
STATUTORY INSTRUMENTS

2023 No. 984

The Merchant Shipping (Inspections of Ro-Ro Passenger Ships and High-Speed Passenger Craft) Regulations 2023

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Merchant Shipping (Inspections of Ro-Ro Passenger Ships and High-Speed Passenger Craft) Regulations 2023 and come into force on the 5th October 2023.

(2) These Regulations extend to England and Wales, Scotland and Northern Ireland.

Interpretation

2.—(1) In these Regulations—

“the Act” means the Merchant Shipping Act 1995;

“annual flag State survey” means a survey in accordance with the HSSC carried out by the State whose flag a ship is entitled to fly;

“company”, in relation to a ro-ro passenger ship or a high-speed passenger craft, means—

(a) where Chapter 9 of SOLAS applies, a reference to the person who has assumed responsibility for the duties and responsibilities imposed by the International Management Code for Safe Operation of Ships and for Pollution Prevention (the ISM Code)⁽¹⁾; or

(b) where Chapter 9 of SOLAS does not apply—

(i) the owner of the ship or craft; or

(ii) the person (such as the manager or bareboat charterer) who has assumed responsibility for the operation of the ship or craft from the owner;

“dangerous goods” means goods classified in the IMDG Code or in any other IMO publication referred to in these Regulations as dangerous for carriage by sea, and any other substance or article that the shipper has reasonable cause to believe might meet the criteria for such classification under Part 2 of the IMDG Code. This expression—

(a) includes—

(i) residues in empty receptacles, empty tanks or cargo holds which have been used previously for the carriage of dangerous goods unless such receptacles, empty tanks or cargo holds have been cleaned and dried, purged, gas freed or ventilated as appropriate or, in the case of radioactive materials, have been both cleaned and adequately closed;

(ii) goods labelled, marked or declared as dangerous goods, and

⁽¹⁾ International Management Code for the Safe Operation of Ships and for Pollution Prevention (the ISM Code) MSIS 02 revised 06-2020. The Code was adopted by the International Maritime Organization Resolution A.741(18) and may be obtained in copy from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(b) does not include goods forming part of the equipment or stores of the ship in which they are carried;

“flag State”, in relation to a ship, means the State whose flag the ship is entitled to fly;

“gross tonnage” means gross tonnage as determined in accordance with regulation 6 or 12(1) of the Merchant Shipping (Tonnage) Regulations 1997(2);

“high-speed passenger craft” means a craft as defined in Regulation 1 of Chapter X of SOLAS, and carrying more than 12 passengers;

“HSSC” means the International Maritime Organization Survey Guidelines under the Harmonized System of Survey and Certification(3);

“IBC Code” means the 1998 Edition 2 of the IMO International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk;

“IMDG Code” means the 2020 Edition of the IMO International Maritime Dangerous Goods Code as amended;

“IMO” means the International Maritime Organization;

“inspector” means, other than in relation to the expression “port state control inspector”, a person duly authorised by the Secretary of State to carry out inspections required by these Regulations and “inspection” is to be construed accordingly;

“international conventions” means—

- (a) SOLAS;
 - (b) STCW;
 - (c) the Convention on the International Regulations for Preventing Collisions at Sea, 1972(4);
 - (d) the International Convention on Load Lines 1966(5);
 - (e) the International Convention on Tonnage Measurement of Ships, 1969(6),
- together with the protocols and amendments to these Conventions and related Codes of mandatory status;

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- (2) [S.I. 1997/1510](#), to which there are amendments not relevant to these Regulations.
 - (3) The guidelines were adopted on 2 December 2015 by Resolution A.1104(29). The guidelines may be obtained in copy from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR and on [https://wwwcdn.imo.org/localresources/en/KnowledgeCentre/IndexofIMOResolutions/AssemblyDocuments/A.1104\(29\).pdf](https://wwwcdn.imo.org/localresources/en/KnowledgeCentre/IndexofIMOResolutions/AssemblyDocuments/A.1104(29).pdf).
 - (4) Cmnd. 6962. The Convention was amended in 1981 and 1988. The Convention may be obtained in copy from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or found on the Foreign, Commonwealth & Development Office treaties database (<https://treaties.fcdo.gov.uk/awweb/pdfopener?md=1&did=67638>).
 - (5) Cmnd. 3708. The Convention was modified by the Protocol of 1988 and amended by IMO Resolutions A.972(24), A.1082(28) and A.1083(28). The Protocol was amended by IMO Resolutions MSC.143(77), MSC.172(79), MSC.223(82), MSC.270(85), MSC.329(90), MSC.345(91), MSC.356(92) and MSC.375(93). The Convention may be obtained in copy from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or found on the Foreign, Commonwealth & Development Office treaties database (<https://treaties.fcdo.gov.uk/awweb/pdfopener?md=1&did=66633>). The text of IMO Resolutions A.972(24), A.1082(28) and A.1083(28) may also be obtained from the International Maritime Organization at the same address, or in Marine Information Note 560(M) issued by the Maritime Coastguard Agency (MCA) and which is available in copy from the MCA of Spring Place, 105 Commercial Road, Southampton SO15 1EG or on <https://www.gov.uk>. The Protocol of 1988 (Cm 4829) may be obtained in copy from the International Maritime Organization at the same address, or found on the Foreign, Commonwealth & Development Office treaties database (<https://treaties.fcdo.gov.uk/awweb/pdfopener?md=1&did=69527>). The text of the amendments to the Protocol may be obtained from the International Maritime Organization at the same address or in Marine Information Note 560(M) issued by the MCA and available in copy from Spring Place, 105 Commercial Road, Southampton SO15 1EG or on <https://www.gov.uk>. Amendments will also be made available on the Foreign, Commonwealth & Development Office treaties database (<https://treaties.fcdo.gov.uk/data/Library2/pdf/2018-TS0011.pdf>).
 - (6) Cmnd. 4332. The Convention may be obtained in copy from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or found on the Foreign, Commonwealth & Development Office treaties database (<https://treaties.fcdo.gov.uk/awweb/pdfopener?md=1&did=68110>).

“load line” means a mark on a ship indicating the maximum depth to which the ship may be loaded in accordance with the Merchant Shipping (Load Line) Regulations 1998(7);

“marine pollutant” means a substance classified as such in the IMDG Code, or as a noxious liquid substance in the IBC Code, oil as defined in Annex I to the MARPOL Convention, excluding bunkers and ship’s stores and any other substance, material or article that the shipper has reasonable cause to believe might meet the criteria for such classification in accordance with the Merchant Shipping (Dangerous Goods and Marine Pollutants) Regulations 1997(8);

“maritime mobile service identity number” means a unique nine-digit identification number that may have been issued in respect of a ship by the appropriate authority(9) of the flag State;

“the MARPOL Convention” means the International Convention for the Prevention of Pollution from Ships 1973, as amended by the Protocols of 1978 and 1997(10);

“the Paris MOU” means the Memorandum of Understanding on Port State Control, signed in Paris on 26 January 1982(11);

“polluting goods” means oil, noxious liquid substances and harmful substances in packaged form;

“port state control inspection” means an inspection under the system for the enforcement of international standards, as provided for by the Merchant Shipping (Port State Control) Regulations 2011(12), and references to a “port state control inspector” are to an inspector duly authorised by the Secretary of State to carry out inspections required by those Regulations;

“pre-commencement inspection” means an inspection under regulation 5(2);

“prohibition of departure notice” means a notice issued in accordance with regulation 8;

“recognised organisation” means any organisation which continues to be recognised under Regulation (EC) No. 391/2009(13);

“regular service” means a series of ro-ro passenger ship or high-speed passenger craft crossings operated so as to serve traffic between the same two or more ports, or a series of voyages from and to the same port without intermediate calls, either—

- (a) according to a published timetable; or
- (b) with crossings so regular or frequent that they constitute a recognisable systematic series;

“relevant statutory requirement” means a requirement in a provision in a statutory instrument which implements an international convention and which is made under—

- (a) the Act, including statutory instruments made under an order made under the Act, or
- (b) the European Communities Act 1972(14);

(7) S.I. 1998/2241, to which there are amendments not relevant to these Regulations.

(8) S.I. 1997/2367; relevant amending instrument is S.I. 2004/2110.

(9) The appropriate authority for the UK is Ofcom, the regulator for the communications services. Further information about Ofcom can be found on <https://www.ofcom.org.uk>.

(10) The MARPOL Convention was published in Cmnd. 5748, and amended by the Protocols of 1978 (Cmnd. 7347) and 1997 (Cm. 4427). Hard copies of the Command Papers are available for inspection free of charge but by appointment at the Parliamentary Archives, Houses of Parliament, London SW1A 0PW. The Parliamentary Archives catalogue numbers are as follows: HL/PO/JO/10/11/1853/505 (Cmnd. 5748), HL/PO/JO/10/11/1959/2033 (Cmnd. 7347) and HL/PO/JO/10/11/3156/2285 (Cm. 4427). Annex V to MARPOL has been amended by a number of International Maritime Organization (“IMO”) Resolutions, most recently by MEPC.277(70). The amendments are available from the IMO of 4 Albert Embankment, London SE1 7SR or can be found on the Foreign, Commonwealth & Development Office treaties database (<https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch/>).

(11) The 43rd Amendment to the Paris MOU was adopted on 2 October 2020. The Paris MOU may be obtained in copy from the Secretariat Paris MOU on PSC, P.O. Box 16191, 2500 BC The Hague, The Netherlands, or found on <https://www.parismou.org/inspections-risk/port-state-control-inspections-paris-mou>.

(12) S.I. 2011/2601, amended by S.I. 2018/1122, 2020/496.

(13) EUR 2009/391, amended by S.I. 2019/270.

(14) 1972 c. 68. The European Communities Act 1972 was repealed by section 1 of the European Union (Withdrawal) Act 2018 (c. 16).

“ro-ro passenger ship” means a ship with facilities to enable road or rail vehicles to roll on and roll off the ship, and carrying more than 12 passengers;

“Safety Management Certificate” means the Safety Management Certificate referred to in Regulation 4 of Chapter IX of SOLAS;

“shipper” means any person who, whether as principal or agent for another, consigns goods for carriage by sea;

“special category spaces” means special category spaces as defined in Regulation II-2/3 of SOLAS;

“sub-division load line” means a waterline used in determining the subdivision of a ship;

“SOLAS” means the International Convention for the Safety of Life at Sea, 1974(15);

“STCW” means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers 1978(16);

“United Kingdom ship” means a ship which—

- (a) is registered in the United Kingdom; or
- (b) is not registered under the law of any country but is wholly owned by persons each of whom is—
 - (i) a British citizen, a British overseas territories citizen or a British Overseas citizen, or
 - (ii) a body corporate which is established under the law of any part of the United Kingdom and has its principal place of business in the United Kingdom.

(2) In these Regulations, a reference to each of the international conventions is to be construed—

- (a) as a reference to the international convention as it is modified from time to time, and
- (b) as, if the international convention is replaced, a reference to the replacement.

(3) For the purposes of paragraph (2), the international convention is modified or replaced if the modification or replacement takes effect in accordance with the relevant Article of the convention referred to in paragraph (4).

(4) The relevant Article is—

- (a) for the International Convention on Load Lines 1966, Article 29,
- (b) for SOLAS, Article VIII,
- (c) for STCW, Article XII,
- (d) for the Convention on the International Regulations Preventing Collisions at Sea 1972, Article VI, and
- (e) for the International Convention on Tonnage Measurements for Ships 1969, Article 18.

(5) In these Regulations, references to “written” or “in writing” include the provision of such communication by electronic mail, facsimile or similar means, which is capable of producing a

(15) Cmnd 7874. The Convention may be obtained in copy from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or found on the Foreign, Commonwealth & Development Office treaties database (<https://treaties.fcdo.gov.uk/awweb/pdfopener?md=1&did=79786>). The Convention was modified by its Protocol of 1978 (Cmnd. 8277), which was replaced and abrogated by the Protocol of 1988 (Cm. 5044) with respect to the parties to the 1988 Protocol. The amendments to the Convention are available from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or found on the Foreign, Commonwealth & Development Office treaties database (<https://treaties.fcdo.gov.uk/awweb/pdfopener?md=1&did=68013>). Hard copies of the Command Papers are available for inspection free of charge but by appointment at the Parliamentary Archives, Houses of Parliament, London SW1A 0PW. The Parliamentary Archives catalogue numbers for the Command Papers are HL/PO/JO/10/11/2301/2878 (Cmnd. 7874), HL/PO/JO/10/11/2302 (Cmnd. 8277) and HL/PO/JO/10/11/3156/2280 (Cm. 5044).

(16) The Convention was amended in 1991, 1994, 1995, 1997, 1998, 2004 (on two occasions), 2006 and 2010. The Convention may be obtained from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or found on the IMO website: (<https://treaties.un.org/doc/Publication/UNTS/Volume%201361/volume-1361-I-23001-English.pdf>).

document containing the text of any communication and in a form sufficiently permanent to be used for subsequent reference.

Application

3.—(1) These Regulations apply to—

- (a) ro-ro passenger ships and high-speed passenger craft which are United Kingdom ships, wherever they may be, and
- (b) ro-ro passenger ships and high-speed passenger craft which are non-United Kingdom ships, while they are within United Kingdom waters,

which are operating on a regular service set out in paragraph (2).

(2) The regular service referred to in paragraph (1) is—

- (a) a regular service between a port in the United Kingdom and a port of a country other than a member State, or
- (b) a regular service between ports in the United Kingdom in sea areas in which ships of Class A may operate in accordance with the Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000(17).

(3) For the purposes of this regulation, “non-United Kingdom ship” means any ship other than a United Kingdom ship.

Professional profile of inspectors

4. Any inspection under these Regulations must be carried out by a person who fulfils the minimum qualification criteria specified in Schedule 1.

Pre-commencement inspections

5.—(1) Paragraph (2) applies to a ship where—

- (a) it is proposed to use the ship to operate a particular regular service, or
- (b) there has been a change of company in relation to the ship and the successor proposes to use the ship to continue to operate that service.

(2) Subject to paragraph (3) and regulation 6, the Secretary of State must ensure that before the regular service begins or, as the case may be, is continued, an inspection of the ship is carried out which consists of—

- (a) verification of compliance with the requirements laid down in Part 1 of Schedule 2, and
- (b) an inspection in accordance with the requirements of Part 2 of Schedule 2, to satisfy the inspector that the ship fulfils the necessary requirements for safe operation of a regular service.

(3) A pre-commencement inspection may only be arranged if, the company or the master of the ship, notifies the Secretary of State of the information specified in paragraph (4) in accordance with paragraph (5).

(4) The information referred to in paragraph (3) is—

- (a) the name of the ship, the ship’s call sign, the IMO number or the maritime mobile service identity number of the ship, and

(17) S.I. 2000/2687, amended by S.I. 2004/2883, 2018/53, 1221, 2020/1222; there are other amending instruments but none is relevant.

(b) the route of the proposed regular service, including the ports at which the service will start and finish.

(5) The information must be notified in writing to the Secretary of State at least two months before the day of the proposed commencement of the regular service.

(6) The Secretary of State may request that a company provides evidence of compliance with the requirements of Part 1 of Schedule 2 in advance but no earlier than one month before the date of the pre-commencement inspection.

Exceptions to the requirement to carry out a pre-commencement inspection

6.—(1) The Secretary of State may decide that a pre-commencement inspection need not be carried out where—

- (a) the ship was previously engaged on another regular service covered by these Regulations, and
- (b) the Secretary of State, after taking into account the result of any previous inspections carried out in respect of that ship, is satisfied that the requirement for a pre-commencement inspection is unnecessary.

(2) Where paragraph (1)(a) does not apply to a ship, the Secretary of State may—

- (a) at the request of the company, and
- (b) subject to being satisfied in accordance with paragraph (1)(b),

decide that a pre-commencement inspection of the ship is not required.

(3) Where due to unforeseen circumstances there is an urgent need for a replacement ship to be introduced rapidly to ensure continuity of service and the Secretary of State has not exercised the discretion under paragraph (1), the Secretary of State may decide that the ship may start operating provided that the Secretary of State has no reason to believe that the ship does not fulfil any of the requirements set out in Schedule 2.

(4) Where the Secretary of State decides that a replacement ship may start operating in accordance with paragraph (3), that ship may only be used to continue to operate the service if, within one month of the ship starting to operate as a replacement ship, or any additional period that the Secretary of State may decide is appropriate, the Secretary of State ensures that an inspection of the ship is carried out consisting of—

- (a) verification of compliance with the requirements laid down in Part 1 of Schedule 2, and
- (b) an inspection in accordance with the requirements of Part 2 of Schedule 2, to satisfy the inspector that the ship fulfils the necessary requirements for safe operation of a regular service.

(5) The Secretary of State may decide not to apply certain of the requirements or procedures set out in regulation 5(2)(a) and (b) where—

- (a) they are relevant to any annual flag State survey or inspection carried out in respect of that ship within the period of six months before the pre-commencement inspection, and
- (b) the relevant procedures and guidelines for surveys specified in HSSC or procedures designed to achieve the same goal have been followed.

(6) Any decision of the Secretary of State under this regulation in respect of a ship must be communicated in writing to the company.

Regular inspections

7.—(1) Subject to paragraph (3), the Secretary of State must, in relation to each ship, ensure that the inspections set out in paragraph (2) are carried out once during the period of 12 months beginning

with the date on which a ship is first used to operate a particular regular service and thereafter during each subsequent period of 12 months while the ship continues to be so used.

- (2) The inspections referred to in paragraph (1) are—
- (a) an inspection in accordance with the requirements of Part 2 of Schedule 2, and
 - (b) an inspection during a regular service, which must cover—
 - (i) the items listed in Schedule 3, and
 - (ii) those of the requirements listed in Schedule 2 which need to be met in the professional judgement of the inspector.

(3) Any pre-commencement inspection in relation to a particular regular service may be treated as satisfying the requirement for an inspection in relation to that service for the purposes of paragraph (2)(a) if—

- (a) the inspection under paragraph (2)(a) is required for the first time, and
- (b) the Secretary of State, after taking into account the result of the pre-commencement inspection, is satisfied that the requirement for an inspection under paragraph (2)(a) is unnecessary.

(4) The inspection referred to in paragraph (2)(a) may be carried out at the same time as, or in conjunction with, the annual flag State survey for the ship provided that the relevant procedures and guidelines for surveys specified in HSSC or procedures designed to achieve the same goal are followed.

(5) The inspection referred to in paragraph (2)(b) must take place no earlier than four months and no later than eight months after—

- (a) the date on which the ship is first used to operate a particular regular service, and
- (b) each anniversary of that date.

(6) Subject to paragraph (7), the Secretary of State may require that an inspection in accordance with Part 2 of Schedule 2 is carried out—

- (a) each time a ship undergoes repairs, alterations and modifications in respect of an item included in Part 2 of Schedule 2;
- (b) where there is a change of company in relation to a ship;
- (c) when there is a transfer of the maritime classification society⁽¹⁸⁾ which issued a class certificate for a ship.

(7) Where the Secretary of State considers that the safe operation of the ship is not affected by a change of company or transfer of maritime classification society, the Secretary of State may, after taking account of inspections previously carried out for that ship, exempt the ship from the inspection required under paragraph (6)(b) or, as the case may be, paragraph (6)(c).

Rectification of deficiencies, prohibition of departure and suspension of inspection

8.—(1) The Secretary of State must inform a company of any deficiencies which are confirmed or revealed by an inspection of one of its ships.

(2) Without prejudice to any other relevant statutory requirement, where an inspector has grounds for believing that deficiencies confirmed or revealed by an inspection are clearly hazardous to health or safety, the ship is liable to be detained by the inspector until such time as an inspector is satisfied that—

- (a) the hazard has been removed, and

⁽¹⁸⁾ More information about UK classification societies can be found from the website: (<https://www.gov.uk/guidance/uk-licensed-authorised-recognised-organisations-ros>).

- (b) the ship can, subject to any necessary conditions, proceed to sea or resume operation without risk to the health or safety of the passengers or crew, or risk to the ship or to other ships.
- (3) Where a ship is liable to be detained under paragraph (2), the inspector detaining the ship must issue a prohibition of departure notice to the company and the master of the ship in accordance with paragraph (9).
- (4) Where the overall condition of the ship is obviously substandard (for example where an inspector records deficiencies in several areas each of which could lead to the ship being detained) the inspector may suspend the inspection of the ship until the company has taken the necessary steps to ensure that the ship—
- (a) is no longer clearly hazardous to health or safety, or
 - (b) complies with the relevant requirements of the international conventions that apply.
- (5) Where an inspector suspends an inspection under paragraph (4), the inspector must issue a prohibition of departure notice to the company and the master of the ship in accordance with paragraph (9).
- (6) Without prejudice to any other relevant statutory requirement, where the Secretary of State has not been able to carry out an inspection of a ship in accordance with these Regulations, the ship may be detained by the Secretary of State.
- (7) Where a ship is liable to be detained under paragraph (6), the Secretary of State must issue a prohibition of departure notice to the company and the master of the ship including the reason for the detention in accordance with paragraph (9).
- (8) Section 284 of the Act (enforcing detention of a ship) applies where a ship is liable to be detained under this regulation as if—
- (a) references to the owner of the ship were to the company;
 - (b) references to detention of a ship under the Act were references to the detention of a ship under this regulation;
 - (c) references to a notice of detention were references to a prohibition of departure notice issued under paragraph (3), (5) or (7);
 - (d) subsection (7) were omitted.
- (9) A prohibition of departure notice must—
- (a) specify—
 - (i) the deficiency in relation to which the notice has been issued under paragraph (3),
 - (ii) the reasons for the suspension in relation to which the notice is issued under paragraph (5), or
 - (iii) details of the inspection which the Secretary of State has not been able to carry out in relation to which a notice is issued under paragraph (7),
 - (b) require that the ship must not be operated on a regular service unless the deficiency or reason for suspension so specified has been remedied and the ship has been released by any person mentioned in section 284(1) of the Act,
 - (c) inform the company and the master of the ship of the right to arbitration in relation to a notice issued under paragraph (3) or (5) and the applicable procedures, and
 - (d) take immediate effect.
- (10) The risk of port congestion must not be a consideration in a decision whether to impose or to withdraw a prohibition of departure notice.

(11) Where a deficiency referred to in paragraph (2) cannot be readily rectified in the port in which the deficiency has been confirmed or revealed, the person having powers to detain the ship may permit it to proceed to the nearest appropriate repair yard available where the deficiency can be readily rectified.

(12) A prohibition of departure notice may only be withdrawn by the Secretary of State where—

(a) in the case of a notice issued under—

- (i) paragraph (3), all deficiencies have been rectified and the hazard has been removed to the satisfaction of an inspector,
- (ii) paragraph (5), the inspection has been resumed and successfully completed, or
- (iii) paragraph (7), an inspection of the ship in accordance with these Regulations has been carried out, and

(b) any requirement set out in the prohibition of departure notice and regulation 10(2) are satisfied.

(13) Subject to paragraph (14), section 96 (references of detention notices to arbitration) and section 97 (compensation in connection with invalid detention of ship) of the Act apply in relation to a prohibition of departure notice issued under this regulation as they apply in relation to a detention notice served under section 95 (power to detain dangerously unsafe ship).

(14) For the purposes of paragraph (13)—

(a) section 96 applies as if—

- (i) subsection (3) were omitted,
- (ii) the words “as a dangerously unsafe ship” in subsection (5) were omitted,
- (iii) subsection (11) were omitted, and

(b) sections 96 and 97 apply as if “the relevant inspector” means the person who issued the prohibition of departure notice under this regulation.

Inspection report

9. On completion of any inspection required by these Regulations, the inspector must—

- (a) draw up a written report in accordance with Schedule 4, and
- (b) provide the ship’s master and the company with a copy of the report.

Costs of issuing prohibition of departure notices

10.—(1) Where a prohibition of departure notice is issued under regulation 8(3), (5) or (7), all costs of the Secretary of State relating to the issue of the notice and any subsequent inspection relating to the deficiencies which led to the issue of the notice must be covered by the company.

(2) The prohibition of departure notice must not be withdrawn until full payment is made or a sufficient guarantee is given for reimbursement of the costs.

Revocation and consequential amendments

11.—(1) The Merchant Shipping (Mandatory Surveys for Ro-Ro Ferry and High Speed Passenger Craft) Regulations 2001⁽¹⁹⁾ are revoked.

(2) Schedule 5 (consequential amendments) has effect.

⁽¹⁹⁾ S.I. 2001/152, amended by S.I. 2004/1266, 2018/1221.

Review of the Regulations

- 12.—(1) The Secretary of State must from time to time—
- (a) carry out a review of the regulatory provision contained in these Regulations, and
 - (b) publish a report setting out the conclusions of the review.
- (2) The first report must be published before the end of the period of five years beginning with the date on which these Regulations come into force.
- (3) Subsequent reports must be published at intervals not exceeding 5 years.
- (4) Section 30(4) of the Small Business, Enterprise and Employment Act 2015(20) requires that a report published under this regulation must, in particular—
- (a) set out the objectives intended to be achieved by the regulatory provision referred to in paragraph (1)(a),
 - (b) assess the extent to which those objectives are achieved,
 - (c) assess whether those objectives remain appropriate, and
 - (d) if those objectives remain appropriate, assess the extent to which they could be achieved in another way which involves less onerous regulatory provision.
- (5) In this regulation, “regulatory provision” has the same meaning as in sections 28 to 32 of the Small Business, Enterprise and Employment Act 2015 (see section 32 of that Act).

We consent to the making of these Regulations

Andrew Stephenson
Scott Mann
Two of the Lords Commissioners of His
Majesty’s Treasury

11th September 2023

Signed by authority of the Secretary of State for Transport

Vere
Parliamentary Under Secretary of State
Department for Transport

12th September 2023