

SCHEDULE 28

Amendment of the Recreational Craft Regulations 2017 and related amendment

PART 1

Amendment to the Recreational Craft Regulations 2017

Insertion of Part 5A

40. After regulation 83 insert—

“PART 5A

POWERS OF THE SECRETARY OF STATE

Power to amend Schedules

83A.—(1) The Secretary of State may by regulations amend any of the provisions specified in paragraph (2) where the Secretary of State considers it necessary to do so in order to take into account technical progress and new scientific evidence.

(2) The provisions referred to in paragraph (1) are—

(a) in Schedule 1—

(i) points 2.3, 2.4, 2.5 and Section 3 of Part B;

(ii) Section 3 of Part C;

(b) Schedule 7;

(c) Schedule 9.

(3) The Secretary of State may by regulations amend Schedule 5 where the Secretary of State considers it necessary to do so in order to take into account technical progress, the adequacy of ensuring equivalent conformity and new scientific evidence.

(4) Regulations made under this regulation may—

(a) make different provisions for different cases; and

(b) make such supplemental, consequential and transitional provisions as the Secretary of State considers appropriate.

(4) Regulations made under this regulation are to be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

Power to make provision for application of conformity assessments and of Schedule 1

83B.—(1) Where one or both of the conditions in paragraph (2) is met, the Secretary of State may by regulations make provision about—

(a) detailed procedures for the operation of regulations 50 to 52 and paragraph 2 of Module B (as set out in Schedule 15), taking into account the specific conformity assessment needs of the products covered by these Regulations;

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- (b) details of the application of the watercraft design categories set out in point 1 of Part A of Schedule 1, including on the use of weather terminology and measurement scales used in those categories;
 - (c) the information on the builder's plate set out in point 2.2 of Part A of Schedule 1;
 - (d) the application of the Regulations on navigation lights set out in point 5.7 of Part A of Schedule 1;
 - (e) arrangements for discharge prevention, in particular as regards operation of holding tanks, set out in point 5.8 of Part A of Schedule 1;
 - (f) the installation and testing of gas appliances and permanently installed gas systems on watercraft, as referenced in point 5.5 of Part A of Schedule 1.
- (2) The conditions referred to in paragraph (1) are that the Secretary of State considers it necessary to make such provision in order to—
- (a) take into account the progress of technical knowledge; and
 - (b) ensure that these Regulations are applied in a uniform manner.
- (3) Before making regulations under this regulation, the Secretary of State must consult such persons as the Secretary of State considers appropriate.
- (4) Regulations made under this regulation may—
- (a) make different provisions for different cases; and
 - (b) make such supplemental, consequential and transitional provisions as the Secretary of State considers appropriate.
- (5) Regulations made under this regulation are to be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.”.