
STATUTORY INSTRUMENTS

2015 No. 430

The Ship Recycling Facilities Regulations 2015

Citation, commencement and application

1.—(1) These Regulations may be cited as the Ship Recycling Facilities Regulations 2015 and come into force on 26th March 2015.

(2) They do not apply to Northern Ireland.

Interpretation

2.—(1) In these Regulations—

“the 1974 Act” means the Health and Safety at Work etc. Act 1974;

“the Agency”, in relation to a ship recycling facility, means—

- (a) in England, the Environment Agency;
- (b) in Wales, the Natural Resources Body for Wales;
- (c) in Scotland, the Scottish Environment Protection Agency;

“the EU Ship Recycling Regulation” means Regulation (EU) No 1257/2013 of the European Parliament and of the Council on ship recycling^{M1};

^{F1}
...

“the Executive” means the Health and Safety Executive;

“permit” means—

- (a) in England and Wales, an environmental permit authorising the operation of a regulated facility under [^{F2}the Environmental Permitting (England and Wales) Regulations 2016];
- (b) in Scotland, means a waste management licence granted under Part II of the Environmental Protection Act 1990^{M2} or a permit granted under the Pollution Prevention and Control (Scotland) Regulations 2012^{M3};

“suspension notice” means—

- (a) in England and Wales, a notice under regulation 37 of [^{F2}the Environmental Permitting (England and Wales) Regulations 2016];
- (b) in Scotland, a notice to give effect to suspension of a licence under section 38(6) of the Environmental Protection Act 1990 or a notice under regulation 56 of the Pollution Prevention and Control (Scotland) Regulations 2012.

[^{F3}“United Kingdom List” means the list of ship recycling facilities published by the Secretary of State under Article 16 of the EU Ship Recycling Regulation;

“United Kingdom Ship” means a ship registered in the United Kingdom under Part 2 of the Merchant Shipping Act 1995.]

(2) Terms which are used in these Regulations that are used in the EU Ship Recycling Regulation have the meaning they bear in that Regulation.

Textual Amendments

- F1** Words in [reg. 2\(1\)](#) omitted (31.12.2020) by virtue of [The Ship Recycling \(Facilities and Requirements for Hazardous Materials on Ships\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/277\)](#), regs. 1, [3\(2\)\(a\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in [reg. 2](#) substituted (E.W.) (1.1.2017) by [The Environmental Permitting \(England and Wales\) Regulations 2016 \(S.I. 2016/1154\)](#), reg. 1(1), [Sch. 29 para. 83](#) (with regs. 1(3), 77-79, Sch. 4)
- F3** Words in [reg. 2\(1\)](#) inserted (31.12.2020) by [The Ship Recycling \(Facilities and Requirements for Hazardous Materials on Ships\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/277\)](#), regs. 1, [3\(2\)\(b\)](#); 2020 c. 1, Sch. 5 para. 1(1)

Marginal Citations

- M1** OJ No L 330, 10.12.2013, p 1.
- M2** 1990 c. 43.
- M3** [S.S.I. 2012/360](#), to which there are amendments not relevant to these Regulations.

Designation of competent authority

3. The Agency and the Executive acting jointly are the competent authority for the purposes of the EU Ship Recycling Regulation.

Authorisation of ship recycling facilities

4.—(1) The Agency's functions in relation to a permit for a ship recycling facility include ensuring compliance with Articles 13 [^{F4} to 15] of the EU Ship Recycling Regulation, but the Agency must only exercise any such functions relating to health and safety with the consent of the Executive.

(2) A condition relating to health and safety to ensure compliance with Articles 13 [^{F5} to 15] of the EU Ship Recycling Regulation may be imposed by a permit for a ship recycling facility.

(3) A power to serve a suspension notice in relation to a permit for a ship recycling facility includes the power to serve a notice where the competent authority considers that the operation of the facility involves a serious risk to health and safety.

Textual Amendments

- F4** Words in [reg. 4\(1\)](#) substituted (31.12.2020) by [The Ship Recycling \(Facilities and Requirements for Hazardous Materials on Ships\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/277\)](#), regs. 1, [3\(3\)\(a\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in [reg. 4\(2\)](#) substituted (31.12.2020) by [The Ship Recycling \(Facilities and Requirements for Hazardous Materials on Ships\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/277\)](#), regs. 1, [3\(3\)\(b\)](#); 2020 c. 1, Sch. 5 para. 1(1)

Application of the 1974 Act

5. Any function of the Executive under any provision of the 1974 Act in respect of health and safety regulations is exercisable as if Articles 13 [^{F6} to 15] of the EU Ship Recycling Regulation were health and safety regulations for the purposes of that Act.

Textual Amendments

- F6** Words in [reg. 5](#) substituted (31.12.2020) by [The Ship Recycling \(Facilities and Requirements for Hazardous Materials on Ships\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/277\)](#), regs. 1, **3(4)**; 2020 c. 1, Sch. 5 para. 1(1)

Health and safety fees

6.—(1) A fee is payable by the applicant to the Executive on each application for a permit or for a variation of a permit to enable a facility to be included on [^{F7}the United Kingdom List] under these Regulations.

(2) The fee payable on application for a permit or for a variation of a permit to enable a facility to be included in [^{F7}the United Kingdom List] is described in column 1 of the table in the Schedule and is specified in column 2 of that table.

(3) Where a permit of a facility included on [^{F7}the United Kingdom List] under these Regulations is varied and the variation relates to the duration of the permit, a fee is payable to the Executive by the operator of the facility.

(4) The fee payable under paragraph (3) is specified in column 2 of the table in the Schedule.

Textual Amendments

- F7** Words in [reg. 6](#) substituted (31.12.2020) by [The Ship Recycling \(Facilities and Requirements for Hazardous Materials on Ships\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/277\)](#), regs. 1, **3(5)**; 2020 c. 1, Sch. 5 para. 1(1)

[^{F8}United Kingdom List of facilities at which United Kingdom ships may be recycled]

7.—(1) The competent authority must inform the Secretary of State without delay of—

- (a) the permitting of a ship recycling facility for inclusion on the [^{F9}United Kingdom List];
- (b) the suspension or withdrawal of a permit of a ship recycling facility that is included on the [^{F9}United Kingdom List].

^{F10}(2)

[^{F11}(3) After IP completion day, existing facilities must not accept any United Kingdom ship within the scope of the EU Ship Recycling Regulation for ship recycling unless the facility is included on the United Kingdom List.]

(4) Failure to comply with regulation 7(3) will have effect as failure to comply with a condition of a permit.

Textual Amendments

- F8** [Reg. 7](#) heading substituted (31.12.2020) by [The Ship Recycling \(Facilities and Requirements for Hazardous Materials on Ships\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/277\)](#), regs. 1, **3(6)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F9** Words in [reg. 7\(1\)](#) substituted (31.12.2020) by [The Ship Recycling \(Facilities and Requirements for Hazardous Materials on Ships\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/277\)](#), regs. 1, **3(6)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

- F10** Reg. 7(2) omitted (31.12.2020) by virtue of The Ship Recycling (Facilities and Requirements for Hazardous Materials on Ships) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/277), regs. 1, **3(6)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F11** Reg. 7(3) substituted (31.12.2020) by The Ship Recycling (Facilities and Requirements for Hazardous Materials on Ships) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/277), regs. 1, **3(6)(d)** (as amended by S.I. 2020/1000, regs. 1, **5**); 2020 c. 1, **Sch. 5 para. 1(1)**

Review

- 8.—(1) The Secretary of State must from time to time—
- (a) carry out a review of 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 the provisions of the EU Ship Recycling Regulation implemented by these Regulations are implemented in other member States.
- (3) The report must in particular—
- (a) set out the objectives intended to be achieved by these Regulations;
 - (b) assess the extent to which those objectives are achieved; and
 - (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved in a less burdensome way.
- (4) The first report under this regulation must be published before the end of the period of five years beginning with the coming into force of these Regulations.
- (5) Reports under this regulation are afterwards to be published at intervals not exceeding five years.

Department for Environment, Food and Rural
Affairs

Dan Rogerson
Parliamentary Under Secretary of State

Changes to legislation:

There are currently no known outstanding effects for the The Ship Recycling Facilities Regulations 2015.