2004 No. 1977

MERCHANT SHIPPING

The Merchant Shipping (Fees) (Amendment) Regulations 2004

Made - - - - -	*21st July 2004*
Laid before Parliament	*10th August 2004*
Coming into force - -	*6th September 2004*

Whereas the Secretary of State is a Minister designated for purposes of section 2(2) of the European Communities Act 1972(**a**), in relation to measures relating to maritime transport and to water resources(**b**),

Now, therefore, the Secretary of State, in exercise of the powers conferred upon him by section 2(2) of the European Communities Act 1972 and by section 302(1) of the Merchant Shipping Act 1995(**c**) and by section 56 of the Finance Act 1973(**d**), and of all other powers enabling him in that behalf, with the consent of the Treasury, hereby makes the following Regulations:

Citation and commencement

1. Regulations may be cited as the Merchant Shipping (Fees) (Amendment) Regulations 2004 and shall come into force on 6th September 2004.

Amendment of the Merchant Shipping (Fees) Regulations 1996

2. Merchant Shipping (Fees) Regulations 1996(**e**) shall be amended in accordance with regulations 3 and 4.

3. In regulation 2(1) (interpretation and revocation), in the definition of "Maritime and Coastguard Agency", the words after "Transport" shall be omitted.

4.—(1) The Schedule to the Merchant Shipping (Fees) Regulations 1996 shall be amended as follows.

(2) In Part I (surveys, inspections and applications for exemption)—

(a) at the end of paragraph 1(2) there shall be added the following:

"*O. PORT WASTE RECEPTION FACILITIES, WASTE MANAGEMENT PLANS AND EXEMPTIONS*

Merchant Shipping and Fishing Vessels (Port Waste Reception Facilities) Regulations 2003 1809

(**a**) 1972 c. 68.
(**b**) S.I. 1994/757 and S.I. 2003/2901.
(**c**) 1995 c. 21.
(**d**) 1973 c. 51.
(**e**) S.I. 1996/3243; the relevant amending instruments are S.I. 2001/3340, S.I. 2001/3628 and S.I. 2003/788.

[DfT 13340]

Merchant Shipping (Officer Nationality) Regulations 1995 1427";

and

(b) in paragraph 2(1), for "£76" there shall be substituted "£78".

(3) In Part II (certificates of competency as an officer), for the paragraph commencing with the words "The fee for the issue", there shall be substituted the following—

"The fee for the issue or endorsement of any certificate of competency as an officer, other than a certificate of equivalent competency referred to in Part IV below, shall (except as provided in section C of Part III below) be £20.".

(4) In Part III, Section A (fees in connection with examinations for certificates of competency as deck or marine engineer officer (fishing vessel))—

(a) for paragraph 1 of the table, there shall be substituted the following:

"**1.** For examination for a certificate of competency, on each occasion on which a candidate presents himself for the practical oral part of the examination as a deck officer (fishing vessel) Class 1, 2 or 3 or an engineering officer (fishing vessel) Class 1or 2 £200";

and

(b) after paragraph 4, there shall be added the following:

"**5.** For rejection of an application for a certificate of competency £25

The sum of £175 shall be refunded out of the fee mentioned in paragraph 1 above where an application is rejected on grounds that the applicant does not meet the preliminary criteria for examination

6. For an initial assessment for engineering officer (fishing vessel) Class 1 or 2 £50

Where the fee of £50 has been paid for an initial assessment this sum shall be deducted from any subsequent fee payable under paragraph 1".

(5) In Part III, Section B (fees in connection with examinations for certificates of competency as master, deck officer or marine engineer officer (merchant ship)), for paragraph 1 of the table, there shall be substituted the following:

"**1.** For examination for a certificate of competency, on each occasion on which a candidate presents himself for the practical oral part of the examination as Master, Chief Mate, Officer of the Watch (Deck department), Chief Engineer, Second Engineer, or Officer of the Watch (Engine department) £200

Subject to paragraph 2 below, the fee payable under this paragraph shall be refunded if a certificate is not finally issued".

(6) In Part III, for Section C (addition, removal and amendments to endorsements and tanker endorsements), there shall be substituted the following:

"**SECTION C**

Endorsement and Revalidation

Service	*Fee*
1. For addition, removal or amendment to an endorsement or tanker endorsement	£50
2. For the grant of a certificate of continued proficiency and updating of knowledge in respect of a certificate of competency or service	£50".

(7) In Part III, Section D (miscellaneous)—

(a) in paragraph 6, for "£115" there shall be substituted "£145";

(b) paragraph 7 shall be deleted; and

(c) in paragraph 12, for "£60" there shall be substituted "£63".

(8) For Part IV (certificates of equivalent competency), there shall be substituted the following:

"**PART IV**

CERTIFICATES OF EQUIVALENT COMPETENCY

The fees payable under this Part are in connection with applications for certificates of equivalent competency, under the Fishing Vessels (Certification of Deck Officers and Engineer Officers) Regulations 1984(**a**) and the Merchant Shipping (Training and Certification) Regulations 1987(**b**).

SECTION A

Certificates

Service	*Fee*
1. For consideration of an applicant's qualifications for issue of a certificate of equivalent competency, including the issue of such a certificate	£70
The sum of £40 shall be refunded if the certificate is not finally issued following assessment of the application or if the applicant decides not to proceed with it	
2. For issue of a subsequent temporary certificate of equivalent competency	£70
3. For rejection of an application for issue of a certificate of equivalent competency	£25
The sum of £45 shall be refunded out of the fee mentioned in paragraph 1 above where the application is rejected on grounds that the applicant does not meet the preliminary criteria for detailed assessment	

SECTION B

Examinations

1. For an oral examination for competency, on each occasion on which a candidate presents himself	£117
2. For an oral examination to assess a candidate's standard of English language, on each occasion on which the candidate presents himself	£78
3. For an oral examination to assess a candidate's standard of knowledge of United Kingdom legal and administrative processes, on each occasion on which the candidate presents himself	£78
4. For an oral examination to assess a candidate's standard of English language together with his standard of knowledge of United Kingdom legal and administrative processes, on each occasion on which the candidate presents himself	£117

SECTION C

Endorsement and Revalidation

1. For addition, removal or amendment to an endorsement or tanker endorsement	£50
2. For the grant of a certificate of continued proficiency and updating of knowledge in respect of a certificate of equivalent competency	£50".

(9) In Part V (boatmasters' licences)—

(a) in paragraphs 1 and 2, for "£74" there shall be substituted "£78"; and

(b) in paragraph 2A, for "£111" there shall be substituted "£117".

(10) In Part VI (safe manning certificates)—

(a) in paragraph 1, for "£592" there shall be substituted "£624";

(b) in paragraph 2, for "£111" there shall be substituted "£117";

(**a**) S.I. 1984/1115; relevant amendments are S.I. 1995/1428 and S.I. 1998/1013.
(**b**) S.I. 1997/348, to which there are amendments not relevant to these Regulations.

(c) in paragraphs 3 and 4, for "£74" there shall be substituted "£78"; and

(d) after paragraph 4 there shall be added the following—

"**5.** Application for any amendment other than a technical amendment under paragraph 3	£78".

(11) In Part XII (additional charges), in the table in paragraph 2—

(a) or "£76" in each place where it appears, there shall be substituted "£78";

(b) or "£152", there shall be substituted "£156"; and

(c) or "£38", there shall be substituted "£39".

(12) For Part XIII (fees in respect of waste management plans), there shall be substituted the following:

"**PART XIII**

FEES IN RESPECT OF WASTE MANAGEMENT PLANS AND EXEMPTIONS RELATING TO PORT WASTE RECEPTION FACILITIES ETC.

In this Part, "the Regulations" means the Merchant Shipping and Fishing Vessels (Port Waste Reception Facilities) Regulations 2003(**a**).

1. The fees for the Secretary of State's consideration and, if appropriate, approval of a waste management plan prepared and submitted by a harbour authority or terminal operator in respect of a harbour or terminal pursuant, as the case may be, to regulation 6(1) or 8(1) of the Regulations, or for the preparation of a waste management plan in respect of a harbour or terminal by the Secretary of State pursuant to regulation 9 of the Regulations, shall be charged at the hourly rate of £78.

2. The fee for the granting by the Secretary of State of an exemption in respect of a harbour authority or terminal operator pursuant to regulation 15(1) and (2) of the Regulations, or in respect of a ship pursuant to regulation 15(3) of the Regulations, shall be £78.".

(13) After Part XIII, there shall be added the following:

"**PART XIV**

STRATEGIC SHIPS

In this Part, "the Regulations" means the Merchant Shipping (Officer Nationality) Regulations 1995(**b**).

The fee for the granting by the Secretary of State of an exemption, pursuant to section 48 of the Act of 1995, in respect of the requirement of regulation 3 of the Regulations relating to a strategic ship, shall be £150.".

Signed by authority of the Secretary of State for Transport

David Jamieson
Parliamentary Under-Secretary of State
20th July 2004 Department for Transport

We consent to the making of these Regulations

Joan Ryan
Jim Murphy
21st July 2004 Two of the Lords Commissioners of Her Majesty's Treasury

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(**a**) S.I. 2003/1809.
(**b**) S.I. 1995/1427.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Merchant Shipping (Fees) Regulations 1996, S.I. 1996/3243 ("the 1996 Regulations") to prescribe changes in some of the fees charged and to introduce some new fees. In particular—

(1) the hourly rate for fees relating to certain services listed in Parts I, XII and XIII has been increased from £76 to £78. Examination and certification fees, which are based on the hourly survey rate, have also been increased;

(2) certain other seafarers' examination and certification fees have been revised;

(3) new fees which have been introduced include fees relating to the granting of exemptions by the Secretary of State:

(a) under the Merchant Shipping and Fishing Vessels (Port Waste Reception Facilities) Regulations 2003; and

(b) under section 48 of the Merchant Shipping Act 1995 in relation to strategic ships.

The Regulations also amend the statutory references in Part I of the Schedule by adding new Parts O (Port Waste Exemptions) (S.I. 2003/1809) and Part P (Strategic Ships) (S.I. 1995/1427).

The principal changes to the fees charged are shown in the following table:

Description of fee	*Old fee* £	*New fee* £
Certificates of Competency		
Examination for certificate of competency—management	180.00	200.00
Examination for certificate of competency—operational	165.00	200.00
Rejection of application for certificate of competency because candidate does not meet preliminary criteria	No fee	25.00
Initial assessment for Engineer officers	No fee	50.00
Examination for licence as Marine Engine Operator or Senior Marine Engine Operator	115.00	145.00
Certificate of continued proficiency and updating of knowledge in respect of a certificate of competency or service	18.50	No fee
Medical examination	60.00	63.00
Certificates of Equivalent Competency (CEC)		
Issue of subsequent temporary CEC	No fee	70.00
Rejection of application for CEC because candidate does not meet preliminary criteria	No fee	25.00
Oral examination for competency	111.00	117.00
Oral examination to assess standard in English language	74.00	78.00
Oral examination to assess knowledge of UK legal and administrative processes	74.00	78.00
Oral examination to assess standard in English language and knowledge of UK legal and administrative processes	No fee	117.00
Boatmasters' licences		
Practical test for examination	74.00	78.00
Oral test part of examination	74.00	78.00
Combined practical/oral examination	111.00	117.00
Safe Manning Certificates		
Application—passenger ship	592.00	624.00
Application—other vessels	111.00	117.00
Application for technical amendment	74.00	78.00
Issue of certificate for sister ship	74.00	78.00

Description of fee	*Old fee* £	*New fee* £
Application for amendment other than a technical amendment	No fee	78.00
Additional charges (fees in respect of surveys or inspections in or outside the UK, for waiting time and attendance at unusual hours, weekends and public holidays)		
Surveys, inspections and tests (other than radio surveys) per hour or part thereof:		
For waiting time prior to commencement of and during the course of a survey or inspection:		
For a period not in excess of one hour	No fee	No fee
For periods in excess of one hour		
for surveys in the UK	76.00	78.00
for surveys abroad	152.00	156.00
For abortive visits in the UK: for time wasted in excess of one hour at the place of survey or inspection plus the travelling time to and from the place of survey	76.00	78.00
When a surveyor or inspector is called upon to perform services at unusual hours; for work undertaken during the following times including travelling time—		
6 pm–8 am Monday to Friday and all day Saturday	38.00	39.00
Sundays and Public Holidays	76.00	78.00
Port Waste Reception Facilities, Waste Management Plans and related exemptions		
Secretary of State's consideration and/or approval of a waste management plan or for preparation of a waste management plan (hourly rate)	76.00	78.00
Secretary of State's exemption relating to waste reception facilities, waste management plans, etc.	No fee	78.00
Strategic ships		
Secretary of State's exemption relating to master's nationality in respect of a strategic ship	No fee	150.00

A Regulatory Impact Assessment has been carried out and a copy placed in the library of both Houses of Parliament. Copies can be obtained from the Finance and Contracts Directorate, Maritime and Coastguard Agency, Spring Place, 105 Commercial Road, Southampton SO15 1EG (telephone 02380 329472).

STATUTORY INSTRUMENTS

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