EXPLANATORY MEMORANDUM TO

THE MERCHANT SHIPPING (SURVEY AND CERTIFICATION) REGULATIONS 2015

2015 No. 508

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

These Regulations will remove current legal restrictions and provide the Secretary of State maximum flexibility to further delegate the statutory survey work for ships to the competent private sector organisations if current policy changes in the future. This will provide for a more cost effective survey regime for ship-owners whilst retaining an oversight of the management of ships by the National Administration.

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

None

4. Legislative Context

4.1 These Regulations amend and replace the existing Merchant Shipping (Survey and Certification) Regulations 1995.

4.2 These Regulations form part of the implementation of the Government's 'Red Tape Challenge' initiative. More information about this programme of work, and the instruments revoked by these Regulations, is provided below.

5. Territorial Extent and Application

This instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

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 In November 2011 the Government launched, as part of its Red Tape Challenge programme, the wholesale review of all the maritime statutory instruments. Following a rigorous process of challenge, stakeholder engagement and public consultation 63% of the instruments were identified as being suitable for either revocation or improvement. The Merchant Shipping (Survey and Certification) Regulations 1995 were identified as an area for improvement.

7.2 Merchant passenger ships and cargo ships are required to comply with the required standards of international conventions such as the International Conventions for the Safety of Life at Sea (SOLAS), the Prevention of Pollution from Ships (MARPOL) and Load Line, and any relevant national laws, to operate safely and without damaging the environment. These statutory surveys are pivotal to maritime safety, helping prevent loss of life and pollution incidents at sea. The 1995 Regulations detail the statutory survey and certification regime that is required to verify that a ship meets the required standards for SOLAS.

7.3 Ships are issued with certificates as set out in the above Conventions at the end of a satisfactory survey. These certificates are issued by or on behalf of the National Administration of the flag State where the ship is registered and are required to enable a ship to continue trading.

7.4 In line with other Maritime Administrations, the 1995 Regulations delegate certain survey and certification work relating to the construction, safety equipment and radio equipment of passenger and cargo ships to competent private sector organisations. These organisations are known as Recognised Organisations and Certifying Authorities which operate under general agreements on behalf of the Secretary of State. However, there are current limitations on the delegation of other survey work according to the type of survey, type of ship and location of the ship. These existing provisions are inflexible and it is difficult to maintain a balance between providing a cost effective survey regime for ship-owners comparable with that offered by other flag States.

- Consolidation

7.5 The instrument consolidates and replaces the existing legislation in this area.

8. Consultation outcome

A targeted four week consultation has been held. All responses received showed full support for the Regulations.

9. Guidance

A Merchant Shipping Notice, MSN 1751 (M + F) Harmonised System of Survey and Certification (HSSC) will be published alongside this instrument.

10. Impact

An Impact Assessment is attached to this memorandum and will be published alongside the Explanatory Memorandum on www.legislation.gov.uk. There are no impacts associated with this instrument at this time as the Regulations merely provides the legislative provision to enable any future policy changes and not a change in practice itself. Any future change in practice will be subject to further consultation and impact assessment.

11. Regulating small business

The legislation will have no impact on small business.

12. Monitoring & review

The instrument will be reviewed when any future changes to the further delegate survey work are proposed. As mentioned in section 10, any changes to practice will be subject to further consultation and impact assessment.

13. Contact

Suzanne Landolfi at the Maritime and Coastguard Agency Tel: 02380 329223 or email: Suzanne.Landolfi@mcga.gov.uk can answer any queries regarding the instrument.