

This Statutory Instrument has been made in consequence of a defect in SI 2002/2055 and is being issued free of charge to all known recipients of that Statutory Instrument.

STATUTORY INSTRUMENTS

2005 No. 1919

MERCHANT SHIPPING

**The Merchant Shipping (Medical Examination) (Amendment)
Regulations 2005**

<i>Made</i> - - - -	<i>13th July 2005</i>
<i>Laid before Parliament</i>	<i>18th July 2005</i>
<i>Coming into force</i> - -	<i>9th August 2005</i>

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

Citation and commencement

1. These Regulations may be cited as the Merchant Shipping (Medical Examination) (Amendment) Regulations 2005 and shall come into force on 9th August 2005.

Amendment of the Merchant Shipping (Medical Examination) Regulations 2002

2.—(1) The Merchant Shipping (Medical Examination) Regulations 2002(b) shall be amended as follows.

(2) In regulation 2(1), in the definition of “pleasure vessel”, omit “and a relative of the individual or the individual’s husband or wife,”.

(3) In regulation 6(1), for “1765(M)” substitute “1788(M)”.

(4) In regulation 14—

(a) in paragraph (1) after “a valid medical fitness certificate” insert “or an ILO compliant certificate”; and

(b) at the end of the regulation, add—

“(4) For the purposes of this regulation, an ILO compliant certificate is a certificate of medical fitness which complies with the provisions of articles 4 and 5 of the Medical Examination (Seafarers) Convention 1946 (International Labour Organisation Convention 73 of 1946)(c).”

(a) 1995 c. 21; sections 85 and 86 were amended by the Merchant Shipping and Maritime Security Act 1997 (c. 28), section 8 and are applied to hovercraft by virtue of the Hovercraft (Application of Enactments) Order 1989 (S.I. 1989/1350) to which there are amendments not relevant to these Regulations.

(b) S.I. 2002/2055.

(c) Cmd. 7109

Signed by authority of the Secretary of State

13th July 2005

S J Ladyman
Minister of State
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Merchant Shipping (Medical Examination) Regulations 2002 (“the 2002 Regulations”).

Regulation 2(2) corrects a defect in regulation 2(1) of the 2002 Regulations. Accordingly, these Regulations are being issued free of charge to all known recipients of the 2002 Regulations.

Regulation 2(3) amends regulation 6 of the 2002 Regulations so that it refers to Merchant Shipping Notice No. MSN 1788(M). MSN 1788(M) is a new separate Merchant Shipping Notice which lists the non UK countries whose national seafarer medical certificates are deemed to be equivalent to a medical fitness certificate issued under regulation 7 of the 2002 Regulations. This list was previously contained within Merchant Shipping Notice No. 1765(M).

Regulation 2(4) amends regulation 14 of the 2002 Regulations so that a seafarer employed on a non UK ship to which regulation 14 applies may hold a medical fitness certificate as defined in regulation 2 of the 2002 Regulations or an ILO compliant certificate. This is a certificate of medical fitness which complies with certain provisions of the Medical Examination (Seafarers) Convention 1946 (Convention 73 of the International Labour Organisation). UK medical fitness certificates issued under regulation 7 of the 2002 Regulations already comply with these provisions.

International Labour Organisation Conventions are published by the International Labour Organisation and copies may be obtained from ILO Publications, International Labour Office, CH-211 Geneva 22, Switzerland.

Merchant Shipping Notices are published by the Maritime and Coastguard Agency. They can be read or downloaded free from the Maritime and Coastguard Agency website (www.mcga.gov.uk). Printed copies may be obtained from Mail Marketing (Scotland), Unit 6, Blooms Grove Industrial Estate, Norton Street, Nottingham, NG7 3JG (telephone 0115 901 3336).

A Regulatory Impact Assessment has not been produced for this instrument because it has no impact on the costs of business, charities or voluntary bodies.

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