
STATUTORY INSTRUMENTS

2019 No. 716

MERCHANT SHIPPING

The Merchant Shipping (Maritime Labour Convention) (Extension of Maritime Labour Certificate) (Amendment) Regulations 2019

<i>Made</i>	- - - -	<i>at 11.10 a.m. on 28th March 2019</i>
<i>Laid before Parliament</i>		<i>at 1.30 p.m. on 28th March 2019</i>
<i>Coming into force</i>	- -	<i>23rd April 2019</i>

The Secretary of State is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972(1) in relation to measures relating to the safety of ships and the health and safety of persons on them(2) and in relation to measures relating to maritime transport(3).

The Secretary of State, in exercise of the powers conferred by section 2(2) of that Act(4) and sections 85(1) and 86(1) of the Merchant Shipping Act 1995(5), makes the following Regulations.

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

Citation, commencement and application

1.—(1) These Regulations may be cited as the Merchant Shipping (Maritime Labour Convention) (Extension of Maritime Labour Certificate) (Amendment) Regulations 2019 and come into force on 23rd April 2019.

(1) 1972 c. 68.
(2) S.I. 1993/595, to which there are amendments not relevant to these Regulations.
(3) S.I. 1994/757, to which there are amendments not relevant to these Regulations.
(4) Section 2(2) was amended by section 27 of the Legislative and Regulatory Reform Act 2006 (c.51) and by section 3 of, and Part I of the Schedule to, the European Union (Amendment) Act 2008 (c.7). The Maritime Labour Convention is regarded as one of the “EU Treaties” within the meaning of section 1(2) of the European Communities Act 1972 by virtue of the European Communities (Definition of Treaties) (Maritime Labour Convention) Order 2009 (S.I. 2009/1757).
(5) 1995 c.21. Sections 85 and 86 were amended by section 8 of the Merchant Shipping and Maritime Security Act 1997 (c.28) and section 2 of the British Overseas Territories Act 2002 (c. 8). Those sections are applied to hovercraft by article 4 of the Hovercraft (Application of Enactments) Order 1989 (S.I. 1989/1350) (sections 85 and 86 re-enact sections 21 and 22 of the Merchant Shipping Act 1979 (c.39), to which that article refers). There are other amendments not relevant to these Regulations.

(2) These Regulations do not apply in relation to renewal surveys required by regulation 5(1)(b) of the Merchant Shipping (Maritime Labour Convention) (Survey and Certification) Regulations 2013(6) which are completed before the coming into force of these Regulations.

Amendment of the Merchant Shipping (Maritime Labour Convention) (Survey and Certification) Regulations 2013

2.—(1) The Merchant Shipping (Maritime Labour Convention) (Survey and Certification) Regulations 2013 are amended as follows.

(2) In regulation 2 (interpretation), in the definition of “anniversary date”, for “date of expiry” substitute “original date of expiry”;

(3) In regulation 10 (duration and validity of maritime labour certificates)—

(a) in paragraph (1) for “paragraph (2)” substitute “paragraphs (2) and (2B)”;

(b) in paragraph (2), before “date” insert “original”;

(c) after paragraph (2) insert—

“(2A) This paragraph applies where a renewal survey as required by regulation 5(1)(b) has been completed but a new Maritime Labour Certificate cannot, on the date of completion of the survey—

(a) be issued; or

(b) made available on board the ship.

(2B) Where paragraph (2A) applies, the certifying authority may extend the period of validity of the existing Maritime Labour Certificate by a period not exceeding 5 months.

(2C) Where a certifying authority extends the period of validity of a Maritime Labour Certificate under paragraph (2B), it must—

(a) issue the new Maritime Labour Certificate as being valid from the original date of expiry of the existing certificate; and

(b) endorse the existing certificate accordingly.

(2D) “Original date of expiry”, in relation to a Maritime Labour Certificate, means the final day of the period of validity of the certificate, excluding any extension to that period added under paragraph (2B).”.

Signed by authority of the Secretary of State for Transport

Nusrat Ghani
Parliamentary Under Secretary of State
Department for Transport

At 11.10 a.m. on 28th March 2019

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Merchant Shipping (Maritime Labour Convention) (Survey and Certification) Regulations 2013 ([S.I. 2013/1785](#)) to implement the amendments of 2016 to the Maritime Labour Convention 2006 (“the 2016 amendments”), approved at the 105th session of the International Labour Conference (the “ILC”) on 9th June 2016.

The paragraphs inserted into regulation 10 by these Regulations allow a certifying authority of the United Kingdom to extend the period of validity of a Maritime Labour Certificate by up to 5 months where a renewal survey has been completed but a new Maritime Labour Certificate cannot be immediately issued and made available on board the ship. Where the certifying authority exercises its power under the inserted paragraphs it must endorse the extended Maritime Labour Certificate accordingly. The new Maritime Labour Certificate must be issued as being valid from the original date of expiry (as defined) of the existing certificate.

The 2016 amendments may be downloaded from the website of the International Labour Organisation at the following address: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_488452.pdf. Hard copies can be obtained by writing to the Seafarer Safety and Health Manager, The Maritime and Coastguard Agency, Spring Place, 105 Commercial Road, Southampton, SO15 1EG.

The Maritime Labour Convention may be downloaded from the website of the International Labour Organisation at www.ilo.org/global/standards/maritime-labour-convention/lang--en/index.htm. Copies of the Maritime Labour Convention may be obtained as a priced publication from www.tsoshop.co.uk, by post from TSO Customer Services, PO Box 29, Norwich, NR3 1GN, tel: +44 (0) 333 202 5070.

An impact assessment has not been produced for these Regulations as no impact, or no significant impact, on the private or voluntary sectors is foreseen. An Explanatory Memorandum is available alongside the instrument on the UK legislation website, www.legislation.gov.uk, or from the Maritime and Coastguard Agency at the address above.