

Title: PIR: Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000 PIR No: DfTPIR0053 Original IA/RPC No: DfT143 Lead department or agency: Maritime and Coastguard Agency Other departments or agencies: N/A Contact for enquiries: Matt.Giacomini@mcga.gov.uk	Post Implementation Review
	Date: 20/06/2022
	Type of regulation: EU
	Type of review: Statutory
	Date measure came into force: 16/11/2012
	Recommendation: Keep
	RPC Opinion: N/A

1. What were the policy objectives of the measure?

The Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000¹ ("2000 Regulations") (S.I. 2000/2687) transposed into UK Law Directive 1998/18/EC of 17 March 1998 on Safety Rules and Standards for Passenger Ships. The Directive was the first to introduce safety rules and standards for domestic passenger ships and followed concerns from the European Community after a number of passenger ship incidents that resulted in substantial loss of life.

The Merchant Shipping (Passenger Ships on Domestic Voyages) (Amendment) Regulations 2012² ('2012 Regulations') (S.I. 2012/2636) transposed into UK law, by amending several statutory instruments, Commission Directive 2010/36/EU of 1 June 2010, amending Directive 2009/45/EC of the European Parliament and of the Council, of 6 May 2009, on safety rules and standards for passenger ships. Its objective was to maintain minimum safety standards (in harmony with the EU) for seagoing domestic passenger ships, by bringing them in line with the standards followed by international passenger ships. The intended effect was to improve safety standards and allow more flexible trading opportunities for UK ships. On entry into force, the UK transposing legislation was used to ensure that ships comply with the latest accepted technical standards. The changes imposed by the 2012 Regulations included the updating on navigations and communications equipment, and incremental improvements to firefighting equipment and Life-Saving Appliances.

The 2012 Regulations added a review provision to the 2000 Regulations.

2. What evidence has informed the PIR?

The 2000 Regulations, including the amendments made by the 2012 Regulations, have been extant for a considerable number of years and during that time those to whom the 2000 Regulations apply have had numerous opportunities to express their opinions regarding the efficacy of them. The Maritime and Coastguard Agency (MCA) host and attend many stakeholder engagement meetings and committees and there has been no anecdotal evidence of issues raised regarding the 2000 Regulations. For example, the MCA are an active member of the Domestic Passenger Ship Steering Committee which meets annually. As part of the preparation of the 2012 Regulations, a formal consultation was launched to analyse the effect that the proposed amendments would have.³ Of the 36 bodies and organisations that were invited to comment, none took the opportunity to do so.

3. To what extent have the policy objectives been achieved?

¹ [MS Passenger Ships on Domestic Voyages\) Regulations 2000](#)

² [MS \(Passenger Ships on Domestic Voyages\) \(Amendment\) Regulations 2012](#)

³ [2012 Impact Assessment](#)

In terms of maintaining minimum safety / technical standards, the MCA would say “fully achieved”. Since compliance with the 2000 Regulations is subject to verification during periodic surveys every 5 years (main) and between years 2 and 3 (interim). It is with a high degree of confidence that the MCA can say that all ships certificated as UK domestic passenger ships trading internationally are in compliance with the updated technical standards contained in the 2000 Regulations.

A reduction in standards is not only undesirable for the reasons given in 6 below, but for the most part would not realise a saving for operators as initial costs, and many ongoing (year on year) costs, have already been incurred.

Therefore, the MCA intends to continue to apply these Regulations as part of the UK approach to the continual improvement of safe operation of domestic passenger ships and keeping up with international and EU standards to ensure the competitiveness of UK ships compared with their non-UK counterparts.

Sign-off for Post Implementation Review: Deputy Director, Regulations & Standards,
Maritime and Coastguard Agency and Minister

I have read the PIR and I am satisfied that it represents a fair and proportionate assessment of the impact of the measure.

Signed: **Gwilym Stone**

Date: **20/06/2022**

Signed: 

Date: **21/07/2022**

Further information sheet**4. What were the original assumptions?**

These were that: (a) ships would already be compliant with the Domestic Passenger Ships Directive (Directive 2009/45/EC as amended) and therefore UK legislation would not impose additional burdens; (b) ships with international certification would continue to maintain it; (c) any costs which were incurred would be on the day any Regulations came into force; (d) compliance could be achieved without taking ships out of service; and (e) ships eligible for grandfather rights would use them.

5. Were there any unintended consequences?

The MCA has not identified any unintended consequences and no feedback from industry has been received which is indicative of unintended consequences.

6. Has the evidence identified any opportunities for reducing the burden on business?

The MCA has not identified any opportunities for reducing the burden on business. With these Regulations, the UK implemented minimum international and EU standards with no additions; therefore, there is no scope for reducing the burden on business, unless UK ships depart from compliance with those standards. Such a departure is not considered favourable to UK industry as it: (a) would limit the competitiveness of UK ships operating in areas where such standards are mandatory; and (b) would render UK safety standards inferior to those of non-UK ships. Many of the ongoing and initial costs of compliance have already been incurred by businesses, so lessening these standards would result in little saving.

7. How does the UK approach compare with the implementation of similar measures internationally, including how EU member states implemented EU requirements that are comparable or now form part of retained EU law, or how other countries have implemented international agreements?

As these Regulations transposed EU law, they now form part of retained EU law. Therefore, the UK approach is considered compatible with implementation in EU member states, and standards imposed on non-EU seagoing ships in UK and EU waters.

Summary

➤ Post Implementation Review:

The review provisions for this post implementation review were inserted by the Merchant Shipping (Passenger Ships on Domestic Voyages) (Amendment) Regulations 2012 (the '2012 Regulations'). These provisions came into force on the 16/11/2012.

The provisions in the 2012 Regulations were inserted into the Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000 (the '2000 Regulations').

➤ Recommendation:

Keep - The MCA recommend that the 2000 Regulations and the 2012 Regulations are fit for purpose and should be kept. The MCA monitor all avenues of feedback regarding the implementation, adoption, and continual applicability of these Regulations through, for example:

- regular communication with stakeholders or stakeholders representative groups to whom these regulations apply
- contact with surveyors through the survey and certification system
- enforcement branch where applicable.
- The post implementation review process, including, where applicable, data analysis

➤ Cost Summary:

The underpinning assumptions that implementing the 2012 Regulations would realise a negligible cost / benefit appears to be reliable.

➤ Proportionality:

Low – The MCA have adopted a proportionately light touch approach to this review. The 2000 Regulations have been in effect for 20 years and the 2012 Regulations for over 10 years. They have been working effectively for a number of years and any issues would have arisen and been acknowledged in that time. At the time of implementation, they were not contentious, introduced no significant cost / benefit and no other Department had a vested interest.

➤ Lessons Learned:

No particular lessons have been identified as part of this review.

➤ Next Steps:

The post implementation review process is a cyclical mechanism resulting in a published recommendation every 5 years. In order to inform the next review, the MCA intend to analyse the data more regularly. The next review is due to be published before 16 November 2027.