
STATUTORY INSTRUMENTS

2007 No. 3100

The Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Carcinogens and Mutagens) Regulations 2007

Interpretation

2.—(1) In these Regulations—

“the Act” means the Merchant Shipping Act 1995;

“carcinogen” means—

- (a) a substance or preparation which, if classified in accordance with the classification provided for by regulation 4 of the Chemicals (Hazard Information and Packaging for Supply) Regulations 2002⁽¹⁾ would be in the category of danger, carcinogenic (category 1) or carcinogenic (category 2) whether or not the substance or preparation would be required to be classified under those Regulations;
- (b) a substance or preparation—
 - (i) listed in Schedule 1, or
 - (ii) which arises from a process specified in Schedule 1 and is a substance hazardous to health;

“employer” means a person by whom a worker is employed on a ship under a contract of employment;

“exposure” means exposure to carcinogens or mutagens or to both;

“the General Duties Regulations” means the Merchant Shipping and Fishing Vessels (Health and Safety at Work) Regulations 1997⁽²⁾;

“health and safety” means the health and safety of persons whilst on board, or boarding or leaving, a ship;

“mutagen” means a substance or preparation which if classified in accordance with the classification provided for by regulation 4 of the Chemicals (Hazard Information and Packaging for Supply) Regulations 2002 would be in the category of danger, mutagenic (category 1) or mutagenic (category 2) whether or not the substance or preparation would be required to be classified under those Regulations;

“preparation” means a mixture or solution of two or more substances;

“regulation 4 assessment” has the meaning given by regulation 4(2);

“representative” in relation to workers means any person lawfully elected, chosen or designated to represent the workers in regard to issues about the safety and health protection of workers at work;

“substance” means any natural or artificial substance whether in solid or in liquid form or in the form of a gas or vapour and includes micro-organisms;

“trainees and apprentices” does not include persons who are training in a sail training vessel;

(1) S.I. 2002/1689; relevant amending instrument is S.I. 2005/2571.

(2) S.I. 1997/2962, amended by S.I. 1998/2411, 2001/54.

“United Kingdom ship” means a ship which is—

- (a) a United Kingdom ship within the meaning of s 85(2) of the Act;
- (b) a Government ship within the meaning of section 308(4) of the Act; or
- (c) a hovercraft registered under the Hovercraft Act 1968⁽³⁾; and

“United Kingdom waters” means the sea or other waters within the seaward limits of the territorial sea of the United Kingdom.

(2) In these Regulations, “worker” means a person employed under a contract of employment, whether express or implied, and if express whether oral or in writing, to work on activities to which these Regulations apply and includes a trainee or apprentice so employed except a trainee to whom paragraph (3) applies.

(3) This paragraph applies to a trainee training in a sailing vessel which is—

- (a) being used either—
 - (i) to provide instruction in the principles of responsibility, resourcefulness, loyalty and team endeavour and to advance education in the art of seamanship; or
 - (ii) to provide instruction in navigation and seamanship for yachtsmen; and
- (b) is being operated under one of the following codes—
 - (i) the Large Commercial Yacht Code as set out in Merchant Shipping Notice No. 1792(M), issued by the Maritime and Coastguard Agency, an executive agency of the Department for Transport;
 - (ii) the Code of Practice for the Safety of Small Commercial Sailing Vessels⁽⁴⁾;
 - (iii) the Code of Practice for the Safety of Small Commercial Motor Vessels⁽⁵⁾; or
 - (iv) the Code of Practice for the Safety of Small Vessels in Commercial Use for Sport or Pleasure Operating from a Nominated Departure Point⁽⁶⁾.

(4) In paragraph (3) each reference to a Code includes a reference to any document containing an amendment or replacement of that Code which is considered by the Secretary of State to be relevant from time to time.

⁽³⁾ 1968 c. 59.

⁽⁴⁾ Published by the Stationery Office in 1993 (ISBN 0-11-551184-9).

⁽⁵⁾ Published by the Stationery Office in 1993 (ISBN 0-11-551185-7).

⁽⁶⁾ Published by the Stationery Office in 1999 (ISBN 0-11-551812-6).