

OPEN AGENDA

Copy No:

No: 56/2021

Memorandum for Executive Council

SUBJECT

Merchant Shipping Regulations, 2021

Memorandum by Chairman of the Economic Development
Committee

ADVICE SOUGHT

1. Executive Council is asked to consider and advise whether the Regulations listed below should be approved:-

- (i) Merchant Shipping (Safety and Health) (Load Lines) Regulations 2021, (Annex A)**
- (ii) Merchant Shipping (Safety of Navigation) Regulations 2021, (Annex B)**
- (iii) Merchant Shipping (Accident and Investigation) Regulations 2021, (Annex C), and**
- (iv) Merchant Shipping (Safety of Life at Sea) Regulations 2021 (Annex D).**

In anticipation of the Merchant Shipping Ordinance being brought into force, Executive Council is asked to consider and advise whether these Regulations should be made accordingly.

**BACKGROUND &
CONSIDERATIONS**

- 2. In January 2021 Legislative Council passed the Merchant Shipping Ordinance, 2021 to provide a framework, within our local law, for the modern regulation of merchant shipping.
- 3. The UK Government is due to be audited, by the International Maritime Organisation, as to its compliance with International Instruments Implementation Code ('III Code', the triple-i-code). The audit is anticipated to be held from 14th October 2021.
- 4. The audit of the UK Government will cover compliance in the UK Overseas Territories to the extent that the Overseas Territories have international obligations extended to them. For St Helena that will include compliance with three of the six core III Code conventions, namely,
 - (i) The International Convention on the Safety of Life at Sea 1974,
 - (ii) The Convention on the International Regulations for Preventing Collisions at Sea, 1972, and

This document is the property of the St. Helena Government; it is protected by copyright laws and by the Official Secrets Acts.

The unauthorised possession or copying of the document may result in civil or criminal penalties.

OPEN AGENDA

(iii) The International Convention on Load Lines.

5. The attached regulations seek to deliver the requirements of these three international conventions into our domestic legislation.

FINANCIAL IMPLICATIONS

6. The making of these regulations do not themselves render any financial implication.

ECONOMIC IMPLICATIONS

7. These regulations compliment the regulatory framework instigated by the Merchant Shipping Ordinance

CONSISTENCY WITH INVESTMENT POLICY PRINCIPLES

8. The regulations are a matter of law and regulation and has no direct connection with investment.

PUBLIC / SOCIAL IMPACT

9. The regulations are not expected to have any public or social impact; they are principally concerned with the regulatory environment for maritime shipping.

ENVIRONMENTAL IMPACT

10. These regulations have no particular impact on the environment.

PREVIOUS CONSULTATION/ COMMITTEE INPUT

11. These measures have been devised with input or assistance provided by Maritime and Coastguard Agency in the UK and the co-ordinating body for Red Ensign Group registries in overseas territories and British Islands.

PUBLIC REACTION

12. To the extent the regulations deliver well established international requirements into matters of maritime safety the measures are not likely to be controversial.

PUBLICITY

13. Executive Council's decision may be publicised via the radio and the regulations, once made, will be published by Gazette and further published on the Saint Helena Government website.

SUPPORT TO STRATEGIC OBJECTIVES

14. The regulations do not directly contribute to Strategic Objectives.

This document is the property of the St. Helena Government; it is protected by copyright laws and by the Official Secrets Acts.

The unauthorised possession or copying of the document may result in civil or criminal penalties.

OPEN AGENDA

LINK TO SUSTAINABLE ECONOMIC DEVELOPMENT PLAN GOALS

15. Ship Registry is one of the priority sectors in the SEDP therefore developing the appropriate legal framework is a supporting step. The SEDP highlights the need for related ordinances as a primary barrier to growth in that sector.

IMPLEMENTATION OF POLICY / LEGISLATION

16. Implementation of the new regulations will be managed with the involvement of the Maritime Working Group and, in due course, relevant Minister and Portfolio.

OPEN /CLOSED AGENDA ITEM

17. This paper is recommended for Open Session.

LAH

Central Support
Services

29th September 2021

This document is the property of the St. Helena Government; it is protected by copyright laws and by the Official Secrets Acts.

The unauthorised possession or copying of the document may result in civil or criminal penalties.