

This Statutory Instrument has been made in consequence of defects in [SI 2006/2183](#) and is being issued free of charge to all known recipients of that Statutory Instrument.

STATUTORY INSTRUMENTS

2008 No. 2165

MERCHANT SHIPPING

The Merchant Shipping and Fishing Vessels (Provision and Use of Work Equipment) (Amendment) Regulations 2008

<i>Made</i>	- - - -	<i>11th August 2008</i>
<i>Laid before Parliament</i>		<i>15th August 2008</i>
<i>Coming into force</i>	- -	<i>8th September 2008</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred on her by section 2(2) of the European Communities Act 1972⁽¹⁾ (“the 1972 Act”) and by sections 85(1) (a) and (b) and (3) and 86(1) of the Merchant Shipping Act 1995⁽²⁾ (“the 1995 Act”).

The Secretary of State is a Minister designated⁽³⁾ for the purposes of section 2(2) of the 1972 Act in relation to measures relating to the safety of ships and the health and safety of persons on them.

In accordance with section 86(4) of the 1995 Act the Secretary of State has consulted the persons referred to in that section.

Citation and commencement

1. These Regulations may be cited as the Merchant Shipping and Fishing Vessels (Provision and Use of Work Equipment) (Amendment) Regulations 2008 and shall come into force on 8th September 2008.

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- (1) [1972 c. 68](#); by virtue of the amendment of section 1(2) of the European Communities Act by section 1 of the European Economic Area Act [1993 \(c.51\)](#) regulations may be made under section 2(2) of the European Communities Act to implement obligations of the United Kingdom created or arising by or under the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 (Cm 2073) and the Protocol adjusting the Agreement signed at Brussels on 17th March 1993 (Cm 2183).
- (2) [1995 c.21](#); sub-sections (1) and (3) of section 85 were amended by the Merchant Shipping and Maritime Security Act [1997 \(c.28\)](#), sections 8 and 29(2) and Schedule 7 Part I, and are applied to hovercraft by the Hovercraft (Application of Enactments) Order 1989 ([S.I. 1989/1350](#)) to which there are amendments not relevant to these Regulations.
- (3) [S.I. 1993/595](#).

Amendment of the Merchant Shipping and Fishing Vessels (Provision and Use of Work Equipment) Regulations 2006

2.—(1) The Merchant Shipping and Fishing Vessels (Provision and Use of Work Equipment) Regulations 2006(4) are amended as follows.

(2) For regulation 6(1), substitute—

“6.—(1) The employer shall ensure that the work equipment made available to workers on the ship may be used by workers without impairment to their health or safety, and is—

- (a) suitable for the work to be carried out, or
- (b) properly adapted for that purpose.”

(3) In the Schedule, omit the entries relating to-

- (a) the Simple Pressure Vessels (Safety) Regulations 1991(5),
- (b) the Supply of Machinery (Safety) Regulations 1992(6),
- (c) the Equipment and Protective Systems Intended for Use in Potentially Explosive Atmospheres Regulations 1996(7), and
- (d) the Pressure Equipment Regulations 1999(8).

Signed by authority of the Secretary of State for Transport

11th August 2008

Jim Fitzpatrick
Parliamentary Under Secretary of State
Department for Transport

(4) S.I. 2006/2183.

(5) S.I. 1991/2749, amended by S.I. 1994/3098 and 2003/1400.

(6) S.I. 1992/3073, amended by S.I. 1994/2063, 2004/693 and 2005/831.

(7) S.I. 1996/192, amended by S.I. 1998/81, 2001/3766 and 2005/830.

(8) S.I. 1999/2001, amended by S.I. 2002/1267 and 2004/693.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Merchant Shipping and Fishing Vessels (Provision and Use of Work Equipment) Regulations 2006 (“the 2006 Regulations”). The 2006 Regulations, including the provisions amended by these Regulations, implement the United Kingdom’s obligations under Council Directive [89/655/EEC](#) (OJ L393, 30.12.89, p 13) as amended by Council Directive [95/63/EC](#) (OJ L335, 30.12.95, p 28) concerning the minimum safety and health requirements for the use of work equipment by workers at work (second individual Directive within the meaning of Article 16(1) of Directive [89/391/EEC](#)). *Regulation 2(1)* substitutes a new version of regulation 6(1) into the 2006 Regulations to clarify the conditions that work equipment must satisfy in order for it to be made available to workers on the ship. *Regulation 2(2)* removes from the Schedule to the 2006 Regulations four entries that were included in error. Accordingly, these Regulations are being issued free of charge to all known recipients of the 2006 Regulations.

The Regulations are made under the powers in the Merchant Shipping Act 1995 except in respect of their application to Government ships where the power is provided by section 2(2) of the European Communities Act 1972.

An Impact Assessment has not been produced as the purpose of this instrument is to bring the impact of the 2006 Regulations into line with that anticipated on the making of those Regulations, for which a regulatory impact assessment was produced.