
STATUTORY INSTRUMENTS

2019 No. 308

**The Ship and Port Security (Amendment
etc.) (EU Exit) Regulations 2019**

Part 2

Amendments of Regulation (EC) No 725/2004

Amendments of Article 3

4.—(1) Article 3 of the principal Regulation (joint measures and scope) is amended as follows.

(2) For the heading substitute “ Scope ”.

(3) For paragraph 1 substitute—

“1. In respect of international shipping, the special maritime security measures and Part A of the ISPS Code are to have the force of law in the United Kingdom.”

(4) For paragraph 2 substitute—

“2.—(1) In respect of domestic shipping, the special maritime security measures and Part A of the ISPS Code are to have effect in relation to—

- (a) Class A passenger ships,
- (b) their companies, and
- (c) the port facilities serving them,

as they have effect (in accordance with paragraph 1 and Article 10(1) and (5)) in relation to the corresponding international shipping matters.

(2) In subparagraph (1) ‘the corresponding international shipping matters’ means—

- (a) the ships mentioned in paragraph 1.1 of regulation 2 of the special maritime security measures,
- (b) their companies, and
- (c) the port facilities mentioned in paragraph 1.2 of that regulation.”

(5) For paragraph 3 substitute—

“3.—(1) In respect of domestic shipping, the special maritime security measures and Part A of the ISPS Code are to have effect in relation to—

- (a) Class B passenger ships which are certified to carry more than 250 passengers,
- (b) tankers operating domestic services, and
- (c) the companies of ships within point (a) or (b),

as they have effect (in accordance with paragraph 1 and Article 10(1) and (5)) in relation to the ships mentioned in paragraph 1.1 of regulation 2 of the special maritime security measures and their companies.

(2) But in the application of the special maritime security measures and Part A of the ISPS Code by virtue of subparagraph (1)—

(a) regulation 6 of the special maritime security measures (ship security alert system) does not have effect in relation to the ships and companies mentioned in subparagraph (1)(a) to (c);

(b) nothing in those measures and that Part requires a declaration of security to be completed or signed on behalf of the ships mentioned in subparagraph (1)(a) and (b),

and the special maritime security measures and Parts A and B of the ISPS Code are to be read with any modifications that are appropriate in accordance with points (a) and (b) of this subparagraph.

(3) In this paragraph ‘tanker’ means a cargo ship constructed or adapted for the carriage in bulk of liquid cargoes of a flammable nature.”

(6) After paragraph 3 insert—

“**3A.**—(1) In this Article ‘Class A passenger ship’ and ‘Class B passenger ship’ mean, respectively, a Class A passenger ship and a Class B passenger ship within the meaning of Article 4 of Directive [2009/45/EC](#) of the European Parliament and of the Council of 6 May 2009 on safety rules and standards for passenger ships (as that Directive had effect as last amended by Commission Directive 2010/36/EU^{M1}).

(2) For the purposes of subparagraph (1), Article 4 of that Directive is to be interpreted as requiring the Secretary of State to—

(a) establish, and update when necessary, a list of sea areas under United Kingdom jurisdiction delimiting the zones for all year round operation and, where appropriate, restricted periodical operation of the classes of ships, using the criteria set out in paragraph 1 of that Article, and

(b) publish that list in its updated version in a Merchant Shipping Notice and in a public database available on the internet site of the Maritime and Coastguard Agency.

(3) If, immediately before [^{F1}IP completion day], Merchant Shipping Notice 1747(M) (which contains a list of sea areas established by the Secretary of State for the purposes of Article 4(2) of Council Directive [98/18/EC](#) of 17 March 1998 on safety rules and standards for passenger ships^{M2}) is in force, that list is to have effect on and after [^{F1}IP completion day] as if it had been established under subparagraph (2) (and may be updated accordingly).”

(7) For paragraph 4 substitute—

“**4.** In exercising any functions under, or in connection with the implementation of, the special maritime security measures or Part A of the ISPS Code (as they have effect in accordance with paragraphs 1 to 3) the Secretary of State must take fully into account the guidelines contained in Part B of the ISPS Code.”

(8) In paragraph 5, for the words from the beginning to “Code” substitute “ The following paragraphs of Part B of the ISPS Code must be complied with ”.

(9) In paragraph 8, for “Member States” substitute “ the Secretary of State ”.

(10) After paragraph 8 insert—

“9. In this Article ‘company’ means a Company as defined in Regulation IX-1 of the SOLAS Convention.”.

Textual Amendments

- F1** Words in reg. 4(6) substituted (31.12.2020 immediately before IP completion day) by [The Merchant Shipping \(Consequential Amendments\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1000\)](#), regs. 1, 6

Commencement Information

- I1** Reg. 4 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

Marginal Citations

- M1** OJ L 163, 25.6.2009, p. 1, amended by Commission Directive 2010/36/EU of 1st June 2010, OJ L 162, 29.6.2010, p.1.
- M2** OJ L 144, 15.5.1998, p.1.

Changes to legislation:

There are currently no known outstanding effects for the The Ship and Port Security (Amendment etc.) (EU Exit) Regulations 2019, Section 4.