STATUTORY INSTRUMENTS

2016 No. 1211

MERCHANT SHIPPING

The Merchant Shipping and Fishing Vessels (Port Waste Reception Facilities) (Amendment) Regulations 2016

Made - - - -	*12th December 2016*
Laid before Parliament	*21st December 2016*
Coming into force - -	*13th January 2017*

The Secretary of State makes these Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(**1**) and sections 130A(1) and (2) of the Merchant Shipping Act 1995(**2**).

The Secretary of State has been designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to maritime transport(**3**) and the environment(**4**).

In so far as these Regulations are made in exercise of the powers conferred by section 130A of the Merchant Shipping Act 1995, the Secretary of State has taken into account the need to give effect to the provisions referred to in subsection (2) of that section, and has consulted with the organisations referred to in section 306(4) of that Act(**5**).

Citation and commencement

1. These Regulations may be cited as the Merchant Shipping and Fishing Vessels (Port Waste Reception Facilities) (Amendment) Regulations 2016 and come into force on 13th January 2017.

Amendment of Regulations

2.—(1) The Merchant Shipping and Fishing Vessels (Port Waste Reception Facilities) Regulations 2003(**6**) are amended as follows.

(2) In regulation 2(1), for the definition of "the Directive", substitute the following definition—

(**1**) 1972 c.68. Section 2 was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c.51) and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c.7).
(**2**) 1995 c.21. Section 130A was inserted by section 5 of the Merchant Shipping and Maritime Security Act 1997 (c.28).
(**3**) S.I. 1994/757.
(**4**) S.I. 2008/301.
(**5**) Section 306 was amended by paragraph 18 of Schedule 6 to the Merchant Shipping and Maritime Security Act 1997 (c.28).
(**6**) S.I. 2003/1809, as amended by S.I. 2009/1176.

""the Directive" means Directive 2000/59/EC of the European Parliament and Council on port reception facilities for ship-generated waste and cargo residues as amended;"(**7**).

(3) After regulation 23, insert—

"**Review**

24.—(1) The Secretary of State must from time to time—

(a) carry out a review of the operation and effect of regulation 11(1) and Schedule 2;

(b) set out the conclusions of the review in a report; and

(c) publish the report.

(2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how Commission Directive (EU) 2015/2087(**8**) (which is implemented by means of regulation 11(1) and Schedule 2) is implemented in other Member States.

(3) The report must in particular—

(a) set out the objectives intended to be achieved by the regulatory system established by regulation 11(1) and Schedule 2;

(b) assess the extent to which those objectives are achieved; and

(c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(4) The first report under this regulation must be published before the end of the period of five years beginning with the day on which this regulation comes into force.

(5) Reports under this regulation are afterwards to be published at intervals not exceeding five years."

(4) For the content of Schedule 2, substitute the content of the Schedule to these Regulations.

Signed by authority of the Secretary of State

John Hayes
Minister of State
Department for Transport

12th December 2016

(**7**) O.J. L332, 28.12.2000, as amended by Directive 2002/84/EC (O.J. L324, 29.11.2002, p.53), Commission Directive 2007/71/EC (O.J. L329, 14.12.2007, p.33) and Commission Directive (EU) 2015/2087 (O.J. L302, 19.11.2015, p.99).
(**8**) O.J. L302, 19.11.2015, p.99.

SCHEDULE

Regulation 2(4)

Information to be notified before entry into the port of.....

(*Port of destination as referred to in Article 6 of Directive 2000/59/EC*)

1. Name, call sign and, where appropriate, IMO identification number of the ship:

2. Flag state:

3. Estimated time of arrival (ETA):

4. Estimated time of departure (ETD):

5. Previous port of call:

6. Next port of call:

7. Last port and date when ship-generated waste was delivered, including the quantities (in m3) and the types of waste that were delivered:

8. Are you delivering (tick appropriate box):

All □ .....some.....□ none.....□ of your waste into port reception facilities?

9. Type and amount of waste and residues to be delivered and/or remaining on board, and percentage of maximum storage capacity:

If delivering all waste, complete second and last columns as appropriate. If delivering some or no waste, complete all columns.

Type	Waste to be delivered (m^3)	Maximum dedicated storage capacity (m^3)	Amount of waste retained on board (m^3)	Port at which remaining waste will be delivered	Estimated amount of waste to be generated between notification and next port of call (m^3)	Waste that has been delivered at the last port of delivery identified under point 7 above (m^3)