
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement Commission Directive 2010/36/EU (O.J. L 162, 29.6.2010, p.1.) which amended Directive 2009/45/EU (O.J. L 163, 25.6.2009, p.1.). (“the 2009 Directive”) on safety rules and standards for passenger ships. The 2009 Directive consolidated a number of earlier directives which had been implemented through the instruments that are being amended by these Regulations.

Regulation 2 amends the Merchant Shipping (Survey and Certification) Regulations 1995 so that they refer to the 2009 Directive. Regulation 2(3) inserts a review provision into the Regulations.

Regulation 3 amends the Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000 so that they refer to the 2009 Directive. The amendment made by regulation 3(3), together with the amendment being made by regulation 4(3) to the Merchant Shipping (High Speed Craft) Regulations 2004 ensures that certain smaller ships that would otherwise be regarded as high speed craft operating in less exposed waters will be regulated by the 2000 Regulations rather than the 2004 Regulations. Regulation 3(6) inserts a review provision into the 2000 Regulations.

Regulation 4 amends the Merchant Shipping (High Speed Craft) Regulations 2004. Regulation 4(3) removes a defence to certain offences created under regulation 9 of those Regulations. Regulation 4(6) inserts a review provision into the 2004 Regulations.

The review provisions, inserted by regulations 2(3), 3(6) and 4(6), require the Secretary of State to review the operation and effect of the relevant regulations and to publish a report within 5 years after the review provision comes into force and within every five years after that. Following a review it will fall to the Secretary of State to consider whether those regulations should remain as they are, or be revoked or amended. A further instrument would be needed to revoke those regulations or to amend them.

An impact assessment of the effect these Regulations will have on the costs of the business and the voluntary sector together with a transposition note is available alongside these Regulations at www.legislation.gov.uk.

Changes to legislation:

There are currently no known outstanding effects for the The Merchant Shipping (Passenger Ships on Domestic Voyages)(Amendment) Regulations 2012.