

**EXPLANATORY MEMORANDUM TO**  
**THE MERCHANT SHIPPING (VESSELS IN COMMERCIAL USE FOR SPORT OR PLEASURE) (AMENDMENT) REGULATIONS 2016**

**2016 No. 353**

**1. Introduction**

- 1.1 This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of Her Majesty.

**2. Purpose of the instrument**

- 2.1 The Regulations introduce revised lists of safety Regulations which do not apply to large and small commercial vessels used for sport or pleasure if they comply with the relevant Codes of Practice.

**3. Matters of special interest to Parliament**

*Matters of special interest to the Joint Committee on Statutory Instruments*

- 3.1 None.

*Other matters of interest to the House of Commons*

- 3.2 As this instrument is subject to negative resolution procedure and has not been prayed against, consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

**4. Legislative Context**

- 4.1 These Regulations amend the Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) Regulations 1998 (S.I. 1998/2771) to update the list of Regulations in Schedule 1 which are dis-applied when large commercial vessels comply with the Code of Practice for Safety of Large Commercial Sailing and Motor Vessels (and its subsequent amendments, Large Yacht Code 2 and Large Yacht Code 3), and in Schedule 2 which are dis-applied when small commercial vessels comply with The Safety of Small Commercial Sailing Vessels – A Code of Practice, The Safety of Small Commercial Motor Vessels – A Code of Practice or The Safety of Small Vessels in Commercial Use for Sport or Pleasure Operating from a Nominated Departure Point – A Code of Practice, as the case may be.

**5. Extent and Territorial Application**

- 5.1 The extent of this instrument is the whole of the United Kingdom.  
5.2 The territorial application of this instrument is the whole of the United Kingdom.

**6. European Convention on Human Rights**

- 6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## **7. Policy background**

### *What is being done and why*

- 7.1 The purpose of the 1998 Regulations is to disapply certain safety Regulations which would otherwise apply to vessels in commercial use for sport or pleasure if they are certified by the Secretary of State or a person authorised by him as complying with a relevant Code of Practice.
- 7.2 The lists in the existing Schedules of safety Regulations which are disappplied have become out of date due to the introduction of newer legislation such as the crew accommodation standards of the Maritime Labour Convention, 2006. The new Schedules inserted by this instrument update references to Instruments which amend some of the Regulations already listed, remove references to Regulations which are no longer relevant or have been revoked, and include some additional Regulations which have been introduced since the Schedule was compiled.

### *Consolidation*

- 7.3 Although the 1998 Regulations have been amended on several previous occasions, most of these amendments were to text in the Schedules which are now substituted in their entirety, or were of a minor technical nature, and the Department does not consider that consolidation is called for at this time.

## **8. Consultation outcome**

- 8.1 A targeted four week consultation was undertaken as this is a simple updating exercise and owners of these vessels are already complying with the most up to date legislation. Only one response was received, which simply noted the proposed changes without substantive comment.

## **9. Guidance**

- 9.1 No guidance is being published for this amendment.

## **10. Impact**

- 10.1 There is no impact on business, charities or voluntary bodies.
- 10.2 There is no impact on the public sector.
- 10.3 An Impact Assessment has not been prepared for this instrument.

## **11. Regulating small business**

- 11.1 The legislation applies to activities that are undertaken by small businesses.
- 11.2 No specific action has been taken to minimise regulatory burdens on small businesses.
- 11.3 This is a simple updating exercise and there have been no changes to the existing safety requirements in the Codes of Practice. The consultation was published to key industry representative bodies, whose memberships are made up mainly of small and micro businesses.

**12. Monitoring & review**

- 12.1 The amending Regulations include the statutory review provision, requiring the Secretary of State to carry out a review within five years of the coming into force of this instrument (6th April 2016) and at intervals not exceeding five years thereafter.

**13. Contact**

- 13.1 Alison Leighton at the Maritime and Coastguard Agency Telephone: 02380 329134 or email: [Alison.Leighton@mcga.gov.uk](mailto:Alison.Leighton@mcga.gov.uk) can answer any queries regarding the instrument.