

**2020 No. 58**

**MERCHANT SHIPPING**

**The Merchant Shipping (Technical Requirements for Inland Waterway Vessels) (Amendment) Regulations 2020**

<i>Made</i>	- - - -	<i>23rd January 2020</i>
<i>Laid before Parliament</i>		<i>29th January 2020</i>
<i>Coming into force</i>	- -	<i>25th February 2020</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 85(1), (3) and (5) to (7) and 86(1) and (2) of the Merchant Shipping Act 1995(a) and section 2(2) of the European Communities Act 1972(b).

The Secretary of State has consulted the persons referred to in section 86(4) of the Merchant Shipping Act 1995.

The Secretary of State is a Minister designated(c) for the purposes of section 2(2) of the European Communities Act 1972 in relation to measures relating to the safety of ships and the health and safety of persons on them.

**Citation and commencement**

1.—(1) These Regulations may be cited as the Merchant Shipping (Technical Requirements for Inland Waterway Vessels) (Amendment) Regulations 2020.

(2) These Regulations come into force on 25th February 2020.

**Amendment of Regulations**

2. The Merchant Shipping (Technical Requirements for Inland Waterway Vessels) Regulations 2010(d) are amended as follows.

3. In regulation 2(1) (interpretation), for the definition of “technical requirements of Annex II”, substitute—

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(a) 1995 c.21. Section 85 was amended by the Merchant Shipping and Maritime Security Act 1997 (c.28), section 8 and Schedule 7 Part I. Sections 85 and 86 apply to hovercraft by virtue of the Hovercraft (Application of Enactments) Order 1989 (S.I. 1989/1350).

(b) 1972 c.68. Section 2(2) was amended by section 27 of the Legislative and Regulatory Reform Act 2006 (c.51) and by section 3 of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c.7).

(c) S.I. 1993/595.

(d) S.I. 2010/1075, amended by S.I. 2018/53 and S.I. 2019/160.

““technical requirements of Annex II” means the technical requirements contained in ES-TRIN standard 2019/1(a) as referred to in Annex II to Directive (EU) 2016/1629(b) and as set out in Merchant Shipping Notice MSN 1880(M) Amendment 1 —

- (a) excluding the transitional provisions contained in Chapter 32 of ES-TRIN standard 2019/1 for craft navigating on the Rhine, but
- (b) including the transitional provisions contained in Chapter 33 of ES-TRIN standard 2019/1 for craft operating exclusively on waterways outside the Rhine.”

4. In regulation 6(3) (obligation to carry a certificate), after each reference to “MSN 1879(M)”, insert “Amendment 1”.

5. In regulation 9 (Union inland navigation certificates and supplementary Union inland navigation certificates)—

- (a) for paragraph 1(a), substitute—

“(a) in the form set out in section I of Annex 3 to ES-TRIN standard 2019/1 as set out in Merchant Shipping Notice MSN 1880(M) Amendment 1, and”; and

- (b) for paragraph 2(a), substitute—

“(a) in the form set out in section III of Annex 3 to ES-TRIN standard 2019/1 as set out in Merchant Shipping Notice MSN 1880(M) Amendment 1, and”.

6. In regulation 15(1)(c) (transitional provision), for “2016”, substitute “2018”.

Signed by authority of the Secretary of State for Transport

*Nusrat Ghani*  
Parliamentary Under Secretary of State  
Department for Transport

23rd January 2020

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the Merchant Shipping (Technical Requirements for Inland Waterway Vessels) Regulations 2010 (S.I. 2010/1075) (“the 2010 Regulations”) to reflect amendments made to Annex II to Directive (EU) 2016/1629 of the European Parliament and of the Council of 14th September 2016 laying down technical requirements for inland waterway vessels, amending Directive 2009/100/EC and repealing Directive 2006/87/EC (“the Directive”) by Commission Delegated Regulation (EU) 2019/1668 of 26 June 2019 (OJ No L 256 07.10.2019, p. 1).

These Regulations also give effect, in regulation 6, to the Corrigendum of 5<sup>th</sup> July 2019 to Directive (EU) 2016/1629 which corrected the date documents issued before which by the competent authorities of the Member States under the Directive would remain valid until they expire from 6th October 2016 to 6th October 2018.

The Commission Delegated Regulation updates the ES-TRIN standard referred to in Annex II to the Directive to refer to ES-TRIN 2019/1.

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- (a) ES-TRIN standard 2019/1 is a European standard laying down technical requirements for inland navigation vessels produced by the European Committee for drawing up Standards in the field of Inland Navigation (CESNI). It can be accessed at [https://www.cesni.eu/wp-content/uploads/2018/12/ES\\_TRIN\\_2019\\_en.pdf](https://www.cesni.eu/wp-content/uploads/2018/12/ES_TRIN_2019_en.pdf) but is set out in full in MSN 1880(M) Amendment 1 (over 500 pages).
  - (b) OJ No. L 252, 16.9.2016, p. 118 as last amended by Commission Delegated Regulation (EU) 2019/1668 of 26 June 2019, OJ No. L 256, 07.10.2019, p. 1.
  - (c) Regulation 15 was inserted by regulation 13 of S.I.2019/160.

Accordingly, it has been necessary to update references to ES-TRIN standard 2017/1 in the 2010 Regulations to ES-TRIN standard 2019/1.

Regulation 3 amends the definition of “technical requirements of Annex II” in regulation 2 (interpretation) of the 2010 Regulations to refer to the version of Annex II as amended by Commission Delegated Regulation (EU) 2019/1668 of 26 June 2019. It also updates the reference to “Merchant Shipping Notice MSN 1880(M)” to “Merchant Shipping Notice MSN 1880(M) Amendment 1” which contains the updated ES-TRIN standard.

Regulation 4 amends regulation 6 (obligation to carry a certificate) of the 2010 Regulations to refer to the updated version of Merchant Shipping Notice MSN 1879(M).

Regulation 5 amends regulation 9 (Union inland navigation certificates and supplementary Union inland navigation certificates) of the 2010 Regulations to update references to the ES-TRIN standard and Merchant Shipping Notice MSN 1880(M).

Regulation 6 amends regulation 15 (transitional provision) by substituting “2018” for “2016”.

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An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen. An explanatory memorandum is available alongside this instrument on the UK legislation website, [www.legislation.gov.uk](http://www.legislation.gov.uk).

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£4.90

UK202001271013 02/2020 19585

<http://www.legislation.gov.uk/id/uksi/2020/58>

ISBN 978-0-11-119239-9



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