

2019 No. 1304

EXITING THE EUROPEAN UNION

MERCHANT SHIPPING

The Merchant Shipping (Marine Equipment) (Amendment) (UK and US Mutual Recognition Agreement) (EU Exit) Regulations 2019

Made - - - - *4th October 2019*

Laid before Parliament *7th October 2019*

Coming into force in accordance with regulation 1

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 85(1), (3) and (5) to (7) and 86(1) of the Merchant Shipping Act 1995(a). In accordance with section 86(4) of that Act the Secretary of State has consulted such persons as the Secretary of State considers will be affected by these Regulations.

Citation and commencement

1.—(1) These Regulations may be cited as the Merchant Shipping (Marine Equipment) (Amendment) (UK and US Mutual Recognition Agreement) (EU Exit) Regulations 2019.

(2) These Regulations come into force on exit day, immediately following the coming into force of the Merchant Shipping (Marine Equipment) (Amendment etc.) (EU Exit) Regulations 2019(b).

Amendment of Regulations

2.—(1) The Merchant Shipping (Marine Equipment) Regulations 2016(c) are amended as follows.

(2) In regulation 2 (interpretation), in paragraph (1)—

(a) after the definition of “the Act” insert—

““the Agreement” means the Agreement between the United Kingdom of Great Britain and Northern Ireland and the United States of America on the Mutual Recognition of Certificates of Conformity for Marine Equipment dated 14th February 2019(d);”;

(a) 1995 c.21. Sections 85 and 86 were amended by the Merchant Shipping and Maritime Security Act 1997 (c.28), sections 8 and 29(2) and Schedule 7, Part 1. Section 85 was amended by the British Overseas Territories Act 2002 (c.8), section 2(3). There are other amendments to section 85 which are not relevant to these Regulations.

(b) S.I. 2019/470.

(c) S.I. 2016/1025, is prospectively amended by S.I. 2019/470.

(d) The Agreement was published in Cmnd. 53. An electronic copy of Cmnd. 53 can be found at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779446/CS_USA_4.2019_Marine.pdf. Hard copies are available from the Maritime Division at the Department of Transport, Great Minster House, 33 Horseferry Road, London, SW1P 4DR.

(b) after the definition of “United Kingdom ship” insert—

““US declaration of conformity” means the Certificate of Type Approval issued by the United States Coast Guard certifying that a product fulfils the relevant legislative, regulatory, and administrative requirements of the United States of America;”.

(3) In regulation 5 (requirements for equipment)—

(a) in paragraph (4)(c), after “recognised third country”(a), insert “other than the United States of America”;

(b) after paragraph (4), insert—

“(4A) Equipment listed in Annex 6 of Merchant Shipping Notice MSN 1874 Amendment 3 must be taken to comply with applicable international standards where it is—

(a) approved by the United States Coast Guard;

(b) accompanied by a US declaration of conformity; and

(c) affixed with the United Kingdom conformity mark.

(4B) Paragraph (4A) does not apply to any equipment in respect of which approval has been suspended in accordance with Article 15 of the Agreement.”.

(4) In regulation 15 (affixing the United Kingdom conformity mark) in paragraph (3), for subparagraphs (c)(i) and (ii) substitute—

“(i) the identification number of the approved body which approved the equipment and the year in which the mark was affixed, where that body is involved in the production control phase; or

(ii) the identification number assigned to the United States Coast Guard by the Secretary of State, and the year in which the mark was affixed, where equipment listed in Annex 6 of Merchant Shipping Notice MSN 1874 Amendment 3 has been approved by the United States Coast Guard and granted a US declaration of conformity.”.

(5) In regulation 25 (defective equipment), in paragraph (4) in the definition of “defective equipment”, after “Annex 1 of Merchant Shipping Notice MSN 1874 Amendment 3”(b) insert “or Annex 6 of Merchant Shipping Notice MSN 1874 Amendment 3”.

Signed by authority of the Secretary of State for Transport

Chris Heaton-Harris
Minister of State
Department for Transport

4th October 2019

(a) The reference to “recognised third country” is prospectively inserted by paragraph 4 of the Schedule to S.I. 2019/470. The definition of “recognised third country” is prospectively inserted by paragraph 1 of the Schedule to S.I. 2019/470.
(b) The reference to “Amendment 3” of Merchant Shipping Notice MSN 1874 is prospectively inserted by paragraph 23 of the Schedule to S.I. 2019/470.

EXPLANTORY NOTE

(This note is not part of the Regulations)

This instrument makes a further amendment to the Merchant Shipping (Marine Equipment) Regulations 2016 (as amended by the Merchant Shipping (Marine Equipment) (Amendment etc.) (EU Exit) Regulations 2019). It gives effect to the Agreement dated 14th February 2019 between the United Kingdom of Great Britain and Northern Ireland and the United States of America on the Mutual Recognition of Certificates of Conformity for Marine Equipment (“the Agreement”).

Regulation 2(3)(b) provides that marine equipment listed in Annex 6 of Merchant Shipping Notice MSN 1874 Amendment 3 may be placed on board a United Kingdom ship where it has been approved by the United States Coast Guard, is accompanied by a US declaration of conformity and is affixed with a United Kingdom conformity mark. Regulation 2(3)(b) also provides that where under Article 15 of the Agreement mutual recognition of any such equipment is suspended, that equipment may not be placed on board a United Kingdom ship.

Regulation 2(4) makes provision for the affixing of both the identification number of the United States Coast Guard as assigned by the Secretary of State, and the year in which the United Kingdom conformity mark was affixed to marine equipment which has been approved by the United States Coast Guard and granted a US declaration of conformity.

Regulation 2(5) enables the Secretary of State to ensure that equipment listed in Annex 6 of Merchant Shipping Notice MSN 1874 Amendment 3 may be recalled or withdrawn from the United Kingdom market where it complies with applicable international standards but is considered to compromise health and safety or adversely affect the marine environment. It also allows the Secretary of State to restrict or prohibit the marketing of such equipment or its use on United Kingdom ships.

Merchant Shipping Notices are published by the Maritime and Coastguard Agency. Copies may be downloaded from the MCA’s website <https://www.gov.uk/government/organisations/maritime-and-coastguard-agency> or by e-subscription from mnotices@ecgroup.co.uk with ‘Subscribe’ in the subject heading. Hard copies may be obtained from M-Notices Subscriptions, P.O. Box 362, Europa Park, Grays Essex, RM17 9AY, tel 01375 484548, fax 01375 484556.

Copies of the Agreement may be downloaded from https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779446/CS_USA_4.2019_Marine.pdf. Hard copies may be obtained upon request from the Maritime Division at the Department for Transport, Great Minster House, 33 Horseferry Road, London, SW1P 4DR.

An impact assessment has not been produced for this instrument as it has no or minimal impact on business, charities or voluntary bodies. A copy of the Explanatory Memorandum is published alongside the instrument on www.legislation.gov.uk.

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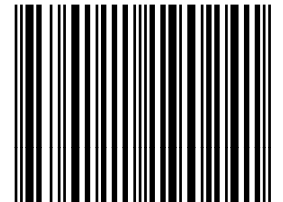
Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of Her Majesty’s Stationery Office and Queen’s Printer of Acts of Parliament.

£4.90

UK201910041004 10/2019 19585

<http://www.legislation.gov.uk/id/uksi/2019/1304>

ISBN 978-0-11-119024-1



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