EXPLANATORY MEMORANDUM TO

THE MERCHANT SHIPPING (SMALL WORKBOATS AND PILOT BOATS) (AMENDMENT) REGULATIONS 2016

2016 No. 354

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. Purpose of the instrument

2.1 The Regulations introduce a revised list of safety Regulations which do not apply to small workboats and pilot boats if they comply with the relevant Code of Practice.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

Other matters of interest to the House of Commons

3.2 As this instrument is subject to negative resolution procedure and has not been prayed against, consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

4. Legislative Context

4.1 These Regulations amend the Merchant Shipping (Small Workboats and Pilot Boats) Regulations 1998 (S.I. 1998/1609 – "the 1998 Regulations") to update the list of Regulations in the Schedule which are disapplied when workboats and pilot boats comply with the Safety of Small Workboats and Pilot Boats – A Code of Practice.

5. Extent and Territorial Application

5.1 The extent of this instrument is the whole of the United Kingdom.

5.2 The territorial application of this instrument is the whole of the United Kingdom.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

What is being done and why

7.1 The purpose of the 1998 Regulations is to disapply certain safety Regulations which would otherwise apply to small workboats and pilot boats if they are certified by the Secretary of State or a person authorised by him as complying with a relevant Code of Practice.

7.2 The list in the existing Schedule of safety Regulations which are disapplied has become out of date due to the introduction of newer legislation such as the crew accommodation standards of the Maritime Labour Convention, 2006. The new Schedule inserted by this instrument updates references to Instruments which amend some of the Regulations already listed, removes references to Regulations which are no longer relevant or have been revoked, and include some additional Regulations which have been introduced since the Schedule was compiled.

Consolidation

7.3 Although the 1998 Regulations have been amended on three previous occasions, most of these amendments were to text in the Schedule which is now substituted in its entirety, or were of a minor technical nature, and the Department does not consider that consolidation is called for at this time.

8. Consultation outcome

8.1 A targeted four week consultation was undertaken as this is a simple updating exercise and owners of these vessels are already complying with the most up to date legislation. Only one response was received, which simply noted the proposed changes without substantive comment.

9. Guidance

9.1 No guidance is being published for this amendment.

10. Impact

10.1 There is no impact on business, charities or voluntary bodies.

10.2 There is no impact on the public sector.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation applies to activities that are undertaken by small businesses.

11.2 No specific action has been taken to minimise regulatory burdens on small businesses.

11.3 This is a simple updating exercise and there have been no changes to the existing safety requirements in the Codes of Practice. The consultation was published to key industry representative bodies, whose memberships are made up mainly of small and micro businesses.

12. Monitoring & review

12.1 The amending Regulations include a review provision, requiring the Secretary of State to carry out a review within five years of the coming into force of this instrument (6th April 2016) and at intervals not exceeding five years thereafter.

13. Contact

13.1 Alison Leighton at the Maritime and Coastguard Agency Telephone: 02380 329134 or email: Alison.Leighton@mcga.gov.uk can answer any queries regarding the instrument.