This Statutory Instrument has been largely made in consequence of a defect in SI 1987/548 and is being issued free of charge to all known recipients of that Statutory Instrument

STATUTORY INSTRUMENTS

1987 No. 854

MERCHANT SHIPPING

MARINE POLLUTION

The Merchant Shipping (Fees) (Amendment) (No. 2) Regulations 1987

Made - - - -	*11th May 1987*
Laid before Parliament	*15th May 1987*
Coming into force	*16th May 1987*

The Secretary of State for Transport, in exercise of the powers conferred by:–

(i) section 33 of the Merchant Shipping (Safety Convention) Act 1949(**a**);
(ii) section 1(1)(d) of the Anchors and Chain Cables Act 1967(**b**);
(iii) section 6 of the Fishing Vessels (Safety Provisions) Act 1970(**c**);
(iv) section 84 of the Merchant Shipping Act 1970(**d**);
(v) section 17 of and Schedule 5 to the Merchant Shipping Act 1974(**e**);
(vi) section 21(1) and (3)(r) of the Merchant Shipping Act 1979(**f**);
(vii) article 3(2)(a) of the Merchant Shipping (Prevention and Control of Pollution) Order 1987(**g**);

and now vested in him(**h**) and of all other powers enabling him in that behalf, and with the consent and approval of the Treasury (except in respect of the powers conferred by the Act of 1974) hereby makes the following Regulations:–

1. These Regulations may be cited as the Merchant Shipping (Fees) (Amendment) (No. 2) Regulations 1987 and shall come into force on 16th May 1987.

2. The Merchant Shipping (Fees) (Amendment) Regulations 1987(**i**) are hereby revoked.

3. The Merchant Shipping (Fees) Regulations 1987(**j**) shall be amended as follows:

(a) there shall be added to regulation 5 the following paragraph:–
"(3) Where a fee payable under these Regulations is for, or covers, the issue or endorsement of a certificate, the certificate need not be issued or endorsed unless that fee has been paid.".
(b) in the Schedule, in Part I, paragraph 1(2):–

(**a**) 1949 c.43; section 33 was extended by section 2(4) of the Merchant Shipping Act 1964 (c.47), which was amended by S.I. 1980/539. (**b**) 1967 c.64. (**c**) 1970 c.27. (**d**) 1970 c.36. (**e**) 1974 c.43. (**f**) 1979 c.39. (**g**) S.I. 1987/470. (**h**) *See* S.I. 1970/1537. (**i**) S.I. 1987/548. (**j**) S.I. 1987/63, amended by S.I. 1987/548 which is revoked by these Regulations.

(i) in section A (CREW), there shall be added at the end the following entries:–

Merchant Shipping (Safety Officials and Reporting of Accidents and Dangerous Occurrences) Regulations 1982	876	1984/93
Merchant Shipping (Certification of Deck Officers) Regulations 1985	1306	
Merchant Shipping (Protective Clothing and Equipment) Regulations 1985	1664	
Merchant Shipping (Certification of Marine Engineer Officers and Licensing of Marine Engine Operators) Regulations 1986	1935	

(ii) in section C (DANGEROUS GOODS) there shall be added the following entries:–

Merchant Shipping (Chemical Tankers) Regulations 1986	1068	
Merchant Shipping (Gas Carriers) Regulations 1986	1073	

(iii) in section E (FIRE AND LIFE SAVING), there shall be added the following entry:–

Merchant Shipping (Life-Saving Appliances) Regulations 1986	1066	

(iv) in section I (RADIO AND NAVIGATIONAL EQUIPMENT), the entry relating to the Merchant Shipping (Navigational Equipment) Regulations 1980 shall be omitted;

(v) in section J (SHIPS – CONSTRUCTION AND EQUIPMENT), the entry relating to the Anchors and Chain Cables Rules 1970(a) shall be omitted;

(vi) in section K the title "OIL POLLUTION" shall be changed to "PREVENTION AND CONTROL OF POLLUTION", and there shall be added the following entries:–

Merchant Shipping (IBC Code) Regulations 1987	549	
Merchant Shipping (BCH Code) Regulations 1987	550	
Merchant Shipping (Control of Pollution by Noxious Liquid Substances in Bulk) Regulations 1987	551	

(c) In the Schedule, in Part I, paragraph 2(d), for "the Merchant Shipping (Navigational Equipment) Regulations 1980" there shall be substituted "the Merchant Shipping (Navigational Equipment) Regulations 1984", and for "the Merchant Shipping (Radios) (Fishing Vessels) Rules 1984" there shall be substituted "the Merchant Shipping (Radio) (Fishing Vessels) Rules 1974";

(d) In the Schedule, in Part I, paragraph 3:–

(i) the words "and except in relation to the services referred to in paragraph 5 below" shall be inserted after "Subject to paragraph 4 below";

(ii) in sub-paragraph (c) "under section 76(1) of the Act of 1970" shall be added after "inspection" where it first appears and the word "on" shall be inserted after "whether or not"; and

(iii) in sub-paragraph (e) the words "except in relation to section K of paragraph 1(2) above, consideration of" shall be inserted at the start;

(e) in the Schedule, in Part I, there shall be added the following new paragraph:–

(a) S.I. 1970/1453.

"5. Subject to any additional charge payable under Part X of this Schedule, the fee for supervision and inspection under the Anchors and Chain Cables Rules 1970, and the issue of Certificates under those Rules, shall be determined by the amount of work involved charged at an hourly rate of £45.50.";

(f) in the Schedule, in Part III, for "below," there shall be substituted "below)";

(g) in the Schedule, in Part V, the listed fees set out in column 1 of the Table below shall be replaced by those set out in column 2 of that Table.

Column 1	*Column 2*
£	£
145	150
210	215
45	47
80	83

(h) in the Schedule, in Part VI, the fees of £6 shall each be replaced by a fee of £5;

(i) in the Schedule, Part VIII shall be replaced by the following:–

"PART VIII
SEAMEN'S DOCUMENTS

Fees for the Issue of British Seamen's Cards and Discharge Books

1. In this Part "the Regulations" means the Merchant Shipping (Seamen's Documents) Regulations 1987(a); and the person to whom a British Seaman's Card or a discharge book has been issued is referred to as the holder of it.

Service

2.—(1) For the issue of a British Seaman's Card:–

(a) to a British Seaman under regulation 5 of the Regulations:
  (i) on postal application £15
  (ii) other £35

(b) to a person who would, but for the provisions of regulation 9 of the Regulations, be regarded as the holder of a British Seaman's Card:
  (i) on postal application £15
  (ii) other £35

(c) to a person who has ceased to be regarded as the holder of a British Seaman's Card because it has been lost, destroyed or defaced through shipwreck or fire at sea
No fee.

(2) For the issue of a discharge book under paragraph 1 or paragraph 2 of regulation 18 of the Regulations to a seaman–

(a) S.I. 1987/408.

(a) who, in accordance with regulation 17(1)(b) of the Regulations, produces a Seaman's Record Book (as defined in regulation 1(2)(e) of the Regulations), which has been issued to him, or a discharge book of which he would, but for the provisions of regulation 24(b) of the Regulations, be regarded as the holder:

(i) on postal application £15

(ii) other £35

(b) to whom a Seaman's Record Book (as so defined) has been issued or who was the holder of a discharge book which in either case has been lost, destroyed or defaced through shipwreck or fire at sea.

No fee.";

(j) in the Schedule, in Part X:–

(i) for the sub-heading and the opening paragraph there shall be substituted the following:–

"Fees in Respect of Surveys or Inspections, in or outside the United Kingdom, for Waiting Time and Attendance at Unusual Hours, Weekends and Public Holidays

(i) When an inspector or surveyor is unable to start an inspection, survey or test at the appointed hour, unless this is for reasons over which the applicant, his agent or supplier has no control or

(ii) where (except for similar reasons) an inspection, survey or test is disrupted; or

(iii) where an inspector or surveyor is called upon to perform services in the United Kingdom at unusual hours, or outside the United Kingdom;

an additional fee in accordance with the following Table shall be payable:

Provided that where the inspector or surveyor is able to avoid waiting time by carrying out other available surveys or inspection work in the vicinity, for which the appropriate fees have been paid, such additional fees will not be payable.";

(ii) in the heading to column 3 of the Table "etc" shall be deleted;

(iii) there shall be added to the Table a fourth column with the heading "Radio Surveys" and sub-heading "£ per hour" or part thereof" with the entries set out in the table below, to be made in respect to the entries referred to on the left:–

	Radio Surveys *£ per hour or part thereof*
1. For waiting time prior to the commencement of and during the course of a survey or inspection:	
for periods not in excess of one hour	No fee
for periods in excess of one hour–	
for surveys in the United Kingdom	£49.00
for surveys abroad	£98.00
2. For abortive visits in the United Kingdom: for the time wasted in excess of one hour at the place of survey or inspection plus the time occupied in travelling to and from the place of survey	£49.00
3. When a surveyor or inspector is called upon to perform services in the United Kingdom at unusual hours: for work undertaken during the following hours including time occupied in travelling:	
Monday to Fridays inclusive between 6pm and 8am and all day Saturday	£24.50
Sundays and Public Holidays	£49.00
4. When a surveyor or inspector is called upon to perform services outside the United Kingdom which involve working total hours in any one week in excess of normal weekly employment hours, for the excess hours of work	£12.30 per hour

John Moore
6th May 1987 Secretary of State for Transport

We consent to and approve the making of these Regulations,

Peter Lloyd
Mark Lennox-Boyd
11th May 1987 Two of the Lords Commissioners of Her Majesty's Treasury

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations replace the Merchant Shipping (Fees) (Amendment) Regulations 1987 which were made without the consent and approval of the Treasury. Those Regulations amended the Merchant Shipping (Fees) Regulations 1987. The main amendments were to increase the fees payable in respect of the registration of ships by approximately 3.6%, and to include further regulations for services in respect of which hourly fees are payable, in particular the regulations made to implement the coming into force of Annex II (Control of Pollution by Noxious Liquid Substances in Bulk) to the Convention for the Prevention of Pollution of Ships 1973 (MARPOL).

These Regulations also amend the principal Fee Regulations referred to, to provide that if a fee is for, or covers, a certificate, the certificate need not be issued or endorsed unless the fee is paid.

£1.30 net

ISBN 0 11 076854 X

Printed for Her Majesty's Stationery Office by Croydon Printing Company (UK) Limited 850/ 0763 C20 5/87