Changes to legislation: *The Ship Recycling Facilities Regulations 2015 is up to date with all changes known to be in force on or before 22 December 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

STATUTORY INSTRUMENTS

2015 No. 430

ENVIRONMENTAL PROTECTION
HEALTH AND SAFETY

The Ship Recycling Facilities Regulations 2015

Made - - - -	*23rd February 2015*
Laid before Parliament	*3rd March 2015*
Coming into force - -	*26th March 2015*

The Secretary of State is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972 [F1] in relation to the environment [F2].

The Secretary of State has consulted the Health and Safety Executive and the Office for Nuclear Regulation, as required by section 50(2) of the Health and Safety at Work etc. Act 1974 [F3] and makes these Regulations in exercise of the powers conferred by sections 15(1), (2) and (4)(a) and 43(2) of, and paragraphs 1(1)(c) and (2) and 4(1) of Schedule 3 to, that Act [F4] and by section 2(2) of the European Communities Act 1972.

F1 1972 c. 68; section 2(2) was amended by the Legislative and Regulatory Reform Act 2006 (c. 51), **section 27(1)(a)** and the European Union (Amendment) Act 2008 (c. 7), the Schedule, Part 1. Under section 57(1) of the Scotland Act 1998 (c. 46), despite the transfer to Scottish Ministers of functions in relation to implementing obligations under EU law in relation to devolved matters, the Secretary of State retains power to exercise such functions in or as regards Scotland. Under paragraph 5 of Schedule 3 to the Government of Wales Act 2006 (c. 32), despite the transfer to the Welsh Ministers of functions in relation to implementing obligations under EU law in relation to devolved matters, the Secretary of State retains power to exercise such functions as regards Wales.

F2 S.I. 2008/301.

F3 1974 c. 37; section 50(2) was amended by the Employment Protection Act 1975 (c. 71), **Schedule 15**, paragraph 16(2) and the Energy Act 2013 (c. 32), **Schedule 12**, Part 1, paragraph 11(3).

F4 Section 15(1) was substituted by the Employment Protection Act 1975, Schedule 15, paragraph 6 and amended by S.I. 2002/794. Section 15(2) was amended by the Energy Act 2013, Schedule 12, Part 1, paragraph 5(3). Section 15(4)(a) was amended by S.I. 2008/960.

Citation, commencement and application

1.—(1) These Regulations may be cited as the Ship Recycling Facilities Regulations 2015 and come into force on 26th March 2015.

(2) They do not apply to Northern Ireland.

Interpretation

2.—(1) In these Regulations—

"the 1974 Act" means the Health and Safety at Work etc. Act 1974;

"the Agency", in relation to a ship recycling facility, means—

(a) in England, the Environment Agency;

(b) in Wales, the Natural Resources Body for Wales;

(c) in Scotland, the Scottish Environment Protection Agency;

"the EU Ship Recycling Regulation" means Regulation (EU) No 1257/2013 of the European Parliament and of the Council on ship recycling [F5];

"the European List" means the list of ship recycling facilities established **[**[F6]and updated from time to time**]** under Article 16 of the EU Ship Recycling Regulation;

"the Executive" means the Health and Safety Executive;

"permit" means—

(a) in England and Wales, an environmental permit authorising the operation of a regulated facility under **[**[F7]the Environmental Permitting (England and Wales) Regulations 2016**]**;

(b) in Scotland, means a waste management licence granted under Part II of the Environmental Protection Act 1990 [F8] or a permit granted under the Pollution Prevention and Control (Scotland) Regulations 2012 [F9];

"suspension notice" means—

(a) in England and Wales, a notice under regulation 37 of **[**[F7]the Environmental Permitting (England and Wales) Regulations 2016**]**;

(b) in Scotland, a notice to give effect to suspension of a licence under section 38(6) of the Environmental Protection Act 1990 or a notice under regulation 56 of the Pollution Prevention and Control (Scotland) Regulations 2012.

(2) Terms which are used in these Regulations that are used in the EU Ship Recycling Regulation have the meaning they bear in that Regulation.

F5 OJ No L 330, 10.12.2013, p 1.

F6 Words in reg. 2 inserted (31.12.2018) by The Ship Recycling (Requirements in relation to Hazardous Materials on Ships) (Amendment etc.) Regulations 2018 (S.I. 2018/1122), regs. 1, **13(2)**

F7 Words in reg. 2 substituted (E.W.) (1.1.2017) by The Environmental Permitting (England and Wales) Regulations 2016 (S.I. 2016/1154), reg. 1(1), **Sch. 29 para. 83** (with regs. 1(3), 77-79, Sch. 4)

F8 1990 c. 43.

F9 S.S.I. 2012/360, to which there are amendments not relevant to these Regulations.

Designation of competent authority

3. The Agency and the Executive acting jointly are the competent authority for the purposes of the EU Ship Recycling Regulation.

Authorisation of ship recycling facilities

4.—(1) The Agency's functions in relation to a permit for a ship recycling facility include ensuring compliance with Articles 13 and 14 of the EU Ship Recycling Regulation, but the Agency must only exercise any such functions relating to health and safety with the consent of the Executive.

(2) A condition relating to health and safety to ensure compliance with Articles 13 and 14 of the EU Ship Recycling Regulation may be imposed by a permit for a ship recycling facility.

(3) A power to serve a suspension notice in relation to a permit for a ship recycling facility includes the power to serve a notice where the competent authority considers that the operation of the facility involves a serious risk to health and safety.

Application of the 1974 Act

5. Any function of the Executive under any provision of the 1974 Act in respect of health and safety regulations is exercisable as if Articles 13 and 14 of the EU Ship Recycling Regulation were health and safety regulations for the purposes of that Act.

Health and safety fees

6.—(1) A fee is payable by the applicant to the Executive on each application for a permit or for a variation of a permit to enable a facility to be included on the European List under these Regulations.

(2) The fee payable on application for a permit or for a variation of a permit to enable a facility to be included in the European List is described in column 1 of the table in the Schedule and is specified in column 2 of that table.

(3) Where a permit of a facility included on the European List under these Regulations is varied and the variation relates to the duration of the permit, a fee is payable to the Executive by the operator of the facility.

(4) The fee payable under paragraph (3) is specified in column 2 of the table in the Schedule.

European List of facilities at which ships flying the flag of a member State may be recycled

7.—(1) The competent authority must inform the Secretary of State without delay of—

(a) the permitting of a ship recycling facility for inclusion on the European List;

(b) the suspension or withdrawal of a permit of a ship recycling facility that is included on the European List.

(2) The Secretary of State must carry out the functions of the member State referred to in Article 14(2) of the EU Ship Recycling Regulation and must inform the European Commission in accordance with Article 14(3) and 14(4) of that Regulation.

(3) After the date of application of Article 6(2) of the EU Ship Recycling Regulation, existing facilities must not accept any ship flying the flag of a member State within the scope of the EU Ship Recycling Regulation for ship recycling unless the facility is included on the European List.

(4) Failure to comply with regulation 7(3) will have effect as failure to comply with a condition of a permit.

Review

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

(a) carry out a review of these Regulations;

(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 the provisions of the EU Ship Recycling Regulation implemented by these Regulations are implemented in other member States.

(3) The report must in particular—