

2015 No. 1730

MERCHANT SHIPPING

ALCOHOL AND DRUGS

**The Merchant Shipping (Alcohol) (Prescribed Limits
Amendment) Regulations 2015**

Made - - - - 28th September 2015

Coming into force - - 20th October 2015

In accordance with section 88(4) of the Railways and Transport Safety Act 2003(a) a draft of these Regulations has been laid before and approved by resolution of each House of Parliament.

The Secretary of State has consulted in accordance with section 88(6) of that Act.

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 81(2) of that Act.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Merchant Shipping (Alcohol) (Prescribed Limits Amendment) Regulations 2015.

(2) They come into force on the 22nd day after the day on which they are made.

(3) In these Regulations—

“the Act” means the Railways and Transport Safety Act 2003;

“STCW Code” means the Seafarers’ Training, Certification and Watchkeeping Code adopted by the 2010 Manila Conference of Parties to the STCW Convention(b);

“STCW Convention” means the International Convention on the Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended (c).

Amendment of prescribed limit

2.—(1) In section 81 of the Act (prescribed limit), subsection (1) is amended as follows.

(2) In paragraph (a) for “35” substitute “25”.

(3) In paragraph (b) for “80” substitute “50”.

(4) In paragraph (c) for “107” substitute “67”.

(a) 2003 c.20.

(b) ISBN 978-92-801-1528-4.

(c) ISBN 978-93-801-1528-4.

Review

3.—(1) The Secretary of State must from time to time—

- (a) carry out a review of the amendments made by these Regulations,
- (b) set out the conclusions of the review in a report, and
- (c) publish the report.

(2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how paragraph 10 of section A-VIII/1 (Fitness for duty) of the STCW Code (which is implemented by Part 4 of the Act (Shipping: Alcohol and drugs) as amended by regulation 2) is implemented in other States which are parties to the STCW Convention.

(3) The report must in particular—

- (a) set out the objectives intended to be achieved by the amendments made by these Regulations;
- (b) assess the extent to which those objectives have been achieved; and
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system which imposes less regulation.

(4) The first report under this regulation must be published before the end of the period of five years beginning with the day on which these Regulations come into force.

(5) Reports under this regulation are afterwards to be published at intervals not exceeding five years.

Signed by authority of the Secretary of State

Robert Goodwill
Parliamentary Under Secretary of State
Department for Transport

28th September 2015

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations set new, lower limits of alcohol for the purposes of Part 4 (Shipping: Alcohol and Drugs) of the Railways and Transport Safety Act 2003.

Regulation 2 reduces the prescribed limits of alcohol in breath and blood to those prescribed by the International Maritime Organisation in the Seafarers' Training, Certification and Watchkeeping Code adopted by the 2010 Manila Conference of Parties to the International Convention on the Standards of Training, Certification and Watchkeeping and by Directive 2012/35/EU (O.J. L343, 14.12.2012, p.78) of the European Parliament and of the Council amending Directive 2008/106/EC on the minimum level of training of seafarers. It also reduces the prescribed limit for alcohol in urine to a commensurate level.

Regulation 3 requires the Secretary of State to review the operation and effect of these Regulations and to publish a report within five years after the Regulations come into force. Following the review it will fall to the Secretary of State to consider whether the amendments made by the Regulations should remain as they are, or be amended.

An impact assessment has been prepared on the implementation of the amendments which were adopted by the 2010 Manila Conference and which include these new lower limits for alcohol. A copy has been placed in the Library of each House of Parliament. Copies can be obtained from the

Maritime and Coastguard Agency, Spring Place, 105 Commercial Road, Southampton, SO15 1EG (telephone 02380 329100). It is also published with the Explanatory Memorandum alongside the instrument on www.legislation.gov.uk.

Copies of the STCW Convention and the STCW Code can be obtained from the International Maritime Organisation, 4 Albert Embankment, London SE1 7SR (telephone 020 7735 7611) or from www.imo.org.

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