Draft Order laid before Parliament under section 1(4) of the Hovercraft Act 1968 and section 129(3) of the Merchant Shipping Act 1995, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2022 No. 0000

HOVERCRAFT

MARINE POLLUTION

The Hovercraft (Application of Enactments) and Merchant Shipping (Prevention of Pollution) (Law of the Sea Convention) Amendment Order 2022

Made - - - -	*2022*
Coming into force	
for the purpose of article 1 and 3	*2022*
for the purpose of article 2	*2022*

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

The Queen's Most Excellent Majesty in Council

A draft of this Order has, in accordance with section 1(4) of the Hovercraft Act 1968(**a**) and section 129(3) of the Merchant Shipping Act 1995(**b**), been laid before Parliament and approved by a resolution of each House of Parliament.

Accordingly, Her Majesty, in exercise of the powers conferred by section 1(1)(h) and (3) of the Hovercraft Act 1968, and section 129(1) and (2)(a) of the Merchant Shipping Act 1995, is pleased, by and with the advice of Her Privy Council, to order as follows.

Citation, commencement and extent

1.—(1) This Order may be cited as the Hovercraft (Application of Enactments) and Merchant Shipping (Prevention of Pollution) (Law of the Sea Convention) Amendment Order 2022.

(2) Subject to paragraph (3), this Order comes into force on the day after the day on which it is made.

(3) Article 2 comes into force on the day after the day specified in paragraph (2).

(**a**) 1968 c. 59. Section 1(1)(h) was amended by the Supreme Court Act 1981 (c. 54), section 152(1) and Schedule 5, and the Constitutional Reform Act 2005 (c. 4), section 59(5), Schedule 11, Part 1, paragraph 1(2). There are other amendments to the Act but none is relevant.

(**b**) 1995 c. 21. There are amendments to the Act but none is relevant.

(4) 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(**a**) is amended as follows.

(2) In article 3 (prevention of pollution by hovercraft), at the end of the list of provisions, insert—

"The Merchant Shipping Act 1995

Sections 128(**b**) and 129

The Merchant Shipping (Prevention of Pollution) (Law of the Sea Convention) Order 1996(**c**)

The Whole Order".

(3) After article 4 (safety regulations), insert—

"Manning

5. Section 47 of the Merchant Shipping Act 1995(**d**) 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 any reference to a ship, or to ships, there is respectively substituted a reference to a hovercraft and to hovercraft.".

Amendment of the Merchant Shipping (Prevention of Pollution) (Law of the Sea Convention) Order 1996

3.—(1) The Merchant Shipping (Prevention of Pollution) (Law of the Sea Convention) Order 1996 is amended as follows.

(2) In article 2, in paragraph (2), for sub-paragraphs (c) and (d) substitute—

"(c) that a specified contravention of the regulations is to be an offence punishable—

(i) on summary conviction—

(aa) in England and Wales by a fine;

(bb) in Scotland or Northern Ireland by a fine not exceeding the statutory maximum; or

(ii) on conviction on indictment by imprisonment for a term not exceeding two years, or a fine, or both;

(d) that a specified contravention of the regulations is to be an offence punishable only on summary conviction—

(i) in England and Wales by a fine;

(ii) in Scotland or Northern Ireland by a fine not exceeding level 5 on the standard scale;".

Clerk of the Privy Council

(**a**) S.I. 1989/1350, to which there are amendments not relevant to this Order.
(**b**) 1995 c. 21. Section 128 was amended by the Merchant Shipping and Marine Security Act 1997 (c. 28), sections 12 and 29, Schedule 6, paragraph 3 and Schedule 7 and the Merchant Shipping (Pollution) Act 2006 (c. 8), section 2.
(**c**) S.I. 1996/282, amended by this Order. There are other amendments not relevant to this Order.
(**d**) Section 47 was amended by the Marine Navigation Act 2013 (c. 23), section 10.

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") and the Merchant Shipping (Prevention of Pollution) (Law of the Sea Convention) Order 1996 (S.I. 1996/282) ("the 1996 Order").

Article 2(2) inserts references to sections 128 and 129 of the Merchant Shipping Act 1995, and to the 1996 Order (as amended by article 3 of this Order), into the prevention of pollution instruments listed in article 3 of the 1989 Order so as to apply the relevant provisions of those sections and the 1996 Order to, or in relation to, hovercraft.

Article 2(3) inserts new article 5 into the 1989 Order so as to introduce provision which applies section 47 of the Merchant Shipping Act 1995 (relating to the manning of ships) to, or in relation to, hovercraft and to persons connected with hovercraft.

Article 3 substitutes article 2(2)(c) of the 1996 Order so as to authorise the making of regulations under that Order to provide that a contravention of such regulations is an offence punishable on summary conviction by a fine or on conviction on indictment by imprisonment for a term not exceeding two years, or a fine, or both. Article 3 also substitutes article 2(2)(d) of the 1996 Order for the purposes of updating the drafting of that provision, which provides that a contravention of such regulations may be an offence punishable only on summary conviction by a fine.

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.

An Explanatory Memorandum is published alongside the instrument on www.legislation.gov.uk.

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