
STATUTORY INSTRUMENTS

2018 No. 1221

**EXITING THE EUROPEAN UNION
MERCHANT SHIPPING**

**The Merchant Shipping (Miscellaneous Provisions)
(Amendments etc.) (EU Exit) Regulations 2018**

<i>Sift requirements satisfied</i>	<i>16th October 2018</i> <i>22nd November</i>
<i>Made - - - -</i>	<i>2018</i>
<i>Laid before Parliament</i>	<i>28th November 2018</i>
<i>Coming into force in accordance with regulation 2</i>	

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972 ^{M1} and section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union Withdrawal Act 2018 ^{M2}.

The requirements of paragraph 3(2) of Schedule 7 to that Act (relating to the appropriate Parliamentary procedure for these regulations) have been satisfied.

The Secretary of State is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to measures relating to maritime transport ^{M3}, and measures relating to the safety of ships and the health and safety of persons on them ^{M4}.

Marginal Citations

- M1** 1972 c. 68. Section 2(2) was amended by section 27 of the [Legislative and Regulatory Reform Act 2006 \(c.51\)](#) and by section 3 of, and Part 1 of the Schedule to, the [European Union \(Amendment\) Act 2008 \(c.7\)](#).
- M2** 2018 c. 16.
- M3** S.I. 1994/757.
- M4** S.I. 1993/595.

Citation

1. These Regulations may be cited as the Merchant Shipping (Miscellaneous Provisions) (Amendments etc.) (EU Exit) Regulations 2018.

Status: Point in time view as at 09/06/2020. This version of this

Instrument contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the The Merchant Shipping (Miscellaneous Provisions) (Amendments etc.) (EU Exit) Regulations 2018. (See end of Document for details)

Commencement

2. These Regulations come into force—
 - (a) for the purposes of regulations 1, 2 and 3 on the 22nd day after the day on which these Regulations are laid, and
 - (b) for all other purposes, on exit day.

PART 1

Amendment of secondary legislation

Amendments which take effect before exit day

3.—(1) In each of the regulations specified in paragraph (2), omit the definition of “EEA Agreement” and for the definition of “EEA State” substitute—

““EEA State” has the meaning given by Schedule 1 to the Interpretation Act 1978^{M5}.”.

- (2) The regulations specified for the purpose of paragraph (1) are—
 - (a) regulation 2(1) of the Merchant Shipping (Cargo Ship Construction) Regulations 1997^{M6},
 - (b) regulation 1(2) of the Merchant Shipping (Fire Protection: Small Ships) Regulations 1998^{M7},
 - (c) regulation 1(2) of the Merchant Shipping (Fire Protection: Large Ships) Regulations 1998^{M8},
 - (d) regulation 2 of the Merchant Shipping (Radio Installations) Regulations 1998^{M9},
 - (e) regulation 2(2) of the Merchant Shipping (Passenger Ship Construction: Ships of Classes I, II and II(A)) Regulations 1998^{M10},
 - (f) regulation 2(2) of the Merchant Shipping (Passenger Ship Construction: Ships of Classes III to VI(A)) Regulations 1998^{M11},
 - (g) regulation 2(1) of the Merchant Shipping (Additional Safety Measures for Bulk Carriers) Regulations 1999^{M12},
 - (h) regulation 2(2) of the Merchant Shipping (Life-Saving Appliances for Ships Other than Ships of Classes III to VI(A)) Regulations 1999^{M13},
 - (i) regulation 2(2) of the Merchant Shipping (Life-Saving Appliances For Passenger Ships of Classes III To VI(A)) Regulations 1999^{M14}, and
 - (j) regulation 2(1) of the Merchant Shipping (Ro-Ro Passenger Ships) (Stability) Regulations 2004^{M15}.

(3) In each of the regulations specified in paragraph (4) for the definition of “EEA State” substitute—

““EEA State” has the meaning given by Schedule 1 to the Interpretation Act 1978.”.

- (4) The regulations specified for the purpose of paragraph (3) are—
 - (a) regulation 1(2) of the Merchant Shipping (Registration of Ships) Regulations 1993^{M16}, and
 - (b) regulation 2(1) of the Merchant Shipping (Mandatory Surveys for Ro-Ro Ferry and High Speed Passenger Craft) Regulations 2001^{M17}.

(5) In the Merchant Shipping (High Speed Craft) Regulations 2004^{M18}, in regulation 7A (safety requirements for persons with reduced mobility) in paragraph (1)(b) for “a State, other than the

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United Kingdom, which is a Contracting Party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993” substitute “ an EEA State ”.

Marginal Citations

- M5** 1978 c. 30; [Schedule 1](#) was amended by the [European Union \(Withdrawal\) Act 2018 \(c. 16\)](#), [section 23\(5\)](#) and [Schedule 8](#), paragraphs 18 and 22(b), (c) and (e).
- M6** [S.I. 1997/1509](#), to which there are amendments not relevant to these Regulations.
- M7** [S.I. 1998/1011](#), amended by [S.I. 2000/2687](#); there are other amending instruments but none is relevant.
- M8** [S.I. 1998/1012](#), amended by [S.I. 2000/2687](#); there are other amending instruments but none is relevant.
- M9** [S.I. 1998/2070](#), relevant amending instruments are [S.I. 2000/2687](#), 2011/1043.
- M10** [S.I. 1998/2514](#), amended by [S.I. 2000/2687](#); there are other amending instruments but none is relevant.
- M11** [S.I. 1998/2515](#), amended by [S.I. 2000/2687](#); there are other amending instruments but none is relevant.
- M12** [S.I. 1999/1644](#).
- M13** [S.I. 1999/2721](#), relevant amending instruments are [S.I. 2000/2558](#), 2687.
- M14** [S.I. 1999/2723](#), amended by [S.I. 2000/2687](#); there are other amending instruments but none is relevant.
- M15** [S.I. 2004/2884](#).
- M16** [S.I. 1993/3138](#) as preserved by virtue of section 17(2)(b) [Interpretation Act 1978 \(c. 30\)](#) following the consolidation of the Merchant Shipping (Registration, etc.) Act 1993 by the [Merchant Shipping Act 1995 \(c. 21\)](#), and as amended by [S.I. 1998/2976](#) and 2012/1809; there are other amending instruments but none is relevant.
- M17** [S.I. 2001/152](#), to which there are amendments not relevant to these Regulations.
- M18** [S.I. 2004/302](#); relevant amending instruments are [S.I. 2004/2883](#), 2012/2636, 2016/1025.

VALID FROM 31/12/2020

Amendments on exit day

4. The Schedule (amendments of secondary legislation on exit day) has effect.

Commencement Information

- II** [Reg. 4](#) in force on IP completion day, see [reg. 2\(b\)](#) and [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)

VALID FROM 31/12/2020

PART 2

Revocation of retained EU law

Revocation

5. The following instruments are revoked—
- (a) Regulation [\(EEC\) No 1101/89](#);
 - (b) Regulation [\(EC\) No 718/1999](#);
 - (c) Regulation [\(EC\) 1406/2002](#);

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- (d) Regulation (EC) No 2099/2002;
- (e) Regulation (EC) No 414/2007;
- (f) Regulation (EC) No 415/2007;
- (g) Regulation (EC) No 416/2007;
- (h) Regulation (EC) No 181/2008;
- (i) Regulation (EU) No 164/2010;
- (j) Regulation (EU) No 689/2012;
- (k) Regulation (EU) No 909/2013;
- (l) Regulation (EU) No 911/2014;
- (m) Council Decision 77/587/EEC;
- (n) Council Decision 2014/195/EU;
- (o) Council Decision (EU) 2016/381;
- (p) Commission Decision (EU) 2016/566;
- (q) Council Decision (EU) 2017/769; and
- (r) Council Decision (EU) 2017/770.

Commencement Information

I2 [Reg. 5](#) in force at 31.12.2020, see [reg. 2\(b\)](#); 2020 c. 1, Sch. 5 para. 1(1)

Signed by authority of the Secretary of State for Transport

Department for Transport

Nusrat Ghani
Parliamentary Under Secretary of State

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VALID FROM 31/12/2020

SCHEDULE

Regulation 4

AMENDMENTS OF SECONDARY LEGISLATION ON EXIT DAY

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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations update the definitions of EEA State and EEA Agreement in maritime secondary legislation so that the definitions accord with those currently to be found in the Interpretation Act 1978.

These Regulations are also made in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under section 8(2)(a), (c), (d) and (g) of, and paragraph 21 of Schedule 7 to, the Act) arising from the withdrawal of the United Kingdom from the European Union.

These Regulations make amendments to maritime legislation and in particular amend legislation relating to ship safety standards and registration of ships. Part 1 amends secondary legislation and Part 2 revokes certain retained EU legislation.

IMO Conventions, the International Convention for the Safety of Life at Sea (SOLAS) 1974 and IMO MSC/Circ. 735 dated 24th June 1996 can be obtained from the International Maritime Organization (“IMO”) at IMO Publishing, 4 Albert Embankment, London SE1 7SR, www.imo.org/publications; email: sales@imo.org; telephone: 0207 735 7611.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen. An Explanatory Memorandum is available alongside the instrument on the UK legislation website, www.legislation.gov.uk.

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Changes to legislation:

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