

2010 No. 1075

MERCHANT SHIPPING

**The Merchant Shipping (Technical Requirements for Inland
Waterway Vessels) Regulations 2010**

<i>Made</i>	- - - -	<i>29th March 2010</i>
<i>Laid before Parliament</i>		<i>30th March 2010</i>
<i>Coming into force</i>	- -	<i>20th April 2010</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 85(1)(a) and (b), (3) and (5) to (7) and 86(1) and (2) of the Merchant Shipping Act 1995(a) and section 2(2) of the European Communities Act 1972(b) as read with paragraph 1A of Schedule 2 to that Act(c).

The Secretary of State has consulted the persons referred to in section 86(4) of the Merchant Shipping Act 1995.

The Secretary of State is a Minister designated(d) for the purposes of section 2(2) of the European Communities Act 1972 in relation to measures relating to the safety of ships, and the health and safety of persons on them.

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Secretary of State that it is expedient for references to Annexes to Directive 2006/87/EC of 12th December 2006 of the European Parliament and of the Council laying down technical requirements for inland waterway vessels and repealing Council Directive 82/714/EEC(e) to be construed as references to those Annexes as amended from time to time.

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- (a) 1995 c.21. Sections 85 and 86 were amended by the Merchant Shipping and Maritime Security Act 1997 (c.27) sections 8 and 29 and Schedule 7, Part I, and are applied to hovercraft by the Hovercraft (Application of Enactments) Order 1989 (S.I. 1989/1350), to which there are amendments not relevant to these Regulations.
- (b) 1972 c.68. Section 2(2) was amended by the Legislative and Regulatory Reform Act 2006 (c.51) and 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).
- (c) Paragraph 1A was inserted by the Legislative and Regulatory Reform Act 2006 (c.51), section 28.
- (d) S.I. 1993/595.
- (e) O.J. No. L 389, 30.12.2006, p.1. Added to Annex XIII to the EEA Agreement by Article 1 of the Decision of the EEA Joint Committee No. 89/2007 of 6 July 2007 (O.J. No. L 328, 13.12.2007, p.36).

Citation and commencement

1.—(1) These Regulations may be cited as the Merchant Shipping (Technical Requirements for Inland Waterway Vessels) Regulations 2010.

(2) These Regulations come into force on 20th April 2010.

Interpretation

2.—(1) In these Regulations—

“Directive 2006/87/EC” means Directive 2006/87/EC dated 12 December 2006 of the European Parliament and of the Council laying down technical requirements for inland waterway vessels and repealing Council Directive 82/714/EEC, as amended by—

- (a) Directive 2006/137/EC dated 18 December 2006 of the European Parliament and of the Council amending Directive 2006/87/EC laying down technical requirements for inland waterway vessels(a),
- (b) Directive 2008/59/EC dated 12 June 2008 of the European Parliament and of the Council adapting Directive 2006/87/EC of the European Parliament and of the Council laying down technical requirements for inland waterway vessels, by reason of the accession of the Republic of Bulgaria and Romania(b),
- (c) Directive 2008/68/EC dated 24 December 2008 of the European Parliament and of the Council on the inland transport of dangerous goods(c), and
- (d) Commission Directive 2008/87/EC dated 22 September 2008(d), Commission Directive 2008/126/EC dated 19 December 2008(e) and Commission Directive 2009/46/EC dated 24 April 2009(f), each amending Directive 2006/87/EC of the European Parliament and of the Council laying down technical requirements for inland waterway vessels,

“Government ship” means a Government ship within the meaning of section 308(4) of the Merchant Shipping Act 1995 which is ordinarily engaged in commercial maritime operations,

“inspector” means a person mentioned in paragraph (a), (b) or (c) of section 258(1) of the Merchant Shipping Act 1995(g),

“MCA” means the Maritime and Coastguard Agency, an executive agency of the Department for Transport,

“Merchant Shipping Notice” means a notice described as such and issued by the MCA, and a reference to a Merchant Shipping Notice includes a reference to a Merchant Shipping Notice, amending or replacing such a Notice, which is stated to be considered by the Secretary of State to be relevant from time to time,

“passenger” means any person carried in a vessel other than the master, a member of the crew, any other person employed or engaged in any capacity on board the vessel or on the business of the vessel or a child under one year of age,

“passenger vessel” means a vessel intended for passenger transport and which carries more than 12 passengers in addition to the crew,

“relevant Convention Certificates” means all of the following certificates—

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- (a) O.J. No. L 389, 30.12.2006, p.261. Added to Annex XIII to the EEA Agreement by Article 1 of the Decision of the EEA Joint Committee No. 89/2007 of 6 July 2007 (O.J. No. L 328, 13.12.2007, p.36).
 - (b) O.J. No. L 166, 27.6.2008, p.31.
 - (c) O.J. No. L 260, 30.9.2008, p.13. Added to Annex XIII to the EEA Agreement by Article 1 of the Decision of the EEA Joint Committee No. 97/2009 of 25 September 2009 (O.J. No. L 304, 19.11.2009, p.10).
 - (d) O.J. No. L 255, 23.9.2008, p.5. Added to Annex XIII to the EEA Agreement by Article 1 of the Decision of the EEA Joint Committee No. 13/2009 of 5 February 2009 (O.J. No. L 73, 19.11.2009, p.49).
 - (e) O.J. No. L 32, 31.1.2009, p.1.
 - (f) O.J. No. L 109, 30.4.2009, p.14.
 - (g) Section 258 was amended by the Merchant Shipping and Maritime Security Act 1997, section 9 and Schedule 1, paragraph 4(2) and modified, in relation to ships in ports in the United Kingdom, by the Merchant Shipping (Port State Control) Regulations 1995 (S.I. 1995/3128).

- (a) a certificate proving conformity with the International Convention for the Safety of Life at Sea, 1974(a)—
 - (i) as amended in accordance with its Article VIII,
 - (ii) as modified by its Protocols of 1978(b) and 1988(c),
 or a certificate which is equivalent to any such certificate and which is specified as such by the Secretary of State in a Merchant Shipping Notice,
- (b) a certificate proving conformity with the International Convention on Load Lines, 1966(d), or a certificate which is equivalent to any such certificate and which is specified as such by the Secretary of State in a Merchant Shipping Notice, and
- (c) an international oil pollution prevention (IOPP) certificate proving conformity with the International Convention for the Prevention of Pollution from Ships, 1973(e) including its protocols, annexes and appendices and as amended by—
 - (i) the Protocols of 1978(f) and 1997(g),
 - (ii) all the amendments adopted by the Marine Environment Protection Committee of the International Maritime Organisation on or before the date on which these Regulations are made, and
 - (iii) any subsequent amendment to that Convention which is considered by the Secretary of State to be relevant from time to time and is specified in a Merchant Shipping Notice,
 or a certificate which is equivalent to any such certificate and which is specified as such by the Secretary of State in a Merchant Shipping Notice,

“ship surveyor” means a person who is appointed as a surveyor of ships under section 256(2) of the Merchant Shipping Act 1995;

“technical requirements of Annex II to Directive 2006/87/EC” means the technical requirements defined in that Annex—

- (a) including the transitional and final provisions of Chapter 24 of Annex II, but
- (b) excluding the additional transitional provisions of Chapter 24a of Annex II, and

“vessel” includes a hydrofoil boat, a hovercraft and a submersible.

(2) In these Regulations—

- (a) a reference to a waterway which is a Zone 1, 2, 3 or 4 waterway is a reference to such a waterway as so classified by Article 1 of Directive 2006/87/EC,
- (b) a reference to an Annex to Directive 2006/87/EC is a reference to that Annex as amended from time to time,
- (c) expressions used in regulation 3(4) and Schedule 1 and in Directive 2009/100/EC have the same meaning as in that Directive,
- (d) subject to paragraph (1) and to sub-paragraphs (a) to (c) of this paragraph, other expressions used in these Regulations and in Directive 2006/87/EC have the same meaning as in that Directive.

(3) For the purposes of these Regulations, a vessel is laid down on the date on which its keel is laid, or on which the vessel is at a stage of construction at which—

- (a) construction identifiable with a specific vessel has begun, or
- (b) assembly of that vessel has incorporated at least 50 tonnes of structural material or one per cent of the estimated mass of all structural material, whichever is less.

(a) Cmnd. 7874.
 (b) Cmnd. 7346.
 (c) Cm. 4420.
 (d) Cmnd. 3708.
 (e) Cmnd 5748.
 (f) Cmnd 7347.
 (g) Cmnd 4427.

Application

3.—(1) Subject to paragraph (2), these Regulations, apart from regulation 11 and Schedule 1, apply to the following vessels, including Government ships, operating on any waterway in the United Kingdom which is a Zone 1, 2, 3 or 4 waterway—

- (a) tugs and pushers intended—
 - (i) for towing or pushing vessels to which sub-paragraph (d) applies, or for moving such vessels alongside, or
 - (ii) for towing or pushing floating equipment, or for moving such equipment alongside,
- (b) passenger vessels,
- (c) floating equipment, and
- (d) any other vessel—
 - (i) having a length (L) of 20 metres or more, or
 - (ii) for which the product of length (L), breadth (B) and draught (T) is a volume of 100m^3 or more.

(2) These Regulations do not apply to—

- (a) ferries,
- (b) naval vessels,
- (c) sea-going vessels, including sea-going tugs and pusher craft, which—
 - (i) operate or are based on tidal waters, but
 - (ii) operate temporarily on inland waterways and carry the relevant certificates.

(3) The relevant certificates referred to in paragraph (2) are—

- (a) the relevant Convention Certificates,
- (b) in the case of a passenger vessel which does not hold all the relevant Convention Certificates, a certificate on safety rules and standards for passenger ships issued in conformity with Directive 2009/45/EC dated 6 May 2009 of the European Parliament and of the Council on safety rules and standards for passenger ships^(a), or
- (c) in the case of a recreational craft which does not hold all the relevant Convention Certificates, a certificate of the State of which the vessel carries the flag.

(4) Regulation 11 and Schedule 1 apply to vessels, used for goods transport on any inland waterway in the United Kingdom, which have a total dead weight of 20 tonnes or more and—

- (a) a length (L) of less than 20 metres, or
- (b) for which the product of length (L), breadth (B) and draught (T) is less than 100m^3 .

Exemptions: vessels operating on waterways not linked to other Member States

4.—(1) The Secretary of State may grant exemption from some or all of the requirements of these Regulations (other than regulation 11 and Schedule 1) for—

- (a) vessels, tugs, pushers and floating equipment operating on waterways in the United Kingdom not linked by inland waterway to the waterways of a member State other than the United Kingdom,
- (b) vessels having a dead weight not exceeding 350 tonnes or vessels not intended for the carriage of goods and having a water displacement of less than 100m^3 , which were laid down before 1st January 1950 and operate exclusively on waterways in the United Kingdom.

(2) An exemption granted in accordance with paragraph (1) may be given on such terms (if any) as the Secretary of State may specify.

(a) O.J. No. L 163, 25.06.2009, p.1.

(3) The Secretary of State may, subject to giving reasonable notice, alter or cancel any such exemption.

Exemptions: limited journeys of local interest or in harbour areas

5.—(1) The Secretary of State may, on application made by the owner or master of a vessel, grant exemption from some or all of the requirements of these Regulations (other than regulation 11 and Schedule 1) for that vessel in respect of limited journeys of local interest or in harbour areas.

(2) An exemption granted in accordance with paragraph (1) may be given on such terms (if any) as the Secretary of State may so specify, and is valid only if it—

- (a) specifies the extent of the exemption from the requirements of these Regulations and the circumstances in which the exemption applies, and
- (b) is specified on the vessel's Community inland navigation certificate or supplementary Community inland navigation certificate (as appropriate).

(3) The Secretary of State may, subject to giving reasonable notice, alter or cancel any such exemption.

Obligation to carry a certificate

6. Subject to regulations 7 and 8, a vessel operating on a Zone 1, 2, 3 or 4 waterway must carry a valid Community inland navigation certificate issued or renewed after 30th December 2008 which attests full compliance of the vessel with the technical requirements of Annex II to Directive 2006/87/EC and—

- (a) for vessels operating on Zone 1 and 2 waterways, with the additional United Kingdom technical requirements—
 - (i) adopted in accordance with Article 5(1) and (3) of Directive 2006/87/EC,
 - (ii) notified to the Commission in accordance with Article 5(3) of Directive 2006/87/EC, and
 - (iii) specified in a Merchant Shipping Notice,
- (b) for passenger vessels operating on Zone 3 waterways, with the additional United Kingdom technical requirements—
 - (i) maintained and amended in accordance with Article 5(2) and (3) of Directive 2006/87/EC,
 - (ii) notified to the Commission in accordance with Article 5(3) of Directive 2006/87/EC, and
 - (iii) specified in a Merchant Shipping Notice.

Reduced requirements for vessels operating only on Zone 4 waterways

7. A vessel operating only on Zone 4 waterways may, instead of carrying a certificate which complies with regulation 6, carry a valid Community inland navigation certificate issued or renewed after 30th December 2008 which attests compliance of the vessel with the reduced requirements specified in Chapter 19b of Annex II to Directive 2006/87/EC.

Vessels carrying Rhine Navigation Certificates

8.—(1) This regulation applies to a vessel which is carrying a valid certificate issued pursuant to Article 22 of the Revised Convention for Rhine Navigation^(a).

(a) Cmnd 2421 – Convention to amend the revised convention for Rhine navigation signed at Mannheim, October 17, 1868, Strasbourg, November 20 1963.

(2) A vessel which is operating on Zone 1 or 2 waterways may, instead of carrying a certificate which complies with regulation 6, carry a valid supplementary Community inland navigation certificate which attests full compliance with the additional United Kingdom technical requirements—

- (a) adopted in accordance with Article 5(1) and (3) of Directive 2006/87/EC,
- (b) notified to the Commission in accordance with Article 5(3) of Directive 2006/87/EC, and
- (c) specified in a Merchant Shipping Notice.

(3) A vessel which is a passenger vessel operating on Zone 3 waterways not linked to the navigable inland waterways of an EEA State other than the United Kingdom may, instead of carrying a certificate which complies with regulation 6, carry a valid supplementary Community inland navigation certificate which attests full compliance with the additional United Kingdom technical requirements—

- (a) adopted in accordance with Article 5(2) and (3) of Directive 2006/87/EC,
- (b) notified to the Commission in accordance with Article 5(3) of Directive 2006/87/EC, and
- (c) specified in a Merchant Shipping Notice.

(4) A vessel which is—

- (a) not a passenger vessel, and is operating on Zone 3 waterways, or
- (b) operating on Zone 4 waterways,

may, instead of carrying a certificate which complies with regulation 6, carry a valid supplementary Community inland navigation certificate which attests full compliance of the vessel with the reduced requirements specified in Chapter 19b of Annex II to Directive 2006/87/EC.

Community inland navigation certificates and supplementary Community inland navigation certificates

9.—(1) A valid Community inland navigation certificate is a certificate drawn up following the model set out in Part I of Annex V to Directive 2006/87/EC and issued in accordance with Directive 2006/87/EC.

(2) A valid supplementary Community inland navigation certificate is a certificate drawn up following the model set out in Part II of Annex V to Directive 2006/87/EC and issued—

- (a) on production of a certificate issued pursuant to Article 22 of the Revised Convention for Rhine Navigation, and
- (b) under the conditions laid down by the authorities competent for the waterways concerned.

(3) A valid Community inland navigation certificate or valid supplementary Community inland navigation certificate must specify—

- (a) the additional requirements adopted, maintained or amended in accordance with Article 5(1), 5(2) and 5(3) of Directive 2006/87/EC with which the vessel complies,
- (b) the reduced requirements—
 - (i) specified in Chapter 19b of Annex II to Directive 2006/87/EC, or
 - (ii) allowed by an EEA State in accordance with Article 5(7) to Directive 2006/87/EC, with which the vessel complies.

Recognition of navigability certificates of third countries

10. The Secretary of State may in a Merchant Shipping Notice—

- (a) specify navigability certificates issued in relation to vessels which are entitled to fly the flag of a State which is not an EEA State,

- (b) specify that a vessel operating on a Zone 1, 2, 3 or 4 waterway which is carrying a certificate which has been so specified is to be treated for the purposes of these Regulations as though it were carrying a valid Community inland navigation certificate which attests compliance with technical requirements as specified in that Merchant Shipping Notice.

Recognition of navigability licences

11. Schedule 1 has effect as respects recognition of navigability licences.

Inspection and remedial measures

12.—(1) An inspector may, in accordance with Annex VIII to Directive 2006/87/EC, check at any time whether a vessel to which these Regulations apply—

- (a) is carrying—
 - (i) a valid Community inland navigation certificate, or
 - (ii) a valid certificate issued pursuant to Article 22 of the Revised Convention for Rhine Navigation and a valid supplementary Community inland navigation certificate,
- (b) satisfies the requirements set out in such a certificate or certificates, or
- (c) constitutes a manifest danger for the persons on board, the environment or the navigation.

(2) Paragraph (3) applies where, following an inspection under paragraph (1), the inspector notifies the owner of the vessel, or the owner's representative, that the inspector—

- (a) has found that a certificate required by these Regulations to be carried on board the vessel is invalid, or
- (b) considers that the vessel does not satisfy the requirements set out in the certificate,

but considers that such invalidity or failure does not constitute a manifest danger for the persons on board, the environment or the navigation.

(3) Where this paragraph applies—

- (a) the owner of the vessel or the owner's representative must take all necessary measures to remedy the situation, and
- (b) within seven days beginning with the date of being notified as set out in paragraph (2), the person notified by the inspector as set out in paragraph (2) must inform the authority which issued or last renewed the certificate of that notification.

(4) Paragraph (5) applies where, following an inspection under paragraph (1), the inspector notifies the owner of the vessel, or the owner's representative, that the inspector—

- (a) has found that a certificate required by these Regulations to be carried on board the vessel is not being carried, or
- (b) that the vessel constitutes a manifest danger for the persons on board, the environment or the navigation.

(5) Where this paragraph applies—

- (a) a ship surveyor—
 - (i) may prevent the vessel from proceeding until the necessary steps have been taken to remedy the situation, or
 - (ii) may prescribe measures which will enable the vessel to proceed safely, where appropriate on termination of its transport operations, to a place where it will be either inspected or repaired, and
- (b) within seven days beginning with the date of being notified as set out in paragraph (4), the person notified by the inspector as set out in paragraph (4) must inform the authority which issued or last renewed the certificate of that notification.

(6) Where a ship surveyor has prescribed measures in accordance with paragraph (5)(a)(ii), the vessel must not proceed (or, where appropriate, must not proceed after termination of its transport operations) except in accordance with the prescribed measures.

(7) Where a ship surveyor has prevented a vessel from proceeding, or has notified the owner of the vessel, or the owner's representative, of an intention to do so if the defects found are not corrected—

- (a) the Secretary of State must inform the authority in the EEA State which issued or last renewed the certificate, within seven days, of the decision which has been taken or which it is intended will be taken,
- (b) section 264 of the Merchant Shipping Act 1995^(a) (references of notices to arbitration) applies to the decision of the ship surveyor as though it were an improvement notice issued under section 261(2)(a) of that Act, and
- (c) without delay, the ship surveyor must notify the owner of the vessel, or the owner's representative (as appropriate) of the arbitration procedure available to that person under sub-paragraph (b), and of the time limits for that arbitration procedure.

Offences and penalties

13.—(1) The owner and master of a vessel are guilty of an offence if the vessel—

- (a) operates in contravention of these Regulations,
- (b) while operating under an exemption granted under these Regulations, fails to comply with any terms subject to which that exemption was granted, or
- (c) proceeds or attempts to proceed in contravention of regulation 12(5)(a)(i) or (6).

(2) A failure to comply with regulation 12(3)(a) is an offence by the owner or owner's representative, as the case may be.

(3) A failure to comply with regulation 12(3)(b) or (5)(b) is an offence by the person notified as set out in regulation 12(2) or (4) (as appropriate).

(4) A person guilty of an offence under paragraph (1) or (2) is liable—

- (a) on summary conviction to a fine of an amount not exceeding the statutory maximum, or
- (b) on conviction on indictment to imprisonment for a term not exceeding two years or to a fine or to both.

(5) A person guilty of an offence under paragraph (3) is liable on summary conviction to a fine of an amount not exceeding level 3 on the standard scale.

(6) In any proceedings for an offence under this regulation it is a defence for the person charged to show that all reasonable steps had been taken by that person to ensure compliance with the relevant provision of these Regulations.

(7) Where an offence under this regulation is committed, or would be committed but for the operation of paragraph (6), by any person due to the act or default of some other person, that other person is also guilty of the offence; and a person may be charged with and convicted of an offence by virtue of this paragraph whether or not proceedings are taken against the first mentioned person.

Amendment of Regulations

14. The Regulations specified in column 1 of Schedule 2 are amended to the extent specified in column 2.

(a) Section 264 was amended by the Arbitration Act 1996(c.23), section 107(2), the Constitutional Reform Act 2005(c.4), section 50(5) and Schedule 11, Pt 3, paragraph 5 and the Tribunals, Courts and Enforcement Act 2007(c.15), section 50 and Schedule 10, Pt 1, paragraph 26.

Signed by authority of the Secretary of State for Transport

29th March 2010

Paul Clark
Parliamentary Under Secretary of State
Department for Transport

Recognition of navigability licences

Definition of “navigability licence”

1. In this Schedule “navigability licence” means—

- (a) a licence issued by the Secretary of State in accordance with Merchant Shipping Notice 1805, or
- (b) a licence issued by an EEA State which is—
 - (i) a navigability licence issued in accordance with Article 2 of Directive 2009/100/EC^(a),
 - (ii) a certificate issued pursuant to the Rhine Vessels Inspection Regulation^(b) as referred to in Article 1 of Directive 2009/100/EC, or
 - (iii) in the case of a vessel carrying dangerous goods as defined in the Agreement on transport of dangerous goods on the Rhine^(c) as referred to in Article 1 of Directive 2009/100/EC, an authorisation in accordance with the requirements laid down in that Agreement.

Recognition of navigability licences issued by other member States

2. Subject to paragraph 3, where a navigability licence has been issued to a vessel by an EEA State other than the United Kingdom and that licence is still valid, the vessel may operate on any inland waterway in the United Kingdom, other than a maritime shipping lane of the United Kingdom which is specified in Merchant Shipping Notice 1805 and has been notified to the European Commission.

Inspection of vessels issued with navigability licences

3.—(1) A ship surveyor may interrupt the passage of a vessel which has been issued with a navigability licence if an inspector has found on inspection that—

- (a) the vessel is in a condition which constitutes a danger to the surroundings, or
- (b) the vessel or its equipment does not satisfy the requirements set out in the navigability licence.

(2) A ship surveyor who decides to interrupt the passage of a vessel under paragraph (1) must notify the master or owner of the vessel, or the owner’s representative, of—

- (a) the decision and the detailed reasons on which that decision is based,
- (b) the remedies available to the master, owner or owner’s representative, as specified in a Merchant Shipping Notice, and
- (c) the time limits for the pursuit of those remedies.

(3) Where a ship surveyor has interrupted the passage of a vessel in accordance with paragraph (1), the MCA must notify the competent authority of the member State where the navigability licence was issued of the reasons for that decision.

(a) O.J. No. L 259, 2.10.2009, p.8.

(b) 1995, issued by the Central Commission for the Navigation on the Rhine.

(c) 2009, issued by the Central Commission for the Navigation on the Rhine.

(4) The interruption of the passage of a vessel in accordance with paragraph (1) must not continue after the defects in the vessel have been corrected or the vessel or its equipment has been brought into compliance with the requirements set out in the navigability licence.

SCHEDULE 2

Regulation 14

Amendment of Regulations

<i>Column 1</i>	<i>Column 2</i>
The Merchant Shipping (Emergency Information for Passengers) Regulations 1990 (a)	In regulation 3A, for “Merchant Shipping (Passenger Ships) (Safety Code for UK Categorised Waters) Regulations 2010 apply” substitute “the Merchant Shipping (Passenger Ships) (Safety Code for UK Categorised Waters) Regulations 2010 (b) apply or vessels to which the Merchant Shipping (Technical Requirements for Inland Waterway Vessels) Regulations 2010 apply”.
The Merchant Shipping (Survey and Certification) Regulations 1995 (c)	<p>For regulation 2(1) substitute—</p> <p>“(1) Subject to paragraph (1A), these Regulations apply to United Kingdom ships wherever they may be and to other ships whilst they are in United Kingdom waters.</p> <p>(1A) These Regulations do not apply to—</p> <p>(a) fishing vessels,</p> <p>(b) pleasure vessels,</p> <p>(c) high-speed craft which comply with the requirements of the Merchant Shipping (High-Speed Craft) Regulations 2004(d),</p> <p>(d) passenger ships to which the Merchant Shipping (Passenger Ships) (Safety Code for UK Categorised Waters) Regulations 2010 apply,</p> <p>(e) vessels to which the Merchant Shipping (Technical Requirements for Inland Waterway Vessels) Regulations 2010 apply.”.</p> <p>Regulation 2(3) is revoked.</p>
The Merchant Shipping (Fire Protection: Small Ships) Regulations 1998 (e)	<p>In regulation 1(7)(b), for sub-paragraph (vi) substitute—</p> <p>“(vi) any passenger ship to which the Merchant Shipping (Passenger Ship) (Safety Code for UK Categorised Waters) Regulations 2010 apply,</p> <p>(vii) any vessel to which the Merchant Shipping (Technical Requirements for Inland Waterway Vessels) Regulations 2010 apply”.</p>

(a) S.I. 1990/660. Regulation 3A was added by S.I. 2010/680.

(b) S.I. 2010/680.

(c) S.I. 1995/1210. Regulation 2(1) was amended by S.I. 2010/680 and regulation 2(3) was added by S.I. 2004/302.

(d) S.I. 2004/302.

(e) S.I. 1998/1011. Regulation 1(7)(b) was revoked as respects certain ships by S.I. 2000/2687 and amended by S.I. 2000/2687, 2004/302 and 2010/680.

The Merchant Shipping (Code of Safe Working Practices for Merchant Seamen) Regulations 1998(a)	In regulation 3, for “Merchant Shipping (Passenger Ships) (Safety Code for UK Categorised Waters) Regulations 2010” substitute “the Merchant Shipping (Passenger Ships) (Safety Code for UK Categorised Waters) Regulations 2010 or the Merchant Shipping (Technical Requirements for Inland Waterway Vessels) Regulations 2010”.
The Merchant Shipping (Passenger Ship Construction: Ships of Classes III to VI(A)) Regulations 1998(b)	For regulation 3A substitute— “3A. These Regulations do not apply to— (a) any passenger ship of Class III, VI or VI(A) which is a new ship, engaged on domestic voyages, for the purposes of the Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000(c), (b) any passenger ship to which the Merchant Shipping (Passenger Ships) (Safety Code for UK Categorised Waters) Regulations 2010 apply, (c) any vessel to which the Merchant Shipping (Technical Requirements for Inland Waterway Vessels) Regulations 2010 apply.”.
The Merchant Shipping (Counting and Registration of Persons on Board Passenger Ships) Regulations 1999(d)	In regulation 4(2), for the words after “commercial purposes,” in sub-paragraph (c) substitute— “(d) passenger ship to which the Merchant Shipping (Passenger Ships) (Safety Code for UK Categorised Waters) Regulations 2010 apply, or (e) vessel to which the Merchant Shipping (Technical Requirements for Inland Waterway Vessels) Regulations 2010 apply”.
The Merchant Shipping (Life-Saving Appliances For Passenger Ships of Classes III to VI(A)) Regulations 1999(e)	For regulation 4A, substitute— “4A. These Regulations do not apply to— (a) any passenger ship of Class III, VI or VI(A) which is a new ship, engaged on domestic voyages, for the purposes of the Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000, (b) any passenger ship to which the Merchant Shipping (Passenger Ships) (Safety Code for UK Categorised Waters) Regulations 2010 apply, (c) any vessel to which the Merchant Shipping (Technical Requirements for Inland Waterway Vessels) Regulations 2010 apply.”.

(a) S.I. 1998/1838. Regulation 3 was amended by S.I. 2010/680.
(b) S.I. 1998/2515. Regulation 3A was added by S.I. 2000/2687 and amended by S.I. 2010/680.
(c) S.I. 2000/2687, amended by S.I. 2004/302.
(d) S.I. 1999/1869. Regulations 4(2) was amended by S.I. 2010/680.
(e) S.I. 1999/2723. Regulation 4A was added by S.I. 2000/2687 and amended by S.I. 2010/680.

The Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000 (a)	<p>In regulation 4(2), for the words after “port waters,” in sub-paragraph (h) substitute—</p> <p>“ (i) a passenger ship to which the Merchant Shipping (Passenger Ships) (Safety Code for UK Categorised Waters) Regulations 2010 apply, or (j) a vessel to which the Merchant Shipping (Technical Requirements for Inland Waterway Vessels) Regulations 2010 apply”.</p>
The Merchant Shipping (Domestic Passenger Ships) (Safety Management Code) Regulations 2001 (b)	<p>For regulation 3(4) substitute—</p> <p>“(4) These Regulations do not apply to passenger ships to which the Merchant Shipping (Passenger Ships) (Safety Code for UK Categorised Waters) Regulations 2010 apply.</p> <p>(5) These Regulations do not apply to vessels to which the Merchant Shipping (Technical Requirements for Inland Waterway Vessels) Regulations 2010 apply.”.</p>
The Merchant Shipping (Safety of Navigation) Regulations 2002 (c)	<p>In regulation 4(2), for the words after “Province of Quebec, Canada,” in sub-paragraph (c) substitute—</p> <p>“(d) passenger ships to which the Merchant Shipping (Passenger Ships) (Safety Code for UK Categorised Waters) Regulations 2010 apply, or (e) vessels to which the Merchant Shipping (Technical Requirements for Inland Waterway Vessels) Regulations 2010 apply.”.</p>
The Merchant Shipping (Bridge Visibility) (Small Passenger Ships) Regulations 2005 (d)	<p>In regulation 3(1), for “paragraphs (3) and (4)” substitute “paragraphs (3) to (5)”.</p> <p>For regulation 3(4) substitute—</p> <p>“(4) These Regulations do not apply to passenger ships to which the Merchant Shipping (Passenger Ships) (Safety Code for UK Categorised Waters) Regulations 2010 apply.</p> <p>(5) These Regulations do not apply to vessels to which the Merchant Shipping (Technical Requirements for Inland Waterway Vessels) Regulations 2010 apply.”.</p>

(a) S.I. 2000/2687. Regulation 4 was amended by S.I. 2004/302 and 2010/680.
(b) S.I. 2001/3209. Regulation 3 was amended by S.I. 2004/302 and 2010/680.
(c) S.I. 2002/1473, amended by S.I. 2010/680 and to which there are other amendments not relevant to these Regulations.
(d) S.I. 2005/2286. Regulation 3 was amended by S.I. 2010/680.

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Regulations 2010

At the end of regulation 3(2)(d) insert—
“(e) any vessel to which the Merchant Shipping
(Technical Requirements for Inland Waterway
Vessels) Regulations 2010 apply”.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement Directive 2006/87/EC dated 12 December 2006 of the European Parliament and of the Council laying down technical requirements for inland waterway vessels and repealing Council Directive 82/714/EEC (O.J. No. L 389, 30.12.2006, p.1) as amended by Directive 2006/137/EC dated 18 December 2006 of the European Parliament and of the Council (O.J. NO. L 389, 30.12.2006, p.261), Directive 2008/59/EC dated 12 June 2008 of the European Parliament and of the Council (O.J. No. L 166, 27.6.2008, p.31), Directive 2008/68/EC dated 24 September 2008 of the European Parliament and of the Council (O.J. No. L 260, 30.9.2008, p.13), Commission Directive 2008/87/EC dated 22 September 2008 (O.J. NO. L 255, 23.9.2008, p.5), Commission Directive 2008/126/EC dated 19 December 2008 (O.J. No. L 32, 31.1.2009, p.1) and Commission Directive 2009/46/EC dated 24 April 2009 (O.J. No. L 109, 30.4.2009, p.14).

The Regulations also implement Directive 2009/100/EC of the European Parliament and of the Council of 16 September 2009 on reciprocal recognition of navigability licences for inland waterway vessels (O.J. L 259, 2.10.2009, p.8).

The Regulations are made under sections 85(1)(a) and (b), (3) and (5) to (7) and 86(1) and (2) of the Merchant Shipping Act 1995, except in so far as they relate to Government ships. Section 2(2) of the European Communities Act 1972 is used to extend the application of the Regulations to Government ships, in order to implement the obligations of Directive 2006/87/EC and Directive 2009/100/EC as respects such ships. Section 2(2) is also used as an enabling power for amendments made by Schedule 2 to instruments made under section 2(2), and read with paragraph 1A of Schedule 2 to the European Communities Act 1972 is used to provide that references in the Regulations to Annexes of Directive 2006/87/EC are references to those Annexes as amended from time to time.

The Regulations apply to vessels as described in *regulation 3 (Application)* which are operating on any waterway in the United Kingdom classified as a Zone 1, 2 3 or 4 waterway by Article 1 of Directive 2006/87/EC, other than vessels for which exemptions have been granted in accordance with *regulation 4 (Exemptions: vessels operating on waterways not linked to other Member States)* or *regulation 5 (Exemptions: limited journeys of local interest or in harbour areas)*. Exemptions granted by the Secretary of State will be specified in a Merchant Shipping Notice.

Regulations 6 to 10 make provision regarding the obligation in Directive 2006/87/EC for vessels to carry a Community inland navigation certificate, a Rhine Navigation Certificate or a navigability certificate of a third country recognised by the Secretary of State as equivalent to a Community inland navigation certificate.

Regulation 11 and *Schedule 1* implement certain provisions of Directive 2009/100/EC regarding the mutual recognition of navigability licences for vessels to which Directive 2006/87/EC does not apply. Merchant Shipping Notice 1805 makes provision as to the issuing by the Secretary of State of navigability licences to vessels to which Directive 2009/100/EC applies.

Regulation 12 makes provision regarding inspection and remedial measures, and *regulation 13* makes provision regarding offences and penalties.

Regulation 14 and *Schedule 2* amend a number of Regulations so as to disapply their provisions as respects vessels to which these Regulations apply.

The up to date text of the Rhine Vessels Inspection Regulation in German and French (the RVBR) and of the Agreement on transport of dangerous goods on the Rhine in Dutch, German and French (the ADNR) may be consulted at the official website of the Central Commission for the Navigation on the Rhine at www.ccr-zkr.org.

An impact assessment has been produced and copies may be obtained from the Maritime and Coastguard Agency, Spring Place, 105 Commercial Road, Southampton SO15 1EG (telephone number 02380 329100). It is also annexed to the Explanatory Memorandum which is available

alongside the Regulations on the OPSI website at www.opsi.gov.uk. A copy has been placed in the library of each House of Parliament.

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