

## STATUTORY INSTRUMENTS

# 2019 No. 649

## The Merchant Shipping (Passengers' Rights) (Amendment etc.) (EU Exit) Regulations 2019

### PART 3

Amendment and revocation of retained direct EU legislation

#### Revocation of Council Decision [2002/762/EC](#)

5. Council Decision [2002/762/EC](#) of 19 September 2002 authorising the Member States, in the interest of the Community, to sign, ratify or accede to the International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001 <sup>M1</sup> is revoked.

#### Commencement Information

- II** 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

- M1** OJ No. L 256, 25.9.2002, p. 7.

#### Amendment of Regulation (EC) No 392/2009

6.—(1) Regulation (EC) No 392/2009 of the European Parliament and of the Council of 23 April 2009 on the liability of carriers of passengers by sea in the event of accidents <sup>M2</sup> is amended as follows.

- (2) In Article 1 (subject matter)—
- (a) in paragraph 1—
    - (i) in the first paragraph, omit “Community”; and
    - (ii) in subparagraph (a), for “Annex I”, substitute “ Part 1 of Schedule 6 to the Merchant Shipping Act 1995 <sup>M3</sup>”;
  - (b) in paragraph 2, for “a single Member State”, substitute “ the United Kingdom ”; and
  - (c) omit paragraph 3.
- (3) In Article 2 (scope)—
- (a) in the first paragraph, for “a single Member State”, substitute “ the United Kingdom ”;
  - (b) in points (a), (b) and (c), omit “a Member State” in each place that it appears and substitute “ the United Kingdom ”; and
  - (c) omit the words “Member States may apply this Regulation to all domestic seagoing voyages.”.

- (4) In Article 3 (liability and insurance), in paragraph 1, omit “16 and Articles”.
- (5) In Article 6 (advance payment), in paragraph 1—
- (a) for “EUR 21,000”, substitute “ £18,500 ”; and
  - (b) in the second paragraph, for “Community”, substitute “ United Kingdom ”.
- (6) In Article 7 (information to passengers)—
- (a) at the beginning of the first paragraph, omit the words from “Without prejudice” to “package tours.”;
  - (b) in the second paragraph, for “a Member State”, on both occasions it appears, substitute “ the United Kingdom ”; and
  - (c) omit the third paragraph.
- (7) Omit Article 8 (reporting).
- (8) In Article 9 (amendments)—
- (a) in paragraph 1—
    - (i) in the first paragraph, for “Measures designed”, substitute “ The Secretary of State may make regulations ”;
    - (ii) in the first paragraph, omit the words from “, shall be adopted” to the end of the paragraph; and
    - (iii) omit the second paragraph; and
  - (b) in paragraph 2—
    - (i) for “Measures designed”, substitute “ The Secretary of State may make regulations ”; and
    - (ii) omit the words from “shall be adopted” to the end of the paragraph.
- (9) In Article 10 (committee procedure)—
- (a) for the title, substitute “ Regulations ”;
  - (b) for paragraph 1, substitute “ Any power of the Secretary of State to make regulations is exercisable by statutory instrument. ”; and
  - (c) for paragraph 2, substitute “ Any statutory instrument is subject to annulment in pursuance of a resolution of either House of Parliament. ”.
- (10) Omit Articles 11 (transitional provisions) and 12 (entry into force).
- (11) Omit Annex I.

#### Commencement Information

- I2** Reg. 6 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** OJ No. L 131, 28.5.2009, p. 24.
- M3** [1995 c. 21](#). Part 1 of Schedule 6 was substituted by [S.I. 2014/1361](#).

### Amendment of Regulation (EU) No 1177/2010

7.—(1) Regulation (EU) No 1177/2010 of the European Parliament and of the Council of 24 November 2010 concerning the rights of passengers when travelling by sea and inland waterway and amending Regulation (EC) No 2006/2004<sup>M4</sup> is amended as follows.

- (2) In Article 2 (scope)—
  - (a) in paragraph 1—
    - (i) for “territory of a Member State”, wherever it appears, substitute “ United Kingdom ”; and
    - (ii) in point (b), for “Union carrier”, substitute “ United Kingdom carrier ”;
  - (b) omit paragraphs 3 and 4; and
  - (c) in paragraph 5, for the words “Directive 2006/87/EC and to Directive 2009/45/EC”, substitute “ the Merchant Shipping (Technical Requirements for Inland Waterway Vessels) Regulations 2010 <sup>M5</sup> ”.
- (3) In Article 3 (definitions)—
  - (a) omit point (b);
  - (b) for point (e), substitute—
    - (e) ‘United Kingdom carrier’ means a carrier established within the United Kingdom or offering transport by passenger services operated to or from the United Kingdom;”;
  - (c) in point (q), for “Article 2(2) and (3) of Directive 90/314/EEC”, substitute “ regulation 2(1) of the Package Travel and Linked Travel Arrangements Regulations 2018 <sup>M6</sup> ”; and
  - (d) in point (s), for “territory of a Member State”, substitute “ United Kingdom ”.
- (4) In Article 4 (tickets and non-discriminatory contract conditions)—
  - (a) in paragraph 1, for “national law”, substitute “ any enactment or rule of law ”; and
  - (b) in paragraph 2, omit the words from “or on the place” to the end of the paragraph.
- (5) In Article 8 (exceptions and special conditions), in paragraph (1)(a), for “, Union or national law”, substitute “ law, or any enactment or rule of law, ”.
- (6) In Article 9 (accessibility and information), in paragraph 1, for “national enforcement bodies”, substitute “the body designated under regulation 8 of the Merchant Shipping (Passengers' Rights) Regulations 2013”.
- (7) In Article 11 (conditions under which assistance is provided), in paragraph 5, omit “national”.
- (8) In Article 17 (assistance in the event of cancelled or delayed departures), in paragraph 2, for “EUR 80”, substitute “ £70 ”.
- (9) In Article 19 (compensation of the ticket price in the event of delay in arrival), in paragraph 6, for “EUR 6”, substitute “ £5 ”.
- (10) In Article 21 (further claims)—
  - (a) for “national law”, substitute “ any enactment or rule of law ”;
  - (b) for “national courts”, substitute “ courts of the United Kingdom ”; and
  - (c) for “Directive 90/314/EEC”, substitute “ the Package Travel and Linked Travel Arrangements Regulations 2018 ”.
- (11) In Article 23 (information on passenger rights)—
  - (a) in paragraph 2, for the words “Commission in all the official languages of the institutions of the European Union”, substitute, “body designated under regulation 8 of the Merchant Shipping (Passengers' Rights) Regulations 2013”; and
  - (b) in paragraph 3, for the words “by the Member State concerned pursuant to Article 25(1)”, substitute “under regulation 8 of the Merchant Shipping (Passengers' Rights) Regulations 2013”.
- (12) For Article 25 (national enforcement bodies), substitute—

*“Article 25*

*Enforcement bodies*

1. Regulation 8 of the Merchant Shipping (Passengers' Rights) Regulations 2013 designates the body responsible for the enforcement of this Regulation.

2. Any passenger may submit a complaint about an alleged infringement of this Regulation to the body designated under regulation 8 of the Merchant Shipping (Passengers' Rights) Regulations 2013. That body must provide passengers with a substantiated reply to their complaint within a reasonable period of time, under the provisions in Article 24.

3. The passenger must, as a first step, submit the complaint covered by this Regulation to the carrier or terminal operator. The body designated under regulation 8 of the Merchant Shipping (Passengers' Rights) Regulations 2013 is the appeal body for complaints not resolved under Article 24.”

(13) In Article 26 (report on enforcement), for the words “bodies designated pursuant to Article 25 shall publish a report on their”, substitute “body designated under regulation 8 of the Merchant Shipping (Passengers' Rights) Regulations 2013 must publish a report on its”.

(14) Omit Article 27 (cooperation between enforcement bodies).

(15) For Article 28 (penalties), substitute—

“The Merchant Shipping (Passengers' Rights) Regulations 2013 lay down rules on penalties applicable to the infringement of the provisions of this Regulation.”.

(16) Omit Articles 29 (report) and 31 (entry into force).

(17) After Article 31 (entry into force), omit the paragraph beginning with the words “This Regulation shall be”.

(18) In Annex I (right to reimbursement or re-routing for disabled persons and persons with reduced mobility as referred to in Article 8), in paragraph 2, for “Directive 90/314/EEC”, substitute “the Package Travel and Linked Travel Arrangements Regulations 2018 ”.

(19) In Annex III (assistance on board ships as referred to in Articles 10 and 13), in paragraph 1, for “national regulations”, substitute “ any enactment or rule of law ”.

**Commencement Information**

**I3** Reg. 7 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** OJ No. L 334, 17.12.2010, p. 1.

**M5** S.I. 2010/1075, to which there are amendments not relevant to these regulations.

**M6** S.I. 2018/634.

**Revocation of Council Decisions 2012/22/EU and 2012/23/EU**

8. The following are revoked—

(a) Council Decision 2012/22/EU of 12 December 2011 concerning the accession of the European Union to the Protocol of 2002 to the Athens Convention relating to the Carriage

of Passengers and their Luggage by Sea, 1974, with the exception of Articles 10 and 11 thereof<sup>M7</sup>; and

- (b) Council Decision 2012/23/EU of 12 December 2011 concerning the accession of the European Union to the Protocol of 2002 to the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 1974, as regards Articles 10 and 11 thereof<sup>M8</sup>.

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**Commencement Information**

- I4** Reg. 8 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)
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**Marginal Citations**

- M7** OJ No. L 8, 12.1.2012, p. 1.  
**M8** OJ No. L 8, 12.1.2012, p. 13.

**Changes to legislation:**

There are currently no known outstanding effects for the The Merchant Shipping (Passengers' Rights) (Amendment etc.) (EU Exit) Regulations 2019, Amendment and revocation of retained direct EU legislation.