EXPLANATORY MEMORANDUM TO

THE MERCHANT SHIPPING (LIFE-SAVING APPLIANCES FOR SHIPS OTHER THAN SHIPS OF CLASSES III TO VI(A)) (AMENDMENT) REGULATIONS 2004 No.2259

1. Introduction

1.1 This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 This instrument amends the Merchant Shipping (Life-Saving Appliances For Ships Other Than Ships of Classes III to VI(a)) Regulations 1999 ("the Principal Regulations") so as to require the carriage of Search and Rescue Radar Transponders (SARTs) aboard (a) United Kingdom roll on/roll off (ro-ro) passenger ships, wherever they may be, and (b) non United Kingdom ro-ro passenger ships while they are within United Kingdom waters. The SARTs are required to be fitted within the inflatable liferafts currently specified by the Principal Regulations to be carried, in the proportion of one SART for every four liferafts. A period is specified, in relation to a ship's survey cycle, on the expiry of which the SARTs must be fitted.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 There are none.

4. Legislative background

4.1 This instrument transposes into domestic law an amendment to the International Convention for the Safety of Life at Sea (SOLAS), which the United Kingdom has ratified. United Kingdom shipping industry representatives were consulted prior to adoption by the Convention signatories of the relevant amendment. It was adopted at the International Maritime Organization on the 12th December 2002, and enters into force on 1st July 2004.

5. Extent

5.1 This instrument applies to all of the United Kingdom.

6. Policy Background

6.1 The change introduced by the amendment increases the minimum carriage requirement for SARTs and is intended to facilitate the location of liferafts during search and rescue operations, particularly during hours of darkness. Furthermore it requires the SARTs to be fitted to liferafts instead of being stowed aboard the subject ships where they can be rapidly placed in a survival craft. The amendment to SOLAS was introduced in order to further protect the safety of persons travelling on vehicle ferries of the roll on/ roll off configuration, which are known to be more vulnerable to loss of stability following flooding than conventionally subdivided ships.

6.2 No special political or legal considerations apply.

6.3 Details of consultees are listed in the Regulatory Impact Assessment. The proposed measure has not proved controversial. The Marine and Coastguard Agency has responded to the comments which were made by consultees.

7. Impact

7.1 A Regulatory Impact Assessment is attached to this memorandum.

7.2. There is no impact on the public sector.

8. Contact

The person who can answer any queries relating to this instrument is

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2004