STATUTORY INSTRUMENTS

2008 No. 163

MERCHANT SHIPPING

The Merchant Shipping (Liner Conferences) Act 1982 (Repeal) Regulations 2008

Made - - - - *23rd January 2008*

Laid before Parliament *28th January 2008*

Coming into force in accordance with paragraphs (2), (3) and (4) of regulation 1

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(**a**). The Secretary of State is a Minister designated(**b**) for the purposes of that section in relation to measures to give effect to the Economic Community's rules on competition applying to undertakings.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Merchant Shipping (Liner Conferences) Act 1982 (Repeal) Regulations 2008.

(2) Regulation 3 (1) and (3) comes into force—

(a) as respects liner shipping conferences which, on 18th October 2006, satisfied the requirements of the 1986 Council Regulation, on 18th October 2008;

(b) as respects other liner shipping conferences, on 26th February 2008.

(3) Regulation 3(2) comes into force on 18th October 2008.

(4) The other provisions of these Regulations come into force on 26th February 2008.

(5) These Regulations extend to each part of the United Kingdom.

Interpretation

2. In these Regulations—

"the 1986 Council Regulation" means Council Regulation (EEC) No. 4056/86 of 22 December 1986 laying down detailed rules for the application of Articles 85 and 86 of the Treaty to maritime transport, and amending Regulation (EC) No 1/2003 as regards the extension of its scope to include cabotage and international tramp services(**c**);

(**a**) 1972 c.68; by virtue of the amendment of section 1(2) of the European Communities Act by section 1 of the European Economic Area Act 1993 (c.51) regulations may be made under section 2(2) of the European Communities Act to implement obligations of the United Kingdom created or arising by or under the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 (Cm 2073) and the Protocol adjusting the Agreement signed at Brussels on 17th March 1993 (Cm 2183).

(**b**) S.I.1973/1889.

(**c**) O.J. L378, 31.12.1986, p. 4, as last amended by the 2003 Act of Accession.

"the Act" means the Merchant Shipping (Liner Conferences) Act 1982(**a**);

"the Code" means the Convention on a Code of Conduct for Liner Conferences signed at Geneva on 6th April 1974(**b**);

"the 1985 Regulations" means the Merchant Shipping (Liner Conferences) (Conditions for Recognition) Regulations 1985(**c**) and the Merchant Shipping (Liner Conferences) (Mandatory Provisions) Regulations 1985(**d**).

Repeals

3.—(1) The provisions of the Code identified in the Merchant Shipping (Liner Conferences) (Mandatory Provisions) Regulations 1985 cease to have effect in the United Kingdom.

(2) Sections 2, 3, 4, 12 and 13 of the Act (which provide for the making of regulations and Orders in Council to give effect to the Code and any revisions of it, and related matters) are repealed.

(3) Section 11 of the Act (exclusion of restrictive practices law) is repealed.

(4) Nothing in these Regulations affects the operation of the Act or the 1985 Regulations in respect of anything relating to the operation of the Code in the United Kingdom before paragraph (1) comes into force.

Signed by authority of the Secretary of State for Transport

Jim Fitzpatrick
Parliamentary Under Secretary of State
Department for Transport

23rd January 2008

(**a**) 1982 c.37.
(**b**) The text of the Code is set out in the Schedule to the 1982 Act.
(**c**) S.I.1985/405.
(**d**) S.I.1985/406.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for the mandatory provisions of the United Nations Code of Conduct for Liner Conferences, as implemented in the United Kingdom by the Merchant Shipping (Liner Conferences) Act 1982, the Merchant Shipping (Liner Conferences) (Conditions for Recognition) Regulations 1985 and the Merchant Shipping (Liner Conferences) (Mandatory Provisions) Regulations 1985, to cease to have effect, and make consequential repeals.

Council Regulation (EC) No. 1419/2006 of 25 September 2006 (O.J. L 269, 28.9.2006, p. 1) repealed Council Regulation (EEC) No. 4056/86 and thereby removed the block exemption from Articles 81 and 82 of the EC Treaty granted to liner shipping conferences, subject to a transitional period of two years for conferences which complied with the requirements of Regulation 4056/86 on 18th October 2006. As a consequence, Council Regulation (EEC) No. 954/79 of 15 May 1979 (O.J. L 121, 17.5.1979, p. 1), which gave effect to the Code within the European Union, has become inapplicable. The present Regulations repeal the provisions giving effect to Regulation 954/79.

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