

STATUTORY INSTRUMENTS

2019 No. 277

The Ship Recycling (Facilities and Requirements for Hazardous Materials on Ships) (Amendment) (EU Exit) Regulations 2019

PART 1

Amendment of subordinate legislation

Amendment of the Waste Management Licensing Regulations (Northern Ireland) 2003

2.—(1) The Waste Management Licensing Regulations (Northern Ireland) 2003 ^{M1} are amended as follows.

(2) In regulation 12(2), for “and 14” substitute “ to 15 ”.

Commencement Information

II Reg. 2 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

Marginal Citations

M1 S.R. [2003 No. 493](#); relevant amending Regulations are S.R. [2006 No. 519](#), S.R. [2009 No. 159](#), S.R. [2011 No. 127](#), S.R. [2014 No. 253](#) and S.R. [2015 No. 229](#).

Amendment of the Ship Recycling Facilities Regulations 2015

3.—(1) The Ship Recycling Facilities Regulations 2015 ^{M2} are amended as follows.

(2) In regulation 2 (interpretation), in paragraph (1)—

(a) omit the definition of “European List”, and

(b) at the end insert—

““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.”.

(3) In regulation 4 (authorisation of ship recycling facilities)—

(a) in paragraph (1), for “and 14” substitute “ to 15 ”; and

(b) in paragraph (2), for “and 14” substitute “ to 15 ”.

(4) In regulation 5 (application of the 1974 Act), for “and 14” substitute “ to 15 ”.

(5) In regulation 6 (health and safety fees), for “the European List”, at each place it occurs, substitute “ the United Kingdom List ”.

Changes to legislation: There are currently no known outstanding effects for the *The Ship Recycling (Facilities and Requirements for Hazardous Materials on Ships) (Amendment) (EU Exit) Regulations 2019, PART 1.* (See end of Document for details)

(6) In regulation 7 (European List of facilities at which ships flying the flag of a member State may be recycled)—

- (a) for the heading, substitute “ United Kingdom List of facilities at which United Kingdom ships may be recycled ”;
- (b) in paragraph (1), in both places where they occur, for the words “European List”, substitute “ United Kingdom List ”;
- (c) omit paragraph (2);
- (d) for paragraph (3), substitute—

“(3) After [^{F1}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.”.

(7) In the Schedule, for “the European List”, at each place it occurs, substitute “ the United Kingdom List ”.

Textual Amendments

F1 Words in reg. 3(6)(d) substituted (31.12.2020 immediately before IP completion day) by [The Merchant Shipping \(Consequential Amendments\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1000\)](#), regs. 1, 5

Commencement Information

I2 Reg. 3 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

Marginal Citations

M2 [S.I. 2015/430](#), amended by [S.I. 2016/1154](#).

Amendment of the Ship Recycling Facilities Regulations (Northern Ireland) 2015

4.—(1) The Ship Recycling Facilities Regulations (Northern Ireland) 2015 ^{M3} are amended as follows.

(2) In regulation 2 (interpretation), in paragraph 1—

^{F2}(a)

(b) at the end insert—

““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.”.

(3) In regulation 4 (authorisation of ship recycling facilities)—

(a) in paragraph (1), for “and 14” substitute “ to 15 ”; and

(b) in paragraph (2), for “and 14” substitute “ to 15 ”.

(4) In regulation 5 (application of the 1978 Order), for “and 14” substitute “ to 15 ”.

[^{F3}(5) For regulation 6 (European List of facilities at which ships flying the flag of a Member State may be recycled) substitute—

“Facilities at which ships may be recycled

6.—(1) A ship recycling facility in Northern Ireland must not accept any ship flying the flag of a Member State within the scope of the EU Ship Recycling Regulation for ship recycling unless the ship recycling facility is included on the European List.

(2) A ship recycling facility in Northern Ireland must not accept any United Kingdom ship within the scope of the EU Ship Recycling Regulation for ship recycling unless the ship recycling facility is included on the United Kingdom List.

(3) A failure to comply with paragraph (1) or (2) has the same effect as failure to comply with a condition of a permit.

Obligations of the competent authority and the Secretary of State

6A.—(1) In respect of a ship recycling facility in Northern Ireland, the competent authority must inform the Secretary of State without delay of—

- (a) the permitting of a ship recycling facility for inclusion on the European List;
- (b) the suspension or withdrawal of a permit of a ship recycling facility that is included on the European List.

(2) The Secretary of State must carry out the functions of the Member State referred to in Article 14(2) of the EU Ship Recycling Regulation, and must inform the European Commission in accordance with Article 14(3) and 14(4) of that Regulation.”.]

Textual Amendments

- F2** Reg. 4(2)(a) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Ship Recycling \(Facilities and Requirements for Hazardous Materials on Ships\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1429\)](#), regs. 1, **3(a)**
- F3** Reg. 4(5) substituted (31.12.2020 immediately before IP completion day) by [The Ship Recycling \(Facilities and Requirements for Hazardous Materials on Ships\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1429\)](#), regs. 1, **3(b)**

Commencement Information

- I3** Reg. 4 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

Marginal Citations

- M3** S.R. [2015 No. 229](#), as amended by S.R. [2018 No. 171](#).

Amendment of the Ship Recycling (Requirements in relation to Hazardous Materials on Ships) (Amendment etc.) Regulations 2018

5.—(1) The Ship Recycling (Requirements in relation to Hazardous Materials on Ships) (Amendment etc.) Regulations 2018^{M4} are amended as follows.

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

- (a) before “Annex I” insert “ the EU Ship Recycling Regulation or ”;
- (b) between “that” and “Annex” insert “ Regulation or ”.

(3) In regulation 9 (offences for contravention of EU Ship Recycling Regulation in respect of Member State ships)—

- (a) in the heading, for “Member State”, substitute “ United Kingdom ”;

Changes to legislation: There are currently no known outstanding effects for the
The Ship Recycling (Facilities and Requirements for Hazardous Materials on Ships)
(Amendment) (EU Exit) Regulations 2019, PART 1. (See end of Document for details)

- (b) for sub-paragraph 1(b) substitute—
 - “(b) which is a United Kingdom ship
wherever the ship maybe. ”;
- (c) omit paragraph 2;
- (d) omit paragraph 3
- (e) omit paragraph 5.

(4) In the heading of regulation 10 (offences for contravention of EU Ship Recycling Regulation in respect of third country ships), for “third country ships” substitute “ ships other than United Kingdom ships ”.

Commencement Information

I4 Reg. 5 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

Marginal Citations

M4 [S.I. 2018/1122](#).

Changes to legislation:

There are currently no known outstanding effects for the The Ship Recycling (Facilities and Requirements for Hazardous Materials on Ships) (Amendment) (EU Exit) Regulations 2019, PART 1.