regulations 2001**

<i>Made</i> - - - - -	<i>28th June 2001</i>
<i>Laid before Parliament</i>	<i>29th June 2001</i>
<i>Coming into force</i> - -	<i>31st July 2001</i>

The Secretary of State, being a Minister designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to measures relating to the safety of ships and the health and safety of persons on them, in exercise of the powers conferred by the said section 2(2) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Merchant Shipping (Port State Control) (Amendment) Regulations 2001 and shall come into force on 31st July 2001.

Amendment of Merchant Shipping (Port State Control) Regulations 1995

2. The Merchant Shipping (Port State Control) Regulations 1995(c) shall be further amended as follows.

3. In regulation 2(1) after “Commission Directive 98/42(d)” there shall be inserted the words “and by Commission Directive 1999/97/EC(e)”.

4. In regulation 2(2)—

- (a) in the definition of “Conventions” for the words “in force at 1 July 1998” there shall be substituted the words “in force at 1 July 1999”; and
- (b) in the definition of “MOU” for the words “as it stands on 14 January 1998” there shall be substituted the words “as it stands on 1 July 1999”.

5. In regulation 7—

- (a) before the first word of paragraph (1) there shall be inserted “Subject to paragraph (4) below”, and

(a) S.I. 1993/595.

(b) 1972 c. 68; by virtue of the amendment of section 1(2) of the European Communities Act 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 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).

(c) S.I. 1995/3128, amended by S.I. 1998/1433 and S.I. 1998/2198.

(d) OJ No. L184, 27.6.98, p. 40.

(e) OJ No. L331, 23.12.99, p. 67.

(b) after paragraph (3) there shall be inserted:

“(4) This regulation shall not apply to a vessel which to the satisfaction of the Maritime and Coastguard Agency has within the previous 12 months been subject to an initial specific survey in accordance with Article 6 of Council Directive 1999/35/EC on a system of mandatory surveys for the safe operation of regular ro-ro ferry and high-speed passenger craft services(a) or a specific survey in accordance with Article 8 of that Directive.”.

6. For regulation 16 there shall be substituted the following:

“Release of information

16. The Maritime and Coastguard Agency shall ensure the publication, at least every month, of the information specified in Annex IX, Part I of MSN 1725 concerning ships to which this Part of the Regulations applies which during the previous month—

- (a) have been detained in a port in the United Kingdom; or
- (b) have been subject to a refusal of access to a port in the United Kingdom.”.

Signed by authority of the Secretary of State
for Transport, Local Government and the Regions

David Jamieson
Parliamentary Under-Secretary of State
Department for Transport,
Local Government and the Regions

28th June 2001

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Merchant Shipping (Port State Control) Regulations 1995 to implement Commission Directive 1999/97/EC (“the Directive”), amending Commission Directive 95/21/EC on port state control, and to implement a requirement of Council Directive 1999/35/EC on a system of mandatory surveys for the safe operation of regular ro-ro ferry and high-speed craft services to avoid duplication of inspections.

The Regulations require the Maritime and Coastguard Agency, in accordance with the Directive, to ensure that publication takes place each month, as a minimum, of information listed in Annex IX Part I of Merchant Shipping Notice MSN No. 1725 (as amended by MSN 1753) in respect of ships which have been detained or have been subject to a refusal of access to ports in the United Kingdom in the previous month.

Merchant Shipping Notices are obtainable from iForce, Delta House, The Imber Court Business Park, Orchard Lane, East Molesey, Surrey KT8 0BN (telephone number 020-8857 5028).

(a) OJ No. L138/1, 1.6.1999, p.1.

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