STATUTORY INSTRUMENTS

2015 No. 1692

MERCHANT SHIPPING

The Merchant Shipping (Code of Safe Working Practices) (Amendments and Revocation) Regulations 2015

Made - - - -	*15th September 2015*
Laid before Parliament	*23rd September 2015*
Coming into force - -	*20th October 2015*

The Secretary of State, in exercise of the powers conferred by section 85(1)(a), (3)(q), (5)(a) and (7)(c) and (d) of the Merchant Shipping Act 1995(**1**), makes the following Regulations.

The Secretary of State has consulted such persons in the United Kingdom as the Secretary of State considers will be affected by the exercise of powers in this instrument in accordance with section 86(4) of the Merchant Shipping Act 1995.

Citation and commencement

1. These Regulations may be cited as the Merchant Shipping (Code of Safe Working Practices) (Amendments and Revocation) Regulations 2015 and come into force on 20th October 2015.

Amendment of Regulations

2.—(1) The Merchant Shipping and Fishing Vessels (Health and Safety at Work) Regulations 1997(**2**) are amended as follows.

(2) In regulation 2(2) (interpretation) for the definition of "the Code" substitute—

""the Code" means the "Code of Safe Working Practices for Merchant Seafarers" published by the Maritime and Coastguard Agency, an executive agency of the Department for Transport, in

(**1**) 1995 c. 21 ; section 85 enables the Secretary of State to make regulations, referred to in that Act as "safety regulations". There are amendments to this section which are not relevant to this instrument.

(**2**) S.I. 1997/2962 . Regulations 2, 3 and 24 are amended by S.I. 2014/1616 , regulation 2(1) - (5), (15) and (16). Regulation 2 is also amended by S.I. 1998/2411 , regulation 17(a) and (b), and S.I. 2015/21 , regulation 5(1) and (2). There are other amendments which are not relevant to this instrument.

September 2015, including any subsequent amendment, revision or replacement of that Code which the Secretary of State considers relevant from time to time and which is notified in a Marine Information Notice, described as such and issued by the Maritime and Coastguard Agency;".

(3) In regulation 3(2)(a) (application)—

(a) after the words "all of the provisions" insert ", with the exception of regulation 12A,"; and

(b) for the words "regulations 7(4A) and 11A" substitute "regulations 7(4A), 11A and 12A".

(4) After regulation 3(2) insert—

"(2A) Regulation 12A applies to all United Kingdom ships except—

(a) fishing vessels;

(b) pleasure vessels; and

(c) any vessel to which—

(i) the Merchant Shipping (Passenger Ships) (Safety Code for UK Categorised Waters) Regulations 2010(**3**), or

(ii) the Merchant Shipping (Technical Requirements for Inland Waterway Vessels) Regulations 2010(**4**),

apply.".

(5) After regulation 12 (capabilities and training) insert—

"**Code of Safe Working Practices**

12A. The Company must ensure that there are sufficient copies of the Code on board a ship so that it is easily accessible and readily available to all workers and seafarers who are not workers.".

(6) In regulation 24(4) (penalties), after "12,", insert "12A,".

(7) At the end of regulation 24 add—

"(6) It is a defence for a person charged with contravention of regulation 12A to show that all reasonable precautions were taken and all due diligence exercised to avoid commission of the offence.".

Revocation

3. The Merchant Shipping (Code of Safe Working Practices for Merchant Seamen) Regulations 1998(**5**) are revoked.

(**3**) S.I. 2010/680, amended by S.I. 2010/1075, Schedule 2 and S.I. 2011/3056, paragraph 6 of the Schedule.

(**4**) S.I. 2010/1075.

(**5**) S.I. 1998/1838, amended by S.I. 2010/680, the Schedule, and S.I. 2010/1075, Schedule 2.