
EXPLANATORY NOTE

(This note is not part of the Regulations)

This instrument makes a further amendment to the Merchant Shipping (Marine Equipment) Regulations 2016 (as amended by the Merchant Shipping (Marine Equipment) (Amendment etc.) (EU Exit) Regulations 2019). It gives effect to the Agreement dated 14th February 2019 between the United Kingdom of Great Britain and Northern Ireland and the United States of America on the Mutual Recognition of Certificates of Conformity for Marine Equipment (“the Agreement”).

Regulation 2(3)(b) provides that marine equipment listed in Annex 6 of Merchant Shipping Notice MSN 1874 Amendment 3 may be placed on board a United Kingdom ship where it has been approved by the United States Coast Guard, is accompanied by a US declaration of conformity and is affixed with a United Kingdom conformity mark. Regulation 2(3)(b) also provides that where under Article 15 of the Agreement mutual recognition of any such equipment is suspended, that equipment may not be placed on board a United Kingdom ship.

Regulation 2(4) makes provision for the affixing of both the identification number of the United States Coast Guard as assigned by the Secretary of State, and the year in which the United Kingdom conformity mark was affixed to marine equipment which has been approved by the United States Coast Guard and granted a US declaration of conformity.

Regulation 2(5) enables the Secretary of State to ensure that equipment listed in Annex 6 of Merchant Shipping Notice MSN 1874 Amendment 3 may be recalled or withdrawn from the United Kingdom market where it complies with applicable international standards but is considered to compromise health and safety or adversely affect the marine environment. It also allows the Secretary of State to restrict or prohibit the marketing of such equipment or its use on United Kingdom ships.

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Copies of the Agreement may be downloaded from https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779446/CS_USA_4.2019_Marine.pdf. Hard copies may be obtained upon request from the Maritime Division at the Department for Transport, Great Minster House, 33 Horseferry Road, London, SW1P 4DR.

An impact assessment has not been produced for this instrument as it has no or minimal impact on business, charities or voluntary bodies. A copy of the Explanatory Memorandum is published alongside the instrument on www.legislation.gov.uk.