STATUTORY INSTRUMENTS

1989 No. 2005

MERCHANT SHIPPING
SAFETY

The Collision Regulations (Seaplanes) Order 1989

Made - - - -	*1st November 1989*
Laid before Parliament	*8th November 1989*
Coming into force	*19th November 1989*

At the Court at Buckingham Palace, the 1st day of November 1989

Present,

The Queen's Most Excellent Majesty in Council

Whereas

(1) by virtue of section 418(1) of the Merchant Shipping Act 1894(**a**) (hereinafter referred to as "the 1894 Act") Her Majesty may by Order in Council, on the joint recommendation of the Secretary of State for Defence and the Secretary of State for Transport(**b**), make regulations for the prevention of collisions at sea;

(2) by virtue of section 97(1) of the Civil Aviation Act 1982(**c**) (hereinafter referred to as "the 1982 Act") that power includes power to make regulations for the prevention of collisions at sea –

(a) between seaplanes on the surface of the water and

(b) between vessels and seaplanes on the surface of the water; and

(3) the afore-mentioned Secretaries of State have recommended Her Majesty to give effect to the International Regulations for Preventing Collisions at Sea 1972(**d**), as amended by Resolution A.464(XII) of the International Maritime Organisation(**e**) and as further amended with effect from 19th November 1989 by Resolution A626(15) of that Organisation ("the International Regulations") and it is accordingly desired that the International Regulations should apply and have effect in relation to seaplanes on the surface of the water:

Now, therefore, Her Majesty, in exercise of the powers conferred upon Her by section 418(1) of the 1894 Act as extended by section 97(1) of the 1982 Act and by section 738 of the 1894 Act, and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

(**a**) 1894 c.60. (**b**) The responsibilities placed on the Admiralty and the Board of Trade under section 418(1) of the 1894 Act have been transferred to the Secretaries of State under S.I.'s 1970/1537, 1974/692 and 1983/1127. (**c**) 1982 c.16. (**d**) Cmnd.6962. (**e**) Cmnd.8500.

1. This Order may be cited as the Collision Regulations (Seaplanes) Order 1989 and shall come into force on 19th November 1989: Provided that it shall not come into operation in relation to any seaplane until noon on that date by the zone time in the area in which the seaplane is situated.

2. This Order shall apply to seaplanes on the surface of the water which are registered in the United Kingdom wherever they may be and to other seaplanes on the surface of the water while they are within the United Kingdom or the territorial waters thereof.

3. The Collision Rules (Seaplanes) Order 1983(**a**) is hereby revoked.

4. The following provisions of the Merchant Shipping (Distress Signals and Prevention of Collisions) Regulations 1989(**b**), namely –

(a) Regulation 1(2) (Interpretation) with the modifications specified in the Schedule hereto, and

(b) the International Regulations set out in the Schedule thereto with the exception of Annex IV thereof (distress signals)

shall have effect as the Collision Regulations in relation to seaplanes to which this Order applies for the purposes of sections 418, 419 and 421 of the 1894 Act as extended by the 1982 Act.

G. I. de Deney
Clerk of the Privy Council.

(**a**) S.I. 1983/768. (**b**) S.I. 1989/1798.

SCHEDULE

Article 4

MODIFICATIONS TO REGULATION 1(2) OF THE MERCHANT SHIPPING (DISTRESS SIGNALS AND PREVENTION OF COLLISIONS) REGULATIONS 1989

1. In paragraph (a) the definition of "date of entry into force of these Regulations" shall be replaced by the following:

"date of entry into force of these Regulations" in Rule 38 (exemptions) of the International Regulations means –

(i) in the case of seaplanes registered in the United Kingdom, 15th July 1977, and

(ii) in the case of seaplanes registered outside the United Kingdom, the date of entry into force of the International Regulations for the State in which the seaplane is registered;.

2. In paragraph (a) the definitions of "Merchant Shipping Notice" and "United Kingdom vessel" shall be deleted.

3. In pararaph (b), sub-paragraph (i), after the words "Admiralty Notice to Mariners No. 17" there shall be inserted the words "of 1989".

4. In paragraph (b), sub-paragraph (ii) and the proviso shall be deleted.

5. Paragraph (d) shall be deleted.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order applies to seaplanes on the water which are registered in the United Kingdom wherever they may be and to other seaplanes on the water while they are within the United Kingdom or the territorial waters thereof. It revokes the Collision Rules (Seaplanes) Order 1983; and provides that regulation 1(2) (interpretation) (with modifications) and the International Regulations set out in Schedule 1 to the Merchant Shipping (Distress Signals and Prevention of Collisions) Regulations 1989 (S.I. 1989/1798) shall have effect (with the exception of Annex IV) as the Collision Regulations for the purposes of sections 418, 419 and 421 of the Merchant Shipping Act 1894 as extended to seaplanes on the surface of the water.

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