Draft Order laid before Parliament under section 1(4) of the Hovercraft Act 1968, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2025 No. XXX

HOVERCRAFT

The Hovercraft (Application of Enactments) (Amendment) Order 2025

Made - - - -	*xxx*
Coming into force	*xxx*

At the Court at Buckingham Palace, the xxx day of xxx

Present,

The King's Most Excellent Majesty in Council

A draft of this Order has, in accordance with section 1(4) of the Hovercraft Act 1968(**a**), been laid before Parliament and approved by a resolution of each House of Parliament.

Accordingly, His Majesty, in exercise of the powers conferred by section 1(1)(h) and (3) of the Hovercraft Act 1968, is pleased, by and with the advice of His Privy Council, to order as follows.

Citation, commencement and extent

1.—(1) This Order may be cited as the Hovercraft (Application of Enactments) (Amendment) Order 2025.

(2) This Order comes into force on the day after the day on which it is made.

(3) This Order extends to England and Wales, Scotland and Northern Ireland.

Amendment of the Hovercraft (Application of Enactments) Order 1989

2.—(1) The Hovercraft (Application of Enactments) Order 1989(**b**) is amended as follows.

(2) For article 2 (inquiries and investigations into hovercraft casualties), substitute—

"**2.**—(1) Subject to paragraph (2)—

(a) the Merchant Shipping (Formal Investigations) Rules 1985(**c**);

(**a**) 1968 c. 59. Section 1(1)(h) was amended by the Supreme Court Act 1981 (c. 54), Schedule 5, and the Constitutional Reform Act 2005 (c. 4), Schedule 11, Part 1, paragraph 1(2). There are other amendments to the Act but none is relevant.

(**b**) S.I. 1989/1350, amended by S.I. 1990/2594 and 2022/844. There are other amendments not relevant to this Order.

(**c**) S.I. 1985/1001, amended by S.I. 1990/123, 1997/2971, 2000/1623 and 2006/680. Rule 17(1) was amended by the Constitutional Reform Act 2005 (c. 4), Schedule 4, paragraph 184 and Schedule 18, Part 3.

(b) sections 267 to 270 of the Merchant Shipping Act 1995(**a**); and

(c) the Merchant Shipping (Accident Reporting and Investigation) Regulations 2012(**b**);

apply in relation to hovercraft and to persons connected with hovercraft as they apply in relation to ships and to persons connected with ships, and for that purpose have effect subject to the modification that for any reference to a ship, or to ships, there is respectively substituted a reference to a hovercraft and to hovercraft.

(2) For the purposes of paragraph (1)(a), the Merchant Shipping (Formal Investigations) Rules 1985 have effect subject to the modifications set out in Part C of Schedule 1 to this Order.".

(3) In article 3 (prevention of pollution by hovercraft)—

(a) in the entry for the Prevention of Oil Pollution Act 1971(**c**)—

(i) omit—

(aa) "2(2A), (2B) and (4), 5, 7, ";

(bb) "20,"; and

(cc) ", 24"; and

(ii) after "11", insert ", 11A";

(b) omit the entries from "The Merchant Shipping (Prevention of Oil Pollution) Regulations 1983" to "The Merchant Shipping (Reception Facilities for Garbage) Regulations 1988";

(c) before the entry for the Merchant Shipping Act 1995, insert—

"The Merchant Shipping (Prevention and Control of Pollution) Order 1987(**d**)

Articles 3, 4 and 5.

The Merchant Shipping (Prevention and Control of Pollution) Order 1990(**e**)

Article 3.";

(d) in the entry for the Merchant Shipping Act 1995, for "and 129." substitute—

", 129 and 130A to 130E.";

(e) after the entry for the Merchant Shipping (Prevention of Pollution) (Law of the Sea Convention) Order 1996, insert—

"The Merchant Shipping (Control of Pollution) (SOLAS) Order 1998(**f**)

Article 2.

The Merchant Shipping and Fishing Vessels (Port Waste Reception Facilities) Regulations 2003(**g**)

The whole Regulations.

The Merchant Shipping (Prevention of Air Pollution from Ships) Order 2006(**h**)

(**a**) 1995 c. 21. Section 269 was amended by the Deregulation Act 2015 (c. 20), section 55.
(**b**) S.I. 2012/1743, amended by S.I. 2013/2882 and 2018/1400.
(**c**) 1971 c. 60. Sections 2(2A) and (2B), 20 and 24 were repealed by the Merchant Shipping Act 1995, Schedule 12. Section 2(4) was amended by S.I. 2015/664. Sections 5 and 7 were repealed by the Merchant Shipping Act 1995, Schedule 12 except in their application to section 2(1) and (3) of the Prevention of Oil Pollution Act 1971. Section 11 was amended by the Merchant Shipping Act 1995, Schedule 12, and the Criminal Justice Act 1982 (c. 48), sections 37 and 46. Section 11A was inserted by the Environment Act 1995 (c. 25), Schedule 22, paragraph 15 and amended by the Pollution Prevention and Control Act 1999 (c. 24), Schedule 2, paragraph 1 and Schedule 3 and the Regulatory Reform (Scotland) Act 2014 (asp 3), Schedule 3, paragraph 2. Section 23 was amended by the Petroleum Act 1998 (c. 17), Schedule 4, paragraph 4. Section 30 was amended by the Northern Ireland Constitution Act 1973 (c. 36), Part 1 of Schedule 6, the Environmental Protection Act 1990 (c. 43), Schedule 14, paragraph 7 and the Merchant Shipping Act 1995, Schedule 12.
(**d**) S.I. 1987/470, amended by S.I. 1990/2595, 1997/2569, 1998/254 and 2015/664.
(**e**) S.I. 1990/2595.
(**f**) S.I. 1998/1500.
(**g**) S.I. 2003/1809, amended by S.I. 2009/1176, 2016/1211, 2018/68 and 2018/1221.
(**h**) S.I. 2006/1248.

Articles 2 and 3.

The Merchant Shipping (Prevention of Pollution by Sewage and Garbage) Order 2006(**a**)

Articles 3, 4, 5 and 6.

The Merchant Shipping (Prevention of Air Pollution from Ships) Regulations 2008(**b**)

The whole Regulations.

The Merchant Shipping (Prevention of Pollution from Noxious Liquid Substances in Bulk) Regulations 2018(**c**)

The whole Regulations.

The Merchant Shipping (Prevention of Oil Pollution) Regulations 2019(**d**)

The whole Regulations.

The Merchant Shipping (Prevention of Pollution by Sewage from Ships) Regulations 2020(**e**)

The whole Regulations.

The Merchant Shipping (Prevention of Pollution by Garbage from Ships) Regulations 2020(**f**)

The whole Regulations.

The Merchant Shipping (Carriage of Dangerous Goods and Harmful Substances) (Amendment) Regulations 2024(**g**)

Regulations 3 to 6, 8 to 12 and 28 to 34.";

(f) for the words from "shall apply" to the end, substitute—

"apply in relation to hovercraft and to persons connected with hovercraft as they apply in relation to ships and to persons connected with ships, and for that purpose have effect subject to the modification that for any reference to a ship, or to ships, there is respectively substituted a reference to a hovercraft and to hovercraft.".

(4) In article 4 (safety regulations), for "Sections 21 and 22 of the Merchant Shipping Act 1979 shall" substitute "Sections 85 and 86 of the Merchant Shipping Act 1995".

(5) After article 5 (manning), insert—

"Fees

6. Section 302 of the Merchant Shipping Act 1995 applies in relation to hovercraft and to persons connected with hovercraft as it applies in relation to ships and to persons connected with ships, and for that purpose has effect subject to the modification that for the reference to a ship, there is substituted a reference to a hovercraft.

Power to make ambulatory references to international instruments

7. Section 306A of the Merchant Shipping Act 1995 applies in relation to hovercraft and to persons connected with hovercraft as it applies in relation to ships and to persons connected with ships, and for that purpose has the effect that, where subordinate legislation made under that Act—

(a) includes ambulatory provision within the meaning of subsection (4) of that section; and

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(**a**) S.I. 2006/2950, amended by S.I. 2015/664.
(**b**) S.I. 2008/2924, amended by S.I. 2010/895, 2010/3035, 2011/3056, 2014/3076, 2014/3306, 2016/1025, 2019/311, 2019/940, 2021/1108 and 2023/384.
(**c**) S.I. 2018/68, amended by S.I. 2018/1104, 2019/42, 2020/496, 2021/818 and 2022/1342.
(**d**) S.I. 2019/42, amended by S.I. 2021/818, 2022/1219, 2022/1234, 2024/636 and 2024/1296.
(**e**) S.I. 2020/620, amended by S.I. 2022/1234.
(**f**) S.I. 2020/621, amended by S.I. 2024/570.
(**g**) S.I. 2024/636.

(b) applies, by virtue of this Order, in relation to hovercraft and to persons connected with hovercraft,

such ambulatory provision applies in relation to the application of that subordinate legislation in relation to hovercraft and to persons connected with hovercraft as it applies in relation to the application of that subordinate legislation in relation to ships and to persons connected with ships.".

(6) For Part C of Schedule 1, substitute—

"Modifications of the Merchant Shipping (Formal Investigations) Rules 1985 applied by Article 2

1. In rule 2(1)—

(a) for the definition of "accident", substitute the following—

""accident" has the meaning given in regulation 3 of the Merchant Shipping (Accident Reporting and Investigation) Regulations 2012;";

(b) omit the definition of "officer".

2. In rule 4, omit paragraphs (3) and (4).

3. In rule 10, omit the second sentence.

4. For rule 12 substitute—

"Result of Formal Investigation

12. At the end of the formal investigation the wreck commissioner must give a brief summary of his findings in public and make a report on the case to the Secretary of State including his and the assessor's, or assessors', findings as to the reasons for the hovercraft casualty or incident or as to any particular matters relating to the casualty or incident, or as to the conduct of any person implicated in the casualty or incident.".

(7) Omit—

(a) Schedule 1, Parts A and B; and

(b) Schedule 2.

Name
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Hovercraft (Application of Enactments) Order 1989 (S.I. 1989/1350) ("the 1989 Order"), which makes provision for specified primary and secondary maritime legislation to apply to hovercraft as it applies to ships.

Article 2(2) amends article 2 of the 1989 Order (which makes provision in relation to inquiries and investigations into hovercraft casualties) to substitute references to legislation which has been repealed with references to the corresponding extant provisions. For the purposes of the application of the Merchant Shipping (Formal Investigations) Rules 1985 to hovercraft subject to modifications, article 2(6) retains Part C of Schedule 1 to the 1989 Order subject only to substituting the original provision with an updated version.

Article 2(3) amends article 3 of the 1989 Order (which makes provision in relation to prevention of pollution by hovercraft) to substitute references to legislation which has been repealed with references to the corresponding extant provisions.

Article 2(4) amends article 4 of the 1989 Order (which makes provision in relation to the safety of hovercraft) to replace references to sections of the Merchant Shipping Act 1979 with references to those sections of the Merchant Shipping Act 1995 ("the 1995 Act") which superseded them.

Article 2(5) inserts new articles 6 and 7 into the 1989 Order.

The effect of new article 6 is to apply the powers in section 302 of the 1995 Act to hovercraft. This will enable fees to be prescribed in respect of a range of actions which may be taken in relation to hovercraft and to persons connected with hovercraft.

The effect of new article 7 is to apply the powers in section 306A of the 1995 Act to hovercraft. This will ensure that, where secondary legislation applies, by virtue of the 1989 Order, in relation to hovercraft and to persons connected with hovercraft and contains references to international conventions or treaties that are ambulatory references by virtue of section 306A, those references are ambulatory not only for the purposes of the application of that secondary legislation to ships and to persons connected with ships but also for the purposes of its application to hovercraft and to persons connected with hovercraft.

Article 2(7) omits Parts A and B of Schedule 1, and Schedule 2, to the 1989 Order.

A full impact assessment has not been prepared for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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