

2020 No. 1429

EXITING THE EUROPEAN UNION

MERCHANT SHIPPING

ENVIRONMENTAL PROTECTION

HEALTH AND SAFETY, NORTHERN IRELAND

The Ship Recycling (Facilities and Requirements for Hazardous Materials on Ships) (Amendment) (EU Exit) Regulations 2020

Made - - - - *4th December 2020*

Coming into force in accordance with regulation 1

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 8(1) and 8C of the European Union (Withdrawal) Act 2018(a).

A draft of this instrument has been approved by a resolution of each House of Parliament, in accordance with paragraphs 1 and 8F(b) of Schedule 7 to the European Union (Withdrawal) Act 2018.

Citation and commencement

1. These Regulations may be cited as the Ship Recycling (Facilities and Requirements for Hazardous Materials on Ships) (Amendment) (EU Exit) Regulations 2020 and come into force immediately before IP completion day.

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

2. The Ship Recycling (Facilities and Requirements for Hazardous Materials on Ships) (Amendment) (EU Exit) Regulations 2019(c) are amended as follows.

(a) 2018 c. 16. The European Union (Withdrawal) Act 2018 was amended by the European Union (Withdrawal Agreement) Act 2020 (c. 1) (“the 2020 Act”); section 8C was inserted by section 21 of that Act.
(b) Paragraph 8F was inserted by paragraph 51 of Schedule 5 to the 2020 Act.
(c) S.I. 2019/277.

Amendment of regulation 4

3. In regulation 4 (amendment of the Ship Recycling Facilities Regulations (Northern Ireland) 2015)(a)—

- (a) omit paragraph (2)(a) and the “and” which follows it;
- (b) for paragraph (5) substitute—

“(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.”.

Amendment of regulation 6

4. In regulation 6 (amendment of Regulation (EU) 1257/2013)—

- (a) in the text inserted by paragraph (2)(b), omit “to” the first time that word appears;
- (b) in the text inserted by paragraph (2)(c), at the beginning insert “United Kingdom flagged”;
- (c) in paragraph (8)(a), at the end insert “and the word “and” that precedes it”;
- (d) after paragraph (11)(a) insert—

“(aa) in the first sub-paragraph of paragraph 1—

- (i) omit “of a Member State”;
- (ii) for “flying the flag of a third country” substitute “other than a United Kingdom ship”;

(ab) in the second sub-paragraph of paragraph 1 omit—

- (i) “of a Member State”;

(a) S.R. 2015 No. 229, amended by S.R. 2018 No. 171.

- (ii) “of that Member State”;;
- (e) after paragraph (11)(g) insert—
 - “(h) in paragraph 8—
 - (i) for “ships flying the flag of a third country applying to be registered under the flag of a Member State” substitute “a non-United Kingdom flagged ship applying to be registered under the flag of the United Kingdom”;
 - (ii) omit “under the flag of that Member State”;;
- (f) in paragraph (13)—
 - (i) for sub-paragraph (b)(i) substitute—
 - “(i) for “Union law provisions” substitute “direct EU legislation provisions or provisions of this Regulation in relation to ship recycling facilities in Northern Ireland”;;
 - (ii) for sub-paragraph (f) substitute—
 - “(f) for paragraph 5 substitute—
 - “5. Where a ship recycling facility in Northern Ireland—
 - (a) has been authorised in accordance with paragraph 1; or
 - (b) ceases to comply with the requirements set out in Article 13,
- the Secretary of State shall inform the Commission thereof without delay.”;;
- (g) in paragraph (15), at the end of the new Article 16 inserted by that provision, insert—
 - “7. The Secretary of State shall communicate to the European Commission all information that may be relevant in respect of the updating of the European List in relation to those facilities in Northern Ireland.”;
- (h) in paragraph (17), omit sub-paragraph (a).

Signed by authority of the Secretary of State for Transport

Rachel Maclean
Parliamentary Under Secretary of State
Department for Transport

4th December 2020

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers in section 8(1) and 8C of the European Union (Withdrawal) Act 2018 (c.16) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under section 8(2)(a), (d) and (g) of that Act) arising from the withdrawal of the United Kingdom from the European Union, and in order to give effect to the Protocol on Ireland/Northern Ireland in the withdrawal agreement respectively.

They amend the Ship Recycling (Facilities and Requirements for Hazardous Materials on Ships) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/277) so as to enable the provisions amended by those Regulations to continue to operate effectively in light of the Protocol on Ireland/Northern Ireland following IP completion day.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.

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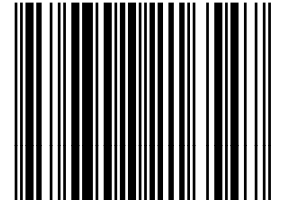
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