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STATUTORY INSTRUMENTS

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**2018 No. 1202**

The Merchant Shipping and Fishing Vessels  
(Health and Safety at Work) (Miscellaneous  
Amendments) (EU Exit) Regulations 2018

PART 2

Amendments which take effect on exit day

**Amendment of the Merchant Shipping and Fishing Vessels (Medical Stores) Regulations 1995**

3. In the Merchant Shipping and Fishing Vessels (Medical Stores) Regulations 1995 omit regulation 2 (purpose of regulation).

**Amendment of the Merchant Shipping and Fishing Vessels (Health and Safety at Work) Regulations 1997**

4.—(1) The Merchant Shipping and Fishing Vessels (Health and Safety at Work) Regulations 1997(1) are amended as follows.

(2) In regulation 2 (interpretation)—

- (a) in paragraph (2) omit the definition of “[Directive 2014/27/EU](#)”; and
- (b) for paragraph (3) substitute—

“(3) Subject to paragraph (2), words and expressions used in the Regulations have the same meaning as in Council [Directive 89/391/EEC](#) of 12 June 1989 on the introduction of measures to encourage improvements in the health and safety of workers at work(2), as it had effect immediately before exit day”.

(3) In regulation 8(1)(b) (new or expectant mothers) for “Annexes I and II of Council [Directive 92/85/EEC](#) on the introduction of measures to encourage improvements in the health and safety at work of pregnant workers who have recently given birth or are breast-feeding, as amended by [Directive 2014/27/EU](#)” substitute “Annex A and B of Merchant Shipping Notice 1890 (M+F)”.

**Amendment of the Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Employment of Young Persons) Regulations 1998**

5.—(1) The Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Employment of Young Persons) Regulations 1998(3) are amended as follows.

(2) In regulation 2(3) (interpretation) substitute—

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(1) [S.I. 1997/2962](#), amended by [S.I. 2015/21](#); there are other amending instruments but none is relevant.  
(2) OJ No. L 183, 29.06.1989, p. 1, as last amended by Regulation (EC) No 1137/2008 of the European Parliament and of the Council OJ No. L 311, 21.11.2008, p. 1.  
(3) [S.I. 1998/2411](#), amended by [S.I. 2015/21](#); there is another amending instrument but it is not relevant.

“(3) Subject to paragraph (2), words and expressions used in the Regulations shall have the same meaning as in Council [Directive 94/33/EC](#) on the protection of young people at work(4), as it had effect immediately before exit day.”.

- (3) In the Schedule (non-exhaustive list of agents, process and work)—
- (a) for paragraph 2(a) substitute—
- (a) “(2) Biological agents which are group 3 biological agents or group 4 biological agents, as defined in the Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Biological Agents) Regulations 2010(5);” and
- (b) in paragraph 3(a) after “classification under” insert “Annex I to”.

### **Amendment of the Merchant Shipping and Fishing Vessels (Safety Signs and Signals) Regulations 2001**

6.—(1) The Merchant Shipping and Fishing Vessels (Safety Signs and Signals) Regulations 2001(6) are amended as follows.

- (2) In regulation 2(1) (interpretation)—
- (a) omit the definitions of “the Directive” and “[Directive 2014/27/EU](#)”;
- (b) for the definition of “safety colour” substitute—
- ““safety colour” means a colour to which a specific meaning is assigned in Part 1 of Schedule 1 to the Safety Signs Regulations;” and
- (c) after the definition of “safety sign” insert—
- ““Safety Signs Regulations” means the Health and Safety (Safety Signs and Signals) Regulations 1996(7);”.
- (3) In regulation 5 (provision and maintenance of safety signs)—
- (a) in paragraph (2)(a) for “Annexes I to VII of the Directive” substitute “Parts I to VII of Schedule 1 to the Safety Signs Regulations”;
- (b) in paragraph (2)(b) for “Annexes I, VIII and IX of the Directive” substitute “Parts I, VIII and IX of Schedule 1 to the Safety Signs Regulations”; and
- (c) in paragraph (5) for “Annex IX to the Directive” substitute “Part IX of Schedule 1 to the Safety Signs Regulations”.

### **Amendment of the Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Carcinogens and Mutagens) Regulations 2007**

7.—(1) The Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Carcinogens and Mutagens) Regulations 2007(8) are amended as follows.

- (2) In regulation 2(1) (interpretation) after the definition of “health and safety” insert—
- ““ionising radiation” means the transfer of energy in the form of particles or electromagnetic waves of a wavelength of 100 nanometres or less or a frequency of  $3 \times 10^{15}$  hertz or more capable of producing ions directly or indirectly;”.
- (3) In regulation 3(4)(a) (application) for “radiation covered by the Treaty establishing the European Atomic Energy Community” substitute “ionising radiation”.

(4) OJ No. L 216, 20.08.1994, p. 12, as last amended by [Directive 2014/27/EU](#) of the European Parliament and of the Council OJ No. L 65, 05.03.2014, p. 1.

(5) [S.I. 2010/323](#), to which there are amendments not relevant to these Regulations.

(6) [S.I. 2001/3444](#), amended by [S.I. 2015/21](#).

(7) [S.I. 1996/341](#), amended by [SI 2015/21](#); there are other amending instruments but none is relevant.

(8) [S.I. 2007/3100](#), amended by [S.I. 2010/1110](#), [2015/21](#).

## **Amendment of the Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Biological Agents) Regulations 2010**

8.—(1) The Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Biological Agents) Regulations 2010<sup>(9)</sup> are amended as follows.

(2) In regulation 2 (interpretation)—

(a) in paragraph (1)—

(i) for the definition of “biological agents” substitute—

““biological agents” means micro-organisms, cell cultures, or human endoparasites, whether or not genetically modified, which may cause infection, allergy, toxicity or otherwise create a hazard to human health;”

(ii) in the definition of “group 2 biological agent” omit “in Annex III to the Directive or”;

(iii) in the definition of “group 3 biological agent” omit “in Annex III to the Directive or”; a

(iv) in the definition of “group 4 biological agent” omit “in Annex III to the Directive or”;

(v) omit the definition of “MCA”; and

(vi) for the definition of “Merchant Shipping Notice” substitute—

““Merchant Shipping Notice” means a Notice described as such, issued by the Maritime and Coastguard Agency (an executive agency of the Department for Transport) and includes a reference to any document amending or replacing that Notice which is considered by the Secretary of State to be relevant from time to time and is specified in a Merchant Shipping Notice;” and

(b) Omit paragraph (2).

(3) In regulation 4(6) (application) for “Annex I to the Directive” substitute “Annex 1 of Merchant Shipping Notice 1889 (M+F)”.

(4) In regulation 7 (classification of biological agents)—

(a) in paragraphs (1) and (3) omit “Annex III to the Directive or in”; and

(b) omit paragraph (4).

(5) In regulation 9(2)(e) (reduction of risks) for “Annex II to the Directive” substitute “Annex 2 of Merchant Shipping Notice 1889 (M+F)”.

(6) In regulation 17 (health surveillance)—

(a) in paragraph (3) for “Annex VII to the Directive” substitute “Annex 3 of Merchant Shipping Notice 1889 (M+F)”, and

(b) in paragraph (9) for “Annex IV to the Directive” substitute “Annex 4 of Merchant Shipping Notice 1889 (M+F)”.

(7) In regulation 19(3) (health and veterinary care facilities) for “Annex V to the Directive” substitute “Annex 5 of Merchant Shipping Notice 1889 (M+F)”.

(8) In regulations 20 (special measures for industrial processes, laboratories and animal rooms)—

(a) in paragraphs (1)(a), (b), (c) and (d)(i) and (ii) for “Annex V to the Directive” substitute “Annex 5 of Merchant Shipping Notice 1889 (M+F)”;

(b) in paragraph (2) for “Annex VI to the Directive” substitute “Schedule 3, Part 3 to the Control of Substances Hazardous to Health Regulations 2002”<sup>(10)</sup>.

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<sup>(9)</sup> S.I. 2010/323, to which there are amendments not relevant to these Regulations.

<sup>(10)</sup> S.I. 2002/2677, to which there are amendments not relevant to these Regulations.

- (c) in paragraph (4) for “Annex V to the Directive” substitute “Annex 5 of Merchant Shipping Notice 1889 (M+F)”.

### **Amendment of the Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Chemical Agents) Regulations 2010**

9.—(1) The Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Chemical Agents) Regulations 2010<sup>(11)</sup> are amended as follows.

(2) In regulation 2 (interpretation)—

(a) in paragraph (1) —

(i) in the definition of “hazardous chemical agent”—

(aa) after the words “hazard class laid down in” insert “Annex I to”; and

(bb) for “an occupational exposure limit value under Article 3 of the Directive” substitute “a national occupational exposure limit value”,

(ii) for the definition of “national occupational exposure limit value” substitute—

““national occupational exposure limit value” in relation to a chemical agent means any workplace exposure limit established for that agent in document EH40<sup>(12)</sup>

(iii) after the definition of “occupational exposure limit value” insert—

““the REACH Regulation” means Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency;”, and

(iv) after the definition of “representative” insert—

““safety data sheet” means a safety data sheet within the meaning of Article 31 of and Annex II to the REACH Regulation;”, and

(b) in paragraph (2) for “as amended from time to time” substitute “as it had effect immediately before exit day”.

(3) In regulation 5 (application of related legislation)—

(a) for paragraph (2)(a) substitute—

“(a) any provisions for the protection of workers from ionising radiation;”, and

(b) for paragraph (3) substitute—

“(3) In this regulation—

(a) “IBC Code” and “IGC Code” have the same meaning as in the Merchant Shipping (Prevention of Pollution from Noxious Liquid Substances in Bulk) Regulations 2018<sup>(13)</sup>; and

(b) “IMDG Code” has the same meaning as in the Dangerous Goods in Harbour Areas Regulations 2016<sup>(14)</sup>.”.

(4) In regulation 6 (assessment of health risks) in paragraph (3) omit “and, where appropriate, that information shall comprise the specific assessment concerning the risk to users established on the basis of EU legislation on chemical agents”.

<sup>(11)</sup> S.I. 2010/330, amended by S.I. 2012/1844, 2015/21.

<sup>(12)</sup> The document EH40 published in 2013 by the Health and Safety Executive may be downloaded from <http://www.hse.gov.uk/pUbn/priced/eh40.pdf> and a copy may be obtained by writing to Health and Safety Executive Books at PO Box 1999, Sudbury, Suffolk CO10 2WA or via <https://books.hse.gov.uk>.

<sup>(13)</sup> S.I. 2018/68.

<sup>(14)</sup> S.I. 2016/721, to which there are amendments not relevant to these Regulations.

- (5) In regulation 10 (information and training for workers)—
  - (a) in paragraph (3) for “regulation 5 of the Chemicals (Hazard Information and Packaging for Supply) Regulations 2002” substitute “Article 31 of and Annex II to the REACH Regulation”,
  - (b) for paragraph (5)(a) substitute—
    - “(a) marked in accordance with the CLP Regulation and Schedule 1, Part III to the Health and Safety (Safety Signs and Signals) Regulations 1996(15);or”, and
  - (c) omit paragraph (6).
- (6) In regulation 11 (prohibited activities)—
  - (a) in paragraph (1)(a) for “part (a) of Annex III to the Directive” substitute “part (a) of Annex 1 of Merchant Shipping Notice 1888 (M+F)”,
  - (b) in paragraph (1)(b) for “part (b) of that Annex” substitute “part (b) of Annex 1 of Merchant Shipping Notice 1888 (M+F)”,
  - (c) in paragraph (2)(c) for “part (a) of Annex III to the Directive” substitute “part (a) of Annex 1 of Merchant Shipping Notice 1888 (M+F)”,
  - (d) in paragraph (6)(a) for “part (a) of Annex III to the Directive” substitute “part (a) of Annex 1 of Merchant Shipping Notice 1888 (M+F)”, and
  - (e) in paragraph (6)(b) for “part (a) of Annex III to the Directive” substitute “part (a) of Annex 1 of Merchant Shipping Notice 1888 (M+F)”.
- (7) In regulation 12(5) (health surveillance) for “Annex II to the Directive” substitute “Annex 2 of Merchant Shipping Notice 1888 (M+F)”.

#### **Amendment of the Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Artificial Optical Radiation) Regulations 2010**

**10.**—(1) The Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Artificial Optical Radiation) Regulations 2010(16) are amended as follows.

- (2) In regulation 2 (interpretation) in paragraph (2) for “as amended from time to time” substitute “as it had effect immediately before exit day”.
- (3) In regulation 6 (assessment of health risks)—
  - (a) in paragraph (3) omit “, and appropriate EU standards or recommendations are not available,”,
  - (b) in paragraph (4) omit “, where such equipment is covered by relevant European Union Directives”, and
  - (c) in paragraph (5)(c)(x) omit “in accordance with relevant European Union Directives”.
- (4) In regulation 7(2)(h) (general principles for the prevention of risks) omit “, where such equipment is covered by relevant European Union Directives”.

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(15) S.I. 1996/341, amended by S.I. 2015/21; there are other amending instruments but none is relevant.

(16) S.I. 2010/2987.