
STATUTORY INSTRUMENTS

1981 No. 568

MERCHANT SHIPPING
The Merchant Shipping (Modification of
Enactments) Regulations 1981

<i>Made</i> - - - -	8th April 1981
<i>Laid before Parliament</i>	10th April 1981
<i>Coming into Operation</i>	1st May 1981

The Secretary of State, in exercise of powers conferred on him by section 22(3)(a) of the Merchant Shipping Act 1979(a) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

1. These Regulations may be cited as the Merchant Shipping (Modification of Enactments) Regulations 1981 and shall come into operation on 1st May 1981.
2. The Merchant Shipping (Accepted Safety Convention Certificates) Regulations 1980(b) are hereby revoked.
3. Section 272(2) of the Merchant Shipping Act 1894(c) is hereby repealed.
4. The Merchant Shipping (Safety Convention) Act 1949(d) is modified by making the modifications set out in column 2 of Schedule 1 hereto in the sections of that Act specified in column 1 of the said Schedule in relation thereto. Sections 14(2) and 16 of that Act (also set out in that Schedule) are hereby repealed.
5. The Merchant Shipping Act 1964(e) is modified by making the modifications set out in column 2 of Schedule 2 hereto in the sections of that Act specified in column 1 of the said Schedule in relation thereto. Sections 3(4) and 6 of that Act (also set out in that Schedule) are hereby repealed.
6. The Merchant Shipping (Safety Convention) Act 1977(f) is modified by making the modifications set out in column 2 of Schedule 3 hereto in the sections of that Act specified in column 1 of the said Schedule in relation thereto.

(a) 1979 c. 39.

(b) S.I. 1980/532.

(c) 1894 c. 60.

(d) 1949 c. 43, as amended by section 85 of and Schedule 1 to the Merchant Shipping Act 1970 (c. 36), section 1(2) of the Merchant Shipping (Safety Convention) Act 1977 (c. 24) and S.I. 1980/539.

(e) 1964 c. 47 as amended by section 1(3) of the Merchant Shipping (Safety Convention) Act 1977 and S.I. 1980/539.

(f) 1977 c. 24.

8th April 1981.

Trefgarne,
Parliamentary Under Secretary of State,
Department of Trade.

(regulation 4)

SCHEDULE 1

MODIFICATIONS OF THE MERCHANT SHIPPING (SAFETY CONVENTION) ACT 1949

(1) Section	(2) Modification
12(1)	Delete "from a port in the United Kingdom".
13(2)	Delete "Subsection (2) of section two hundred and seventy-two of the principal Act (which requires a surveyor to deliver declarations of survey to the owner of a ship)" and for "that Act" in both places where it occurs substitute "the principal Act".
14(2)	Delete.
16	Delete.
17(2)	For "either of the last two preceding sections" substitute "section 15".
36(1)	<p>(a) For the definition of "Accepted Safety Convention certificate" substitute—</p> <p>"Accepted Safety Convention certificate" means a certificate in the form prescribed by the Safety Convention or by the Protocol of 1978 relating to the Safety Convention;";</p> <p>(b) For the definition of "Construction rules" substitute—</p> <p>"Construction rules" means—</p> <p>(i) in relation to United Kingdom ships to which the Merchant Shipping (Passenger Ship Construction) Regulations 1980(a) apply and other ships to which those Regulations apply while they are in the United Kingdom or the territorial waters thereof, those Regulations; and</p> <p>(ii) in relation to other ships, rules made under section 1 of this Act;";</p> <p>(c) For the definition of "Radio rules" (b) substitute—</p> <p>"Radio rules" means—</p> <p>(i) in relation to United Kingdom ships to which the Merchant Shipping (Radio Installations) Regulations 1980(c) apply, and other ships to which those Regulations apply while they are in the United Kingdom or the territorial waters thereof, those Regulations; and</p> <p>(ii) in relation to other ships, rules made under section 3 of this Act;";</p>

(a) S.I. 1980/535.
(c) S.I. 1980/529.

(b) Substituted by S.I. 1980/539.

(regulation 5)

SCHEDULE 2

MODIFICATIONS OF THE MERCHANT SHIPPING ACT 1964

(1) Section	(2) Modification
3(1), 5(1) and (3)	For "the 1980 Regulations" (a) substitute in each case "the 1981 Regulations".
3(1)(a)	After "prescribed by the Convention" there shall be added "or by the Protocol of 1978 relating to the Convention;".
3(4)	Delete.
6	Delete.
20(b)	For the definition of "cargo ship construction and survey rules"(b) substitute— " "cargo ship construction and survey rules" means— (i) in relation to United Kingdom ships to which the 1981 Regulations apply, and other ships to which those Regulations apply while they are in the United Kingdom or the territorial waters thereof, those Regulations; and (ii) in relation to other ships, rules made under section 2 of this Act;"
	For the definition of "the 1980 Regulations" substitute— "the 1981 Regulations" means the Merchant Shipping (Cargo Ship Construction and Survey) Regulations 1981(c)".

(regulation 6)

SCHEDULE 3

MODIFICATIONS OF THE MERCHANT SHIPPING (SAFETY
CONVENTION) ACT 1977

(1) Section	(2) Modification
1(1)	At the end add "and to the Protocol of 1978 relating to the International Convention for the Safety of Life at Sea 1974 signed in London on 17th February 1978".
1(2)(a)	After "1974 Convention" insert "and to the Protocol of 1978"
1(3)(c)	After "1974 Convention" add "and to the Protocol of 1978."

(a) Substituted by S.I. 1980/539.
(c) S.I. 1981/572.

(b) Added by S.I. 1980/539.

(1) Section	(2) Modification
	<p>(d) For the definition of “Rules for direction-finders”(a) substitute— “Rules for direction-finders” means—</p> <ul style="list-style-type: none"> (i) in relation to United Kingdom ships to which the Merchant Shipping (Navigational Equipment) Regulations 1980(b) apply, and other ships to which those Regulations apply while they are in the United Kingdom or the territorial waters thereof, those Regulations; and (ii) in relation to other ships, rules made under section 5 of this Act;”; <p>(e) For the definition of “Rules for life-saving appliances”(a) substitute— “Rules for life-saving appliances” means—</p> <ul style="list-style-type: none"> (i) in relation to United Kingdom ships to which the Merchant Shipping (Life-Saving Appliances) Regulations 1980(c) apply, and other ships to which those Regulations apply while they are in the United Kingdom or the territorial waters thereof, those Regulations, the Merchant Shipping (Musters) Regulations 1980(d), the Merchant Shipping (Pilot Ladders and Hoists) Regulations 1980(e) and either the Merchant Shipping (Fire Appliances) Regulations 1980(f) or the Merchant Shipping (Fire Appliances) Rules 1965(g), whichever apply to the ships; and (ii) in relation to other ships, rules made under section 427 of the principal Act as substituted by section 2 of this Act and amended by section 9 of the Merchant Shipping Act 1964(h)”.

(a) Substituted by S.I. 1980/539.

(c) S.I. 1980/538.

(e) S.I. 1980/543.

(g) S.I. 1965/1106, amended by S.I. 1974/2185, 1980/541.

(h) 1964 c. 47.

(b) S.I. 1980/530.

(d) S.I. 1980/542.

(f) S.I. 1980/544.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations:

- (1) revoke the Merchant Shipping (Accepted Safety Convention Certificates) Regulations 1980; section 36(1) of the 1949 Act is amended to define accepted Safety Convention certificates in terms set out in the Convention or in the Protocol of 1978 to the Safety Convention;
- (2) repeal section 272(2) of the Merchant Shipping Act 1894; surveyors will no longer deliver a declaration of survey to shipowners. A consequential amendment is made to section 13(2) of the 1949 Act;
- (3) modify the references in the Merchant Shipping (Safety Convention) Act 1949 as amended by S.I. 1980/539 to the "life-saving appliances rules", the "radio rules" and the "rules for direction-finders". Those expressions will now mean, in relation to United Kingdom ships and all other ships whilst in the United Kingdom or United Kingdom territorial waters, the equivalent regulations made under section 21 of the Merchant Shipping Act 1979 in cases when those regulations apply. (Previously the expressions applied in relation to other ships only if they were Safety Convention ships.) For other British ships not in the United Kingdom or United Kingdom territorial waters the expressions will continue to mean the rules for life-saving appliances made under section 427 of the Merchant Shipping Act 1894, or the radio rules or rules for direction-finders made under sections 3 and 5 respectively of the Act of 1949. The Regulations also modify the references in the Act of 1949 to "construction rules" and in the Merchant Shipping Act 1964 to "cargo ship construction and survey rules" to a similar extent.

In addition these Regulations provide that:

- (a) British ships registered in the United Kingdom shall not now proceed to sea on an international voyage from any port (and not only a port in the United Kingdom) without the appropriate certificates (by modification of section 12(1) of the 1949 Act).
- (b) Ships not registered in the United Kingdom which produce accepted Safety Convention certificates will no longer be exempt from specified requirements relating to safety equipment or from cargo ship construction and survey rules (repeal of section 16 of the 1949 Act and of section 6 of the 1964 Act).
- (c) The Secretary of State will no longer be able to extend certificates issued under the 1964 Act beyond the period of five years (repeal of section 3(4)).
- (d) References in the Merchant Shipping (Safety Convention) Act 1977 to the 1974 Convention are extended to include the Protocol of 1978 relating to the 1974 Convention. The effect of this amendment is that references in the 1949 and 1964 Acts to the 1974 Convention will also include the Protocol of 1978.

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