Draft Regulations laid before Parliament under paragraph 1(1) of Schedule 7 to the European Union (Withdrawal) Act 2018, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2019 No. 0000

EXITING THE EUROPEAN UNION
MERCHANT SHIPPING

The Merchant Shipping (Passengers' Rights) (Amendment etc.) (EU Exit) Regulations 2019

Made - - - - 2019

Coming into force in accordance with regulation 1

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018(**1**).

In accordance with paragraph 1(1) of Schedule 7 to that Act, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

PART 1

Introduction

Citation and commencement

1. These Regulations may be cited as the Merchant Shipping (Passengers' Rights) (Amendment etc.) (EU Exit) Regulations 2019 and come into force on exit day.

(**1**) 2018 c.16.

PART 2

Amendment of subordinate legislation

Amendment of the Merchant Shipping (Counting and Registration of Persons on Board Passenger Ships) Regulations 1999

2.—(1) The Merchant Shipping (Counting and Registration of Persons on Board Passenger Ships) Regulations 1999(**2**) are amended as follows.

(2) In regulation 6 (additional requirements for voyages of more than 20 miles), in paragraph 1(a)—

(a) in paragraph (i), after "European Union", insert "or the United Kingdom"; and

(b) in paragraph (ii), for "territory of the European Union", substitute "territory comprising the European Union and the United Kingdom".

(3) In regulation 7 (non-Community ships on voyages from outside the European Union to the United Kingdom)—

(a) for the heading, substitute "Ships which are on voyages from outside the European Union and the United Kingdom and are neither Community Ships nor United Kingdom ships";

(b) after "Community ship", add ", nor a United Kingdom passenger ship,"; and

(c) for "territory of the European Union", substitute "territory comprising the European Union and the United Kingdom".

(4) In regulation 9 (exemptions), in paragraph (2)(b)(i), after "European Union" add "or the United Kingdom".

Amendment of the Merchant Shipping (Carriage of Passengers by Sea) Regulations 2012

3.—(1) The Merchant Shipping (Carriage of Passengers by Sea) Regulations 2012(**3**) are amended as follows.

(2) In regulation 6 (insurance certificates), omit paragraph (2)(d).

(3) In regulation 15 (review), omit paragraph (2).

Amendment of the Merchant Shipping (Passengers' Rights) Regulations 2013

4.—(1) The Merchant Shipping (Passengers' Rights) Regulations 2013(**4**) are amended as follows.

(2) In regulation 11 (review), omit paragraph (2).

(**2**) S.I. 1999/1869, amended by S.I.2010/1075, S.I. 2010/680, and S.I. 2011/1043.
(**3**) S.I. 2012/3152.
(**4**) S.I. 2013/425.

PART 3

Amendment and revocation of retained direct EU legislation

Revocation of Council Decision 2002/762/EC

5. Council Decision 2002/762/EC of 19 September 2002 authorising the Member States, in the interest of the Community, to sign, ratify or accede to the International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001(**5**) is revoked.

Amendment of Regulation (EC) No 392/2009

6.—(1) Regulation (EC) No 392/2009 of the European Parliament and of the Council of 23 April 2009 on the liability of carriers of passengers by sea in the event of accidents(**6**) is amended as follows.

(2) In Article 1 (subject matter)—

(a) in paragraph 1—

(i) in the first paragraph, omit "Community"; and

(ii) in subparagraph (a), for "Annex I", substitute "Part 1 of Schedule 6 to the Merchant Shipping Act 1995(**7**)";

(b) in paragraph 2, for "a single Member State", substitute "the United Kingdom"; and

(c) omit paragraph 3.

(3) In Article 2 (scope)—

(a) in the first paragraph, for "a single Member State", substitute "the United Kingdom";

(b) in points (a), (b) and (c), omit "a Member State" in each place that it appears and substitute "the United Kingdom"; and

(c) omit the words "Member States may apply this Regulation to all domestic seagoing voyages.".

(4) In Article 3 (liability and insurance), in paragraph 1, omit "16 and Articles".

(5) In Article 6 (advance payment), in paragraph 1—

(a) for "EUR 21,000", substitute "£18,500"; and

(b) in the second paragraph, for "Community", substitute "United Kingdom".

(6) In Article 7 (information to passengers)—

(a) at the beginning of the first paragraph, omit the words from "Without prejudice" to "package tours,";

(b) in the second paragraph, for "a Member State", on both occasions it appears, substitute "the United Kingdom"; and

(c) omit the third paragraph.

(7) Omit Article 8 (reporting).

(8) In Article 9 (amendments)—

(a) in paragraph 1—

(**5**) OJ No. L 256, 25.9.2002, p. 7.
(**6**) OJ No. L 131, 28.5.2009, p. 24.
(**7**) 1995 c. 21. Part 1 of Schedule 6 was substituted by S.I. 2014/1361.

(i) in the first paragraph, for "Measures designed", substitute "The Secretary of State may make regulations";

(ii) in the first paragraph, omit the words from ", shall be adopted" to the end of the paragraph; and

(iii) omit the second paragraph; and

(b) in paragraph 2—

(i) for "Measures designed", substitute "The Secretary of State may make regulations"; and

(ii) omit the words from "shall be adopted" to the end of the paragraph.

(9) In Article 10 (committee procedure)—

(a) for the title, substitute "Regulations";

(b) for paragraph 1, substitute "Any power of the Secretary of State to make regulations is exercisable by statutory instrument."; and

(c) for paragraph 2, substitute "Any statutory instrument is subject to annulment in pursuance of a resolution of either House of Parliament.".

(10) Omit Articles 11 (transitional provisions) and 12 (entry into force).

(11) Omit Annex I.

Amendment of Regulation (EU) No 1177/2010

7.—(1) Regulation (EU) No 1177/2010 of the European Parliament and of the Council of 24 November 2010 concerning the rights of passengers when travelling by sea and inland waterway and amending Regulation (EC) No 2006/2004(**8**) is amended as follows.

(2) In Article 2 (scope)—

(a) in paragraph 1—

(i) for "territory of a Member State", wherever it appears, substitute "United Kingdom"; and

(ii) in point (b), for "Union carrier", substitute "United Kingdom carrier";

(b) omit paragraphs 3 and 4; and

(c) in paragraph 5, for the words "Directive 2006/87/EC and to Directive 2009/45/EC", substitute "the Merchant Shipping (Technical Requirements for Inland Waterway Vessels) Regulations 2010(**9**)".

(3) In Article 3 (definitions)—

(a) omit point (b);

(b) for point (e), substitute—

"(e) 'United Kingdom carrier' means a carrier established within the United Kingdom or offering transport by passenger services operated to or from the United Kingdom;";

(c) in point (q), for "Article 2(2) and (3) of Directive 90/314/EEC", substitute "regulation 2(1) of the Package Travel and Linked Travel Arrangements Regulations 2018(**10**)"; and

(d) in point (s), for "territory of a Member State", substitute "United Kingdom".

(**8**) OJ No. L 334, 17.12.2010, p. 1.
(**9**) S.I. 2010/1075, to which there are amendments not relevant to these regulations.
(**10**) S.I. 2018/634.