
STATUTORY INSTRUMENTS

2018 No. 1400

The Merchant Shipping (Accident Reporting and Investigation) and the Railways (Accident Investigation and Reporting) (Amendment) (EU Exit) Regulations 2018

PART 2

Amendment of the Merchant Shipping (Accident Reporting and Investigation) Regulations 2012

Amendment of regulation 12 (co-operation with other states)

9.—(1) Regulation 12 is amended as follows.

(2) In paragraph (1), omit sub-paragraph (a).

(3) For paragraph (5), substitute—

“(5) For the purposes of this regulation, paragraph (4)(a) applies only if the Chief Inspector is satisfied that the competent authority of the Substantially Interested State concerned ensures, or will ensure, that any document falling within paragraph (5A) is not made available for purposes other than the safety investigation, unless that competent authority determines, or has determined, that there is an overriding public interest in the disclosure of the document.

(5A) A document falls within this paragraph if it is—

- (a) witness evidence or any other statement, account or note taken, or received by, the competent authority in the course of the safety investigation;
- (b) a record which may reveal the identity of a person who has given evidence in the context of the safety investigation;
- (c) information relating to a person involved in a marine casualty or incident which is of a particularly sensitive and private nature, including information concerning the person’s health.”.

(4) In paragraph (6)—

- (a) omit “member States or”;
- (b) omit “, or both”;
- (c) in sub-paragraph (a), insert the “and” at the end;
- (d) in sub-paragraph (b), omit the “and” at the end;
- (e) omit sub-paragraph (c).

(5) In paragraph (7), omit “member” in both places where the word occurs.

(6) Omit paragraphs (8) to (10).