STATUTORY INSTRUMENTS

2018 No. 53

MERCHANT SHIPPING

The Merchant Shipping (Safety Rules and Standards for Passenger Ships) (Miscellaneous Amendments) Regulations 2018

Made - - - -	*16th January 2018*
Laid before Parliament	*24th January 2018*
Coming into force - -	*15th February 2018*

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 85(1), (3), (5) to (7), and 86(1) of the Merchant Shipping Act 1995(**1**) and section 2(2) of the European Communities Act 1972(**2**).

The Secretary of State has consulted the persons referred to in section 86(4) of the Merchant Shipping Act 1995.

The Secretary of State is a Minister designated(**3**) for the purposes of section 2(2) of the European Communities Act 1972 in relation to measures relating to the safety of ships, and the health and safety of persons on them.

Citation and commencement

1. These Regulations may be cited as the Merchant Shipping (Safety Rules and Standards for Passenger Ships) (Miscellaneous Amendments) Regulations 2018 and come into force on 15th February 2018.

Amendment of the Merchant Shipping (Survey and Certification) Regulations 2015

2. In regulation 3 (interpretation) of the Merchant Shipping (Survey and Certification) Regulations 2015(**4**)—

(a) for the definition of "the Directive" substitute—

(**1**) 1995 c.21. Sections 85 and 86 were amended by the Merchant Shipping and Maritime Security Act 1997 (c.28), section 8 and are applied to hovercraft by the Hovercraft (Application of Enactments) Order 1989 (S.I. 1989/1350).
(**2**) 1972 c.68. Section 2(2) was amended by section 27 of the Legislative and Regulatory Reform Act 2006 (c.51) and by section 3 of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c.7).
(**3**) S.I. 1993/595.
(**4**) S.I. 2015/508.

""the Directive" means Directive 2009/45/EC of the European Parliament and of the Council of 6th May 2009 on safety rules and standards for passenger ships(**5**);", and

(b) for the definition of "pleasure vessel" substitute—

""pleasure vessel" means—

(a) any vessel which at the time it is being used is—

(i) in the case of a vessel wholly owned by—

(aa) an individual or individuals, used only for the sport or pleasure of the owner or the immediate family or friends of the owner; or

(bb) a body corporate, used only for sport or pleasure and on which the persons on board are employees or officers of the body corporate, or their immediate family or friends; and

(ii) on a voyage or excursion which is one for which the owner does not receive money for or in connection with operating the vessel or carrying any person, other than as a contribution to the direct expenses of the operation of the vessel incurred during the voyage or excursion; or

(b) any vessel wholly owned by or on behalf of a members' club formed for the purpose of sport or pleasure which, at the time it is being used, is used only for the sport or pleasure of members of that club or their immediate family, and for the use of which any charges levied are paid into club funds and applied for the general use of the club,

where, in the case of any vessel referred to in paragraph (a) or (b), no other payments are made by or on behalf of users of the vessel, other than by the owner; and in this definition "immediate family" means, in relation to an individual, the spouse or civil partner of the individual, and a relative of the individual or the individual's spouse or civil partner; and "relative" means brother, sister, ancestor or lineal descendant;.".

Amendment of the Merchant Shipping (Technical Requirements for Inland Waterway Vessels) Regulations 2010

3. In regulation 3(3)(b) of the Merchant Shipping (Technical Requirements for Inland Waterway Vessels) Regulations 2010(**6**), for "Directive 2009/45/EC" until the end substitute "Directive 2009/45/EC of the European Parliament and of the Council of 6th May 2009 on safety rules and standards for passenger ships, or".

Amendment of the Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000

4.—(1) The Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000(**7**) are amended as follows.

(2) In regulation 2 (interpretation)—

(a) for the definition of "the Directive" substitute—

(**5**) OJ L 163, 25.6.2009, p.1, as amended by Commission Directive 2010/36/EU dated 29 June 2010 (OJ L 162, 29.6.2010, p.1) and Commission Directive 2016/844/EU dated 27 May 2016 (OJ L141, 28.5.2016, p.51).
(**6**) S.I. 2010/1075.
(**7**) S.I. 2000/2687. Regulation 2, the definition of "the Directive" and paragraph (2A) were inserted by regulations 3(2)(a) and (b) of S.I. 2012/2636 respectively. There are other amendments not relevant to these Regulations.