STATUTORY INSTRUMENTS

2008 No. 3145

MERCHANT SHIPPING

The Merchant Shipping (Vessel Traffic Monitoring and Reporting Requirements) (Amendment) Regulations 2008

Made - - - -	*5th December 2008*
Laid before Parliament	*11th December 2008*
Coming into force - -	*2nd January 2009*

The Secretary of State is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972(**a**) in relation to matters relating to the safety of ships and the safety of persons on them and to maritime transport (**b**).

The Secretary of State, in so far as the following Regulations are made in exercise of the powers conferred by section 85 of the Merchant Shipping Act 1995(**c**), has consulted with the persons referred to in section 86(4) of that Act.

The Secretary of State, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972, and by sections 85 and 86 of the Merchant Shipping Act 1995, makes the following Regulations.

Citation and commencement

1. These Regulations may be cited as the Merchant Shipping (Vessel Traffic Monitoring and Reporting Requirements) (Amendment) Regulations 2008 and shall come into force on 2nd January 2009.

Amendments to the Merchant Shipping (Reporting Requirements for Ships Carrying Dangerous or Polluting Goods) Regulations 1995

2. Regulation 3 of the Merchant Shipping (Reporting Requirements for Ships Carrying Dangerous or Polluting Goods) Regulations 1995(**d**) is amended as follows—

(a) in paragraph (4)—

(i) after "or more" insert "having a length of less than 45 metres", and

(ii) in sub-paragraph (c), omit "having a length of less than 45 metres";

(b) in paragraph (10)(a)—

(**a**) 1972 c.68.
(**b**) S.I. 1993/595 and S.I 1994/757.
(**c**) 1995 c. 21.
(**d**) S.I. 1995/2498, amended by S.I. 1999/2121/, S.I. 2001/1638, S.I. 2004/2110 and S.I. 2005/1092; regulation 3 was substituted by regulation 4 of S.I. 2005/1092.

(i) omit "in relation to a recreational craft,", and

(ii) for "the craft", at each place where it occurs, substitute "the vessel, ship or craft".

Amendments to the Merchant Shipping (Vessel Traffic Monitoring and Reporting Requirements) Regulations 2004

3. The Merchant Shipping (Vessel Traffic Monitoring and Reporting Requirements) Regulations 2004(**a**) are amended as follows—

(a) in regulation 4(2)(c) after "fishing vessels" add "having a length of less than 45 metres";

(b) in regulation 4(2)(d) after "traditional ships" add "having a length of less than 45 metres";

(c) in regulation 4(6)—

(i) omit ", in relation to a recreational craft,", and

(ii) for "the craft", at each place where it occurs, substitute "the vessel, ship or craft";

(d) in regulation 5(6) for "by the quickest means possible" substitute "and whenever practicable the notification by the port authority shall be made electronically"; and

(e) at the end of regulation 16(2)(c) add "or".

Signed by authority of the Secretary of State

Jim Fitzpatrick
Parliamentary Under Secretary of State
Department for Transport

5th December 2008

(**a**) S.I. 2004/2110, amended by S.I. 2005/1092.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Merchant Shipping (Reporting Requirements for Ships Carrying Dangerous or Polluting Goods) Regulations 1995 (S.I. 1995/2498) and the Merchant Shipping (Vessel Traffic Monitoring and Reporting Requirements) Regulations 2004 (S.I. 2004/2110).

The effect of the amendments is to—

- apply the 2004 regulations to fishing vessels and traditional ships with a length of 45 metres and above (*regulation 3(a) and (b)*) with consequential amendments to the definition of "length" (*regulation 3(c)*),
- amend the 1995 regulations correspondingly so that they continue to apply only to fishing vessels and traditional ships to which the 2004 regulations do not apply (*regulation 2*),
- require the notification by port authorities to the Maritime and Coastguard Agency of entry into port under the 2004 regulations to be made by electronic means whenever this is practicable (*regulation 3(d)*), and
- clarify when a disclosure of information under the 2004 Regulations may be lawfully made (*regulation 3(e)*).

A full impact assessment of the effect that the instrument will have on the costs of business and the voluntary sector is available from the Maritime and Coastguard Agency, Spring Place, 105 Commercial Road, Southampton SO15 and is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website (www.opsi.gov.uk). A copy has been placed in the library of each House of Parliament.

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