

*This Statutory Instrument has been made partly in consequence of a defect in S.I. 2010/330 and is being issued free of charge to all known recipients of that Statutory Instrument.*

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STATUTORY INSTRUMENTS

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**2010 No. 1110**

**MERCHANT SHIPPING**

**The Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Miscellaneous Amendments) Regulations 2010**

*Made - - - - 30th March 2010*

*Laid before Parliament 1st April 2010*

*Coming into force in accordance with paragraphs (2) and (3) of regulation 1*

The Secretary of State makes the following Regulations in exercise of the powers conferred on him by section 2(2) of the European Communities Act 1972<sup>(a)</sup> and sections 85(1), (3) and (5) to (7) and 86(1) of the Merchant Shipping Act 1995<sup>(b)</sup>.

The Secretary of State is a Minister designated<sup>(c)</sup> for the purpose 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.

In accordance with section 86(4) of the Merchant Shipping Act 1995, so far as the Regulations are made in the exercise of powers conferred by section 85 of that Act the Secretary of State has consulted the persons referred to in section 86:

**Citation and commencement**

1.—(1) These Regulations may be cited as the Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Miscellaneous Amendments) Regulations 2010.

(2) This regulation and regulation 5 come into force on 5th April 2010.

(3) Regulations 2, 3 and 4 come into force on 26th April 2010.

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(a) 1972 c.68; 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).

(b) 1995 c.21; sections 85 and 86 were amended by the Merchant Shipping and Maritime Security Act 1997 (c. 28) sections 8 and 29, 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.

(c) S.I. 1993/595.

### **Amendments relating to hovercraft**

2. In regulation 2 (interpretation) of the Merchant Shipping and Fishing Vessels (Control of Noise at Work) Regulations 2007(a)—

(a) after the definition of “the risk assessment” in paragraph (1) insert—

““ship” includes hovercraft;”;

(b) after paragraph (3) insert—

“(4) In the application of these Regulations to a hovercraft, a reference to the master of a ship includes a reference to the captain of that hovercraft.”.

3. In regulation 2 (interpretation) of the Merchant Shipping and Fishing Vessels (Control of Vibration at Work) Regulations 2007(b)—

(a) after the definition of “the risk assessment” in paragraph (1) insert—

““ship” includes hovercraft;”;

(b) after paragraph (2) insert—

“(3) In the application of these Regulations to a hovercraft, a reference to the master of a ship includes a reference to the captain of that hovercraft.”.

4. In regulation 2 (interpretation) of the Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Carcinogens and Mutagens) Regulations 2007(c)—

(a) after the definition of “representative” in paragraph (1) insert—

““ship” includes hovercraft;”;

(b) after paragraph (4) insert—

“(5) In the application of these Regulations to a hovercraft, a reference to the master of a ship includes a reference to the captain of that hovercraft.”.

### **Amendment of the Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Chemical Agents) Regulations 2010**

5. At the start of paragraph (6)(b) in regulation 11 (prohibited activities) of the Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Chemical Agents) Regulations 2010(d) omit “where”.

Signed by authority of the Secretary of State for Transport

30th March 2010

*Paul Clark*  
Parliamentary Under Secretary of State  
Department for Transport

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(a) S.I. 2007/3075.  
(b) S.I. 2007/3077.  
(c) S.I. 2007/3100.  
(d) S.I. 2010/330.

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

*Regulations 2 to 4* of these Regulations make minor drafting amendments to the Merchant Shipping and Fishing Vessels (Control of Noise at Work) Regulations 2007, the Merchant Shipping and Fishing Vessels (Control of Vibration at Work) Regulations 2007 and the Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Carcinogens and Mutagens) Regulations 2007. The amendments clarify that those Regulations apply to hovercraft as they do to ships, and that any reference in those Regulations to the master of a ship means, in the case of a hovercraft, the captain of that hovercraft. Putting express provisions to this effect into these Regulations brings them into line with other Regulations relating to health and safety issues on merchant ships and fishing vessels.

*Regulation 5* amends the Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Chemical Agents) Regulations 2010 by deleting a word included in error. This regulation is being brought into force on 5th April 2010, the day before commencement of the Regulations it amends, so that those Regulations will be correct as soon as they come into effect.

These Regulations are made under powers contained in the Merchant Shipping Act 1995, except in respect of their application to Government ships where the power is provided by section 2(2) of the European Communities Act 1972. Each of the Regulations being amended implements a European Union Directive which applies to Government ships as well as to other ships.

No impact assessment has been prepared for these Regulations as they have no impact on the costs of business or the voluntary sector; they merely either correct a drafting error in the Regulations being amended or make express what was already implicit in, and understood to be the effect of, those Regulations.

As this Statutory Instrument has been made partly in consequence of a defect in the 2010 Regulations, it is being issued free of charge to all known recipients of those Regulations.

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