

## SCHEDULE 1

Regulation 11

### Recognition of navigability licences

#### Definition of “navigability licence”

1. In this Schedule “navigability licence” means—

<sup>F1</sup>(a) .....

(b) a licence issued by an EEA State which is—

- (i) a navigability licence issued in accordance with Article 2 of [<sup>F2</sup>Directive 2009/100/EC]<sup>F3</sup> [<sup>F4</sup>as it has effect in EU law],
- (ii) a certificate issued pursuant to the [<sup>F5</sup>Rhine Vessel Inspection Regulations<sup>F6</sup> as referred to in Article 1 of Directive 2009/100/EC]<sup>F4</sup> as it has effect in EU law], or
- (iii) in the case of a vessel carrying dangerous goods as defined in the [<sup>F7</sup>European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways<sup>F8</sup> as referred to in Article 1 of Directive 2009/100/EC]<sup>F4</sup> as it has effect in EU law], an authorisation in accordance with the requirements laid down in that Agreement.

#### Textual Amendments

- F1** Sch. 1 para. 1(a) omitted (31.12.2020) by virtue of The Merchant Shipping (Inland Waterways) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/808), regs. 1(2), **2(6)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in Sch. 1 para. 1(b)(i) substituted (23.2.2019) by The Merchant Shipping (Technical Requirements for Inland Waterway Vessels) (Amendment) Regulations 2019 (S.I. 2019/160), regs. 1(2), **14(b)(i)**
- F3** OJ No. L 259, 2.10.2009, p. 8 as amended by Article 36 of Directive (EU) 2016/1629.
- F4** Words in Sch. 1 para. 1(b) inserted (31.12.2020) by The Merchant Shipping (Inland Waterways) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/808), regs. 1(2), **2(6)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in Sch. 1 para. 1(b)(ii) substituted (23.2.2019) by The Merchant Shipping (Technical Requirements for Inland Waterway Vessels) (Amendment) Regulations 2019 (S.I. 2019/160), regs. 1(2), **14(b)(ii)**
- F6** 2017, issued by the Central Commission for the Navigation on the Rhine.
- F7** Words in Sch. 1 para. 1(b)(iii) substituted (23.2.2019) by The Merchant Shipping (Technical Requirements for Inland Waterway Vessels) (Amendment) Regulations 2019 (S.I. 2019/160), regs. 1(2), **14(b)(iii)**
- F8** 2017, issued by the United Nations Economic Commission for Europe.

#### 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 <sup>F9</sup>... and that licence is still valid, the vessel may operate on any inland waterway in the United Kingdom <sup>F10</sup>...

**Changes to legislation:** There are currently no known outstanding effects for the *The Merchant Shipping (Technical Requirements for Inland Waterway Vessels) Regulations 2010, SCHEDULE 1*. (See end of Document for details)

#### Textual Amendments

- F9** Words in Sch. 1 para. 2 omitted (31.12.2020) by virtue of *The Merchant Shipping (Inland Waterways) (Amendment etc.) (EU Exit) Regulations 2019* (S.I. 2019/808), regs. 1(2), **2(6)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F10** Words in Sch. 1 para. 2 omitted (23.2.2019) by virtue of *The Merchant Shipping (Technical Requirements for Inland Waterway Vessels) (Amendment) Regulations 2019* (S.I. 2019/160), regs. 1(2), **14(c)**

#### 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.

(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.

**Changes to legislation:**

There are currently no known outstanding effects for the The Merchant Shipping (Technical Requirements for Inland Waterway Vessels) Regulations 2010, SCHEDULE 1.