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*Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping and Maritime Security Act 1997, Paragraph 18. (See end of Document for details)*

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## SCHEDULES

### SCHEDULE 6

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### *The Merchant Shipping Act 1995 (c. 21)*

- 18 (1) Section 306 of the 1995 Act (regulations, rules and orders, etc.) is amended as follows.
- (2) For subsection (1) (powers which are exercisable by statutory instrument) there is substituted—
- “(1) Subject to subsection (1A) below, any power of the Secretary of State to make regulations, orders or rules under this Act shall be exercisable by statutory instrument.
- (1A) Subsection (1) above does not apply to—
- (a) rules made under section 91; or
- (b) any instrument made under section 128(4)(f) other than an instrument containing regulations.”
- (3) For subsection (2) (statutory instruments containing regulations, orders or rules to be subject to negative resolution procedure, except in specified cases) there is substituted—
- “(2) Subject to subsection (2A) below—
- (a) any statutory instrument containing regulations under this Act (including such an instrument made by virtue of section 128(4)(f) or 182B(4)(e)), and
- (b) any statutory instrument containing an order or rules made under this Act,
- shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (2A) Subsection (2) above does not apply to—
- (a) regulations made under section 130A, 259(8) or 260(3) or Schedule 11A;
- (b) commencement orders;
- (c) any order made under section 216(2), 223(3), paragraph 8 of Part II of Schedule 7, or any provision of Schedule 14.”
- (4) In subsection (3) (which provides that all Orders in Council apart from those specified are to be subject to negative resolution procedure)—
- (a) after “172(2)” there is inserted “ 182B(1) ”, and
- (b) after “184” there is inserted “ 185(2A) or (2B) ”.

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(5) In subsection (4)(a) (duty to consult before making certain regulations), for “under section 108” there is substituted “ section 108 or 130A ”.

**Commencement Information**

- II** Sch. 6 para. 18 wholly in force at 17.7.1997; Sch. 6 para. 18(1)(3)(5) in force at 23.3.1997 by S.I. 1997/1082, art. 2, Sch.; Sch. 6 para. 18 in force at 17.7.1997 insofar as not already in force by S.I. 1997/1539, art. 2, Sch.

**Changes to legislation:**

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