

SCHEDULE

Regulation 5

AMENDMENTS TO MERCHANT SHIPPING REGULATIONS

Amendments to the Passenger Ship Construction Regulations

1.—(1) The Merchant Shipping (Passenger Ship Construction: Ships of Classes I, II and II(A)) Regulations 1998 shall be amended as follows.

(2) In regulation 2(6)(a), for the definition of Class II(A) ships there shall be substituted the following definition:

“Ships engaged on voyages of any kind other than international voyages, which are not—

- (i) ships of Classes III to VI(A) as defined in the Merchant Shipping (Passenger Ship Construction: Ships of Classes III to VI(A)) Regulations 1998; or
- (ii) ships of Classes A, B, C or D as defined in the Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000 which are new ships, engaged on domestic voyages, for the purposes of those Regulations.”.

(3) In regulation 3(1), after the words “Subject to paragraphs (2) to (6) below” there shall be inserted the words “and to regulation 5(1) of the Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000 (which relates to passenger ships of Class II(A) which are 24 metres or over in length and are existing ships, engaged on domestic voyages, for the purposes of those Regulations),”.

2.—(1) The Merchant Shipping (Passenger Ship Construction: Ships of Classes III to VI(A)) Regulations 1998 shall be amended as follows.

(2) In regulation 3, at the beginning, there shall be inserted the words “Subject to regulation 3A below, and to regulation (5)(1) of the Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000 (which relates to passenger ships of Classes III, VI and VI(A) which are 24 metres or over in length and are existing ships, engaged on domestic voyages, for the purposes of those Regulations),”.

(3) After regulation 3, there shall be inserted the following regulation:

“3A. These Regulations shall not apply to any passenger ship of Class III, VI or VI(A) which is a new ship, engaged on domestic voyages, for the purposes of the Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000.”.

Amendments to the Life Saving Appliances Regulations

3.—(1) The Merchant Shipping (Life-Saving Appliances for Ships Other Than Ships of Classes III to VI(A)) Regulations 1999 shall be amended as follows.

(2) In regulation 3, for the definition of Class II(A) ships there shall be substituted the following definition:

“Ships engaged on voyages of any kind other than international voyages, which are not—

- (i) ships of Classes III to VI(A) as defined in the Merchant Shipping (Passenger Ship Construction: Ships of Classes III to VI(A)) Regulations 1998, or
- (ii) ships of Classes A, B, C or D as defined in the Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000 which are new ships, engaged on domestic voyages, for the purposes of those Regulations.”.

(3) In regulation 4(1), after the words “Subject to paragraph (2)” there shall be inserted the words “and to regulation 5(1) of the Merchant Shipping (Passenger Ships on Domestic Voyages)

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Regulations 2000 (which relates to passenger ships of Class II(A) which are 24 metres or over in length and are existing ships, engaged on domestic voyages, for the purposes of those Regulations),”.

4.—(1) The Merchant Shipping (Life-Saving Appliances for Ships of Classes III to VI(A)) Regulations 1999 shall be amended as follows.

(2) In regulation 4(1), at the beginning, there shall be inserted the words “Subject to regulation 4A below, and to regulation 5(1) of the Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000 (which relates to passenger ships of Classes III, VI and VI(A) which are 24 metres or over in length and are existing ships, engaged on domestic voyages, for the purposes of those Regulations),”.

(3) After regulation 4, there shall be inserted the following regulation:

“4A. These Regulations shall not apply to any passenger ship of Class III, VI or VI(A) which is a new ship, engaged on domestic voyages, for the purposes of the Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000.”.

Amendments to the Fire Protection Regulations

5.—(1) The Merchant Shipping (Fire Protection: Large Ships) Regulations 1998 shall be amended as follows.

(2) In regulation 1(7)(a)(i), after the words “and to (8)(b),” there shall be inserted the words “and to regulation 5(1) of the Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000 (which relates to passenger ships of Class II(A) which are 24 metres or over in length and are existing ships, engaged on domestic voyages, for the purposes of those Regulations),”.

(3) In regulation 2(1), for the definition of Class II(A) ships there shall be substituted the following definition:

“Ships engaged on voyages of any kind other than international voyages, which are not—

- (i) ships of Classes III to VI(A) as defined in the Merchant Shipping (Passenger Ship Construction: Ships of Classes III to VI(A)) Regulations 1998; or
- (ii) ships of Classes A, B, C or D as defined in the Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000 which are new ships, engaged on domestic voyages, for the purposes of those Regulations.”.

6.—(1) The Merchant Shipping (Fire Protection: Small Ships) Regulations 1998 shall be amended as follows.

(2) In regulation 1(7)—

- (a) in paragraph (a)(i), after the words “paragraph (8)” there shall be inserted the words “, and to regulation 5(1) of the Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000 (which relates to passenger ships of Classes III, VI and VI(A) which are 24 metres or over in length and are existing ships, engaged on domestic voyages, for the purposes of those Regulations),”;
- (b) in paragraph (b), after sub-paragraph (iv) there shall be added the following sub-paragraph:
 - “(v) any passenger ship of Class III, VI or VI(A) which is a new ship, engaged on domestic voyages, for the purposes of the Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000.”.

(3) In regulation 2(1), for the definition of Class II(A) ships there shall be substituted the following definition:

“Ships engaged on voyages of any kind other than international voyages, which are not—

- (i) ships of Classes III to VI(A) as defined in the Merchant Shipping (Passenger Ship Construction: Ships of Classes III to VI(A)) Regulations 1998; or
- (ii) ships of Classes A, B, C or D as defined in the Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000 which are new ships, engaged on domestic voyages, for the purposes of those Regulations.”.

Amendments to the Survey and Certification Regulations

7.—(1) The Merchant Shipping (Survey and Certification) Regulations 1995⁽¹⁾ shall be amended as follows.

(2) In regulation 1(2), there shall be inserted the following definitions:

““Class II(A) ship” means a passenger ship engaged on voyages other than international voyages, which is not—

- (i) a ship of Classes III to VI(A) as defined in the Merchant Shipping (Passenger Ship Construction: Ships of Classes III to VI(A)) Regulations 1998; or
- (ii) a ship of Class A, B, C or D as defined in the Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000 which is a new ship, engaged on domestic voyages, for the purposes of those Regulations;”;

““the Directive” means Council Directive 98/18/EC of 17th March 1998 on Safety Rules and Standards for Passenger Ships;”;

““EEA State” means a State which is a Contracting Party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993”;

““Member State” means a Member State of the European Communities;”.

(3) In regulation 4, at the beginning there shall be inserted the words “Subject to regulation 4A”.

(4) After regulation 4, there shall be inserted the following regulation:

“4A.—(1) A United Kingdom passenger ship to which the Directive applies shall be subject to a passenger ship initial survey as set out in the Directive—

- (a) where the ship is in service on 23rd October 2000, before 23rd October 2001 or, if a passenger ship renewal survey is carried out before that date, at the time of that renewal survey,
- (b) where the ship is not in service on 23rd October 2000, before it is put into service, and
- (c) where a ship which is in service on domestic voyages within the United Kingdom is put into service on domestic voyages in another Member State or an EEA State, before it is put into such service.

(2) A United Kingdom passenger ship to which the Directive applies shall be subject to a periodical survey as set out in the Directive.

(3) A United Kingdom passenger ship to which the Directive applies shall be subject to additional surveys as set out in the Directive.”.

(4) In regulation 12, after paragraph (1), there shall be inserted the following paragraph:

“(1A) If the Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000 apply to the ship to which the Passenger Certificate relates, the Passenger Certificate shall be in the form laid down in Annex II of the Directive.”.

⁽¹⁾ S.I.1995/1210, amended by S.I. 1996/2418 and S.I. 2000/1334.

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- (5) In regulation 22—
- (a) in paragraph (1), after the words “or VI(A)”, there shall be inserted the words “or A, B, C or D”;
 - (b) after paragraph (1) there shall be inserted the following paragraph:

“(1A) For the purposes of paragraph (1) above, the Secretary of State shall recognise a certificate issued in respect of a ship of Class A, B, C or D or equivalent by another Member State or an EEA State pursuant to article 11 of the Directive.”.

Amendments to the Radio Installations Regulations

8.—(1) The Merchant Shipping (Radio Installations) Regulations 1998 shall be amended as follows.

(2) In regulation 3(1), after the words “this regulation,” there shall be inserted the words “and to regulation 5(1) of the Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000 (which applies to passenger ships of Classes A, B, C and D (as defined in those Regulations) which are 24 metres or over in length and are existing ships, engaged on domestic voyages, for the purposes of those Regulations),”.

(3) In regulation 3(2)—

- (a) at the end of sub-paragraph (e) the word “and” shall be deleted, and
- (b) at the end of sub-paragraph (f) there shall be inserted:

“, and

- (g) ships which are passenger ships of Class A, B, C or D as defined in the Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000 which are new ships, engaged on domestic voyages, for the purposes of those Regulations.”.

(4) In regulation 3(5), after the words “Subject to” there shall be inserted the words “paragraph (5A) and”.

(5) In regulation 3, after paragraph (5) there shall be inserted the following paragraph:

“(5A) Paragraph (5) shall not apply to passenger ships of Class A, B, C or D as defined in the Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000 which are new ships, engaged on domestic voyages, for the purposes of those Regulations.”.

Amendments to the Navigational Equipment Regulations

9.—(1) The Merchant Shipping (Navigational Equipment) Regulations 1993 shall be amended as follows.

(2) In regulation 2(3):

- (a) at the beginning of the paragraph there shall be inserted the words “Subject to regulation 5(1) of the Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000 (which relates to ships with Passenger Certificates of Classes II(A), III, VI and VI(A) which are 24 metres or over in length and are existing ships, engaged on domestic voyages, for the purposes of that Regulation),”;

(b) for sub-paragraph (b) there shall be substituted the following sub-paragraph:

“(b) United Kingdom passenger ships other than:

- (i) ships having a Passenger Certificate of Class V, and
- (ii) ships of Classes A, B, C or D as defined in the Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000 which are new

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ships, engaged on domestic voyages, for the purposes of those Regulations; and”;

- (c) in sub-paragraph (c), after the words “150 tons or over” there shall be inserted the words “, other than ships of Classes A, B, C or D as defined in the Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000 which are new ships, engaged on domestic voyages, for the purposes of those Regulations,”.

(3) In regulation 3(6), after the words “Class II(A) or III” there shall be inserted the words “(other than passenger ships of Class A, B, C or D as defined in the Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000 which are new ships, engaged on domestic voyages, for the purposes of those Regulations)”.

(4) In regulation 12(1) and (2) after the words “Class IV, VI or VI(A)” there shall be inserted the words “(other than passenger ships of Class A, B, C or D as defined in the Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000 which are new ships, engaged on domestic voyages, for the purposes of those Regulations)”.