STATUTORY INSTRUMENTS

2000 No. 1623

MERCHANT SHIPPING

The Merchant Shipping (Formal Investigations) (Amendment) Rules 2000

Made - - - - -	*16th June 2000*
Laid before Parliament	*27th June 2000*
Coming into force - -	*1st August 2000*

The Secretary of State for the Environment, Transport and the Regions, in exercise of the powers conferred on him by section 270 of the Merchant Shipping Act 1995(**a**), and of all other powers enabling him in that behalf, hereby makes the following Rules:

1.—(1) These Rules may be cited as the Merchant Shipping (Formal Investigations) (Amendment) Rules 2000 and shall come into force on 1st August 2000.

(2) These Rules apply to any formal investigation held after they come into force, regardless of whether the accident occurred before then.

2. In rule 16(b) of the Merchant Shipping (Formal Investigations) Rules 1985(**b**) for the words "Lord Advocate" there shall be substituted the words "Advocate General for Scotland".

Signed by authority of the Secretary of State
for the Environment, Transport and the Regions

Keith Hill
Parliamentary Under-Secretary of State,
16th June 2000 Department of the Environment, Transport and the Regions

(**a**) 1995 c. 21.
(**b**) S.I. 1985/1001; rule 16 was added by S.I. 1990/123, rule 2(k).

[DOT 12269]

EXPLANATORY NOTE

(This note is not part of the Rules)

The Secretary of State may, under section 268 of the Merchant Shipping Act 1995 ("the Act") cause a formal investigation to be held into any marine accident. Under section 269 of the Act he may order a re-hearing of such a formal investigation. Section 270 of the Act enables the Secretary of State to make rules for the conduct of formal investigations under section 268 and for the conduct of any re-hearing under section 269 which is not held, as the case may be, either by the High Court or the Court of Session. These are reserved matters in terms of Schedule 5 to the Scotland Act 1998 (c. 46). Such investigations in Scotland should therefore be conducted under the direction of the Advocate General for Scotland rather than the Lord Advocate, and these Rules make the necessary change to the Merchant Shipping (Formal Investigations) Rules 1985.

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