

This Statutory Instrument has been made in consequence of defects in S.I.1998/2514 and S.I. 1998/2515 and is being issued free of charge to all known recipients of those Statutory Instruments.

STATUTORY INSTRUMENTS

2002 No. 1650

**MERCHANT SHIPPING
SAFETY**

**The Merchant Shipping (Miscellaneous
Amendments) Regulations 2002**

<i>Made</i>	- - - -	<i>25th June 2002</i>
<i>Laid before Parliament</i>		<i>1st July 2002</i>
<i>Coming into force</i>	- -	<i>1st August 2002</i>

The Secretary of State for Transport, after consulting the persons referred to in section 86(4) of the Merchant Shipping Act 1995⁽¹⁾, in exercise of the powers conferred upon him by sections 85(1)(a) and (b), (3) and (5) to (7) and 86(1) of that Act hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Merchant Shipping (Miscellaneous Amendments) Regulations 2002 and shall come into force on 1st August 2002.

Amendment of the Merchant Shipping (Passenger Ship Construction: Ships of Classes I, II and II(A)) Regulations 1998

2. The Merchant Shipping (Passenger Ship Construction: Ships of Classes I, II and II(A)) Regulations 1998⁽²⁾ shall be amended as follows—

- (a) in regulation 75, for “(published 1978)” there shall be substituted “(published 1990)”; and
- (b) in regulation 91—
 - (i) for paragraph (5) there shall be substituted—

(1) 1995 c. 21; sections 85 and 86 were amended by the Merchant Shipping and Maritime Security Act 1997 (c. 28), section 8.
(2) S.I. 1998/2514; a relevant amending instrument is S.I. 2001/1638. By virtue of regulation 5(1)(a) of the Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000 (S.I. 2000/2687) S.I. 1998/2514 ceases to apply to certain types of passenger ship of 24 metres or over in length engaged in certain domestic voyages from dates specified in regulation 4 of S.I. 2000/2687.

“(5) If any officer appointed in accordance with regulation 30(1) reports to the master or other officer in charge of the bridge a door to be closed and locked when it is not in fact closed and locked he shall be guilty of an offence, punishable on summary conviction by a fine not exceeding the statutory maximum or, on conviction on indictment, by imprisonment for a term not exceeding two years and a fine.”, and

(ii) in paragraph (6), for “level 3 on the standard scale” there shall be substituted “the statutory maximum”.

Amendment of the Merchant Shipping (Passenger Ship Construction: Ships of Classes III to VI(A)) Regulations 1998

3. The Merchant Shipping (Passenger Ship Construction: Ships of Classes III to VI(A)) Regulations 1998(3) shall be amended as follows—

- (a) in regulation 51(3), for “one propeller” there shall be substituted “one or more propellers”;
- (b) at the end of regulation 60, after “Schedule 9” there shall be added “in Merchant Shipping Notice MSN 1698(M)”;
- (c) in regulation 62(1)(d), for “(published 1978)” there shall be substituted “(published 1990)”;
- (d) after regulation 73(2) there shall be inserted—

“(2A) If any officer appointed in accordance with regulation 23(1) reports to the master or other officer in charge of the bridge a door to be closed and locked when it is not in fact closed and locked he shall be guilty of an offence, punishable on summary conviction by a fine not exceeding the statutory maximum or, on conviction on indictment, by imprisonment for a term not exceeding two years and a fine.”; and

- (e) in regulation 73(3), for “level three on the standard scale” there shall be substituted “the statutory maximum”.

Signed by authority of the Secretary of State for Transport

25th June 2002

David Jamieson
Parliamentary Under Secretary of State,
Department for Transport

(3) S.I. 1998/2515, to which there are amendments not relevant to these Regulations. By virtue of regulation 5(1)(a) of the Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000 (S.I. 2000/2687) S.I. 1998/2515 ceases to apply to certain types of passenger ship of 24 metres or over in length engaged in certain domestic voyages from dates specified in regulation 4 of S.I. 2000/2687.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend two earlier instruments to correct defects, and are being issued free of charge to all known recipients of those instruments.

Regulation 2 amends the Merchant Shipping (Passenger Ship Construction: Ships of Classes I, II and II(A)) Regulations 1998 to correct a reference to a published code of practice, clarify the offence in regulation 91(5) and alter the penalty for contravention of regulation 42(1).

Regulation 3 amends the Merchant Shipping (Passenger Ship Construction: Ships of Classes III to VI(A)) Regulations 1998 to alter a manoeuvring requirement, clarify a reference to a Merchant Shipping Notice, correct a reference to a published code of practice, create an offence where a door is reported closed and locked but is not closed and locked, and alter the penalty for contravention of regulation 34(4)(a) of those Regulations.