

2020 No. 1222

MERCHANT SHIPPING

**The Merchant Shipping (Safety Standards for Passenger Ships
on Domestic Voyages) (Miscellaneous Amendments)
Regulations 2020**

<i>Made</i> - - - -	<i>3rd November 2020</i>
<i>Laid before Parliament</i>	<i>9th November 2020</i>
<i>Coming into force</i> - -	<i>1st January 2021</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 85(1), (3)(a), (c) and (d), (5) to (7) and 86(1)(a) to (d) of the Merchant Shipping Act 1995(a).

The Secretary of State has consulted the persons referred to in section 86(4) of the Merchant Shipping Act 1995.

Citation and commencement

1. These Regulations may be cited as the Merchant Shipping (Safety Standards for Passenger Ships on Domestic Voyages) (Miscellaneous Amendments) Regulations 2020 and come into force on 1st January 2021.

Amendment of the Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000

2.—(1) The Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000(b) are amended as follows.

(2) In regulation 2(1) (interpretation)—

(a) for the definition of “the Directive”, substitute—

““the Directive” means Directive 2009/45/EC of the European Parliament and of the Council of 6th May 2009 on safety rules and standards for passenger ships(c);”;

(b) in the definition of “domestic voyage”, after “sea areas”, insert “ or sea routes”;

(a) 1995 c. 21. Sections 85 was amended by the Merchant Shipping and Maritime Security Act 1997 (c. 28), section 8 and Schedule 7 Part 1 and the British Overseas Territories Act 2003 (c. 8), section 2(3) and section 86 was amended by the Merchant Shipping and Maritime Security Act 1997 (c. 28), section 8 and Schedule 7 Part 1.

(b) S.I. 2000/2687, amended by S.I. 2002/1473, 2003/771, 2004/302, 2004/2883, 2010/680, 2010/1075, 2012/2636, 2018/53, 2020/501 and prospectively amended by S.I. 2018/1221.

(c) OJ L 163, 25.6.2009, p. 1, as amended by Commission Directive 2010/36/EU dated 1 June 2010 (OJ L 162, 29.6.2010, p. 1), Commission Directive (EU) 2016/844 dated 27 May 2016 (OJ L 141, 28.5.2016, p. 51) and Directive (EU) 2017/2108 of the European Parliament and of the Council dated 15 November 2017 (OJ L 315, 30.11.2017, p. 40).

- (c) in the definition of “Maritime and Coastguard Agency”, for “of the Environment, Transport and the Regions” substitute “for Transport”;
- (d) in the definition of “port waters”, for “Merchant Shipping Notice No M 1719(M)” substitute “Merchant Shipping Notice 1837(M) Amendment 2”;
- (e) in the definition of “sea areas”, for “3(2)” substitute “3A(2)”;
- (f) at the end of the definition of “sea areas”, insert—

“;

“United Kingdom passenger ship” means a passenger ship which is a United Kingdom ship”.

- (3) In regulation 2(2A)(c) (interpretation), for “Note” substitute “Notice”.
- (4) For regulation 3 (classification of ships), substitute—

“Classification of ships

3. For purposes of these Regulations passenger ships engaged on domestic voyages shall be arranged in classes as follows—

- (a) Class A ships, being ships engaged solely on domestic voyages in Areas A, B, C and D as defined in regulation 3A(1);
- (b) Class B ships, being ships engaged solely on domestic voyages in Areas B, C and D as defined in regulation 3A(1);
- (c) Class C ships, being ships engaged solely on domestic voyages in Areas C and D as defined in regulation 3A(1); and
- (d) Class D ships, being ships engaged solely on domestic voyages in Area D as defined in regulation 3A(1).

Categorisation of sea areas

3A.—(1) For purposes of these Regulations sea areas are categorised as follows—

- (a) Area A is a sea area other than Areas B, C and D;
- (b) Area B is a sea area other than Areas A, C and D, the geographical coordinates of which are at no point more than 20 miles from the line of the coast, corresponding to the medium tide height;
- (c) Area C is a sea area other than Areas A, B and D, where the probability of significant wave heights exceeding 2.5 metres is less than 10% over a period of one year for all year round operation, or over a specific restricted period of the year for operation exclusively in such period, and the geographical coordinates of which are at any point no more than 5 miles from the line of the coast, corresponding to the medium tide height;
- (d) Area D is a sea area other than Areas A, B and C, where the probability of significant wave heights exceeding 1.5 metres is less than 10% over a period of one year for all year round operation, or over a specific restricted period of the year for operation exclusively in such period, and the geographical coordinates of which are at any point no more than 3 miles from the line of the coast, corresponding to the medium tide height.

(2) For the purposes of the categorisation of sea areas in accordance with the criteria set out in paragraph (1), the Secretary of State shall—

- (a) maintain and update when necessary Merchant Shipping Notice 1747(M), containing a list of sea areas under United Kingdom jurisdiction which includes the limits of the inner border of the sea areas closest to the lines of the coast and the limits of zones for all year round operation and, where appropriate, for periodical operation; and

- (b) publish that Merchant Shipping Notice in its updated version and in a public database available on the Internet site of the Maritime and Coastguard Agency.”.
- (5) In regulation 4 (application)—
 - (a) for paragraph (1), substitute—
 - “(1) These Regulations apply to—
 - (a) United Kingdom passenger ships of Class A, B, C or D of 24 metres or over in length, engaged on domestic voyages; and
 - (b) non-United Kingdom passenger ships of Class A, B, C or D of 24 metres or over in length, engaged on domestic voyages while they are within United Kingdom waters.”;
 - (b) in paragraph (2)—
 - (i) after sub-paragraph (b), insert—
 - “(ba) a sailing ship;”;
 - (ii) for sub-paragraph (e), substitute—
 - “(e) a traditional ship;”;
 - (iii) for sub-paragraph (f), substitute—
 - “(f) a pleasure yacht or pleasure craft;”;
 - (iv) at the end of sub-paragraph (j), insert—
 - “;
 - (k) an offshore service craft;
 - (l) an offshore service ship;
 - (m) a tender”.
- (6) In regulation 5(1) (application and amendment of existing Regulations)—
 - (a) for the words before sub-paragraph (a), substitute—
 - “In relation to a passenger ship the keel of which was laid before 1st July 1998, the following Regulations do not apply—”;
 - (b) omit sub-paragraph (i).
- (7) In regulation 6 (safety requirements)—
 - (a) in paragraph (1), omit “Subject to paragraph (1B) below, ”;
 - (b) omit paragraphs (1A) and (1B);
 - (c) in paragraph (2)—
 - (i) omit “ or (1A)”;
 - (ii) for “ No M 1672”, substitute “1672 (M + F) Amendment 3”.
- (8) In regulation 7C (safety requirements for persons with reduced mobility), omit sub-paragraph (b).

Amendment of the Merchant Shipping (High Speed Craft) Regulations 2004

- 3.—**(1) the Merchant Shipping (High Speed Craft) Regulations 2004(a) are amended as follows.
- (2) In regulation 2 (interpretation)—
 - (a) in the definition of “Category A, B, C or D waters”, for “1776(M)” substitute “1837(M) Amendment 2”;
 - (b) after the definition of “craft”, insert—

(a) S.I. 2004/302, amended by S.I. 2004/2883, 2012/2636 and prospectively amended by SI 2018/1221. There are other amending instruments but none is relevant.

“the Directive” means Directive 2009/45/EC of the European Parliament and of the Council of 6th May 2009 on safety rules and standards for passenger ships;”.

- (3) In regulation 3(2)(h) (application), for “1.4.37” substitute “1.4.38”.
- (4) In regulation 7A (safety requirements for persons with reduced mobility)—
- (a) in paragraph (1)(b), for “Directive 2009/45/EC as amended on safety rules and standards for passenger ships” substitute “the Directive”;
 - (b) in paragraph (2)(a) and (b), for “Council Directive 1998/18/EC” substitute “the Directive”;
 - (c) omit paragraph (3);
 - (d) in paragraph (4), for “Directive 2009/45/EC as amended” substitute “the Directive”.

Signed by authority of the Secretary of State for Transport

Robert Courts
Parliamentary Under Secretary of State
Department for Transport

3rd November 2020

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement Directive (EU) 2017/2108 of the European Parliament and of the Council of 15 November 2017 amending Directive 2009/45/EC on safety rules and standards for passenger ships.

Regulation 2 makes a number of amendments to the Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000 (S.I. 2000/2687). Regulation 2(2) updates several definitions. Regulation 2(3) updates terminology to be consistent with other legislation. Regulation 2(4) amends provisions regarding the classification of ships and categorisation of sea areas. Regulation 2(5) updates the application of these Regulations by amending provisions describing vessels to which they apply. Regulation 2(6) updates provisions regarding several Regulations which no longer apply to certain vessels. Regulation 2(7) updates the safety requirements applicable under these Regulations. Regulation 2(8) removes an expired and completed requirement for publication of a national action plan in respect of public transport vessel safety requirements for persons with reduced mobility.

Regulation 3 makes a number of amendments to the Merchant Shipping (High Speed Craft) Regulations 2004 (S.I. 2004/302). Regulation 3(2) updates definitions used in these Regulations. Regulation 3(3) updates a paragraph number in a High Speed Craft Code reference. Regulation 3(4) updates references to Directive 2009/45/EC and removes an expired and completed requirement for publication of a national action plan in respect of public transport high speed craft safety requirements for persons with reduced mobility.

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A full 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 published alongside this instrument on www.legislation.gov.uk.

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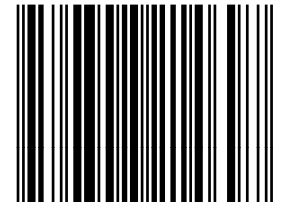
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