

DEREGULATION ACT 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 106: Ambulatory references to international shipping instruments

493. This section amends the Merchant Shipping Act 1995 (the “1995 Act”) so that the powers to make secondary legislation wherever they appear in the 1995 Act can be exercised so as to provide for a reference in the legislation to an international instrument to be interpreted as a reference to the instrument as modified from time to time (and not simply to the version of the instrument that exists at the time the secondary legislation is made). The definition of “international instrument” in subsection (6) of the new section 306A inserted into the 1995 Act by the section excludes an EU instrument.
494. The current practice of implementing international maritime conventions, and regular changes to them, by means of a mixture of primary legislation and secondary legislation has resulted in a complex regulatory structure that is confusing to industry and the regulator alike. It is also time consuming and resource intensive, leading to delays in implementation – which in turn can result in ships being challenged during inspections in foreign ports leading to delays and inconvenience to UK ships.
495. The new section 306A to be inserted in the 1995 Act provides a mechanism that will allow changes to international instruments in the maritime sector, to which the UK is a party, to take effect in UK law without the need to make further legislative or regulatory provision.
496. The practical effect of this section would be that where the power has been applied through secondary legislation the government would not need to make further secondary legislation or publish any other regulatory document in order to give effect to changes to international obligations and standards; changes to the text of an international instrument would be automatically incorporated into UK law in the circumstances specified in the secondary legislation.
497. The section forms part of the law of England and Wales, Scotland and Northern Ireland.
498. The provisions of the section come into force at the end of the period of 2 months beginning with the day on which the Act is passed.