Draft Regulations laid before Parliament under paragraph 2 of Schedule 2 to the European Communities Act 1972 and section 130D(3) of the Merchant Shipping Act 1995, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2009 No. 0000

MERCHANT SHIPPING

The Merchant Shipping and Fishing Vessels (Port Waste Reception Facilities) (Amendment) Regulations 2009

Made - - - -	*2009*
Coming into force - -	*2009*

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), 130B(1), (2) and (5) to (7), 130C(2) and (7) and 130D(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 the environment and to maritime transport(**3**).

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.

A draft of this instrument has been laid before Parliament in accordance with paragraph 2 of Schedule 2 to the European Communities Act 1972 and section 130D(3) of the Merchant Shipping Act 1995, and approved by a resolution of each House of Parliament.

Citation and commencement

1. These Regulations may be cited as the Merchant Shipping and Fishing Vessels (Port Waste Reception Facilities) (Amendment) Regulations 2009 and shall come into force 14 days after the day on which they are made.

(**1**) 1972 c.68; section 2 and paragraph 2 of Schedule 2 to the 1972 Act were amended by section 27 of the Legislative and Regulatory Reform Act 2006 (c.51).
(**2**) 1995 c.21; sections 130A, 130B, 130C and 130D were inserted by section 5 of the Merchant Shipping and Maritime Security Act 1997 (c.28).
(**3**) S.I. 2008/301 and 1994/757.

Amendments

2.—(1) The Merchant Shipping and Fishing Vessels (Port Waste Reception Facilities) Regulations 2003(**4**) are amended in accordance with the following paragraphs.

(2) In regulation 2(1)—

(a) after the definition of "relevant inspector", insert—

""sewage" means—

(a) drainage and other wastes from any form of toilets and urinals,

(b) drainage from medical premises (including, for example, a dispensary or sick bay) via wash basins, wash tubs and scuppers located in such premises,

(c) drainage from spaces containing living animals, or

(d) other waste waters when mixed with any drainage referred to in paragraph (a), (b) or (c);"; and

(b) in the definition of "ship-generated waste"—

(i) before "oil" insert "sewage,", and

(ii) omit "originating from ships".

(3) In regulation 2(2)—

(a) in sub-paragraph (b), for "member State" substitute "EEA State"; and

(b) in sub-paragraph (c), for "a member State", substitute "an EEA State".

(4) At the end of regulation 2(4), add—

"(5) Any power under these Regulations to give a direction includes power to vary or revoke the direction by a subsequent direction.".

(5) In regulation 11—

(a) in paragraph (5)(a), for "a member State" substitute "an EEA State"; and

(b) for paragraph (6), substitute—

"(6) Where the previous port of call of a United Kingdom ship was a port in an EEA State, the master of that ship calling at a port of another EEA State shall, immediately on request by the competent authority of the latter State, produce to that authority a copy of the notice retained in accordance with paragraph (4).".

(6) In regulation 12, for paragraph (2) substitute—

"(2) A ship may proceed to the next port of call without delivering ship-generated waste if—

(a) the ship-generated waste in question is sewage, and the master of the ship is not required under regulation 11 to notify information about that waste, or

(b) subject to paragraph (3), it follows from the information notified under regulation 11(2) or (3) that there is sufficient dedicated storage capacity on board the ship to hold all the ship-generated waste that has been accumulated and all the ship-generated waste that will be accumulated during the intended voyage of the ship to the port of delivery.".

(7) In regulation 17(2), for "member State", substitute "EEA State".

(8) In Schedule 2—

(**4**) S.I. 2003/1809.