

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Fourth Delegated Legislation Committee

DRAFT MERCHANT SHIPPING (PASSENGERS'
RIGHTS) (AMENDMENT ETC.) (EU EXIT)
REGULATIONS 2019

DRAFT MERCHANT SHIPPING (STANDARDS OF
TRAINING, CERTIFICATION AND
WATCHKEEPING) (AMENDMENT) (EU EXIT)
REGULATIONS 2019

Tuesday 5 March 2019

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Saturday 9 March 2019

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The Committee consisted of the following Members:

Chair: MR ADRIAN BAILEY

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| † Bradley, Ben (<i>Mansfield</i>) (Con) | † McGinn, Conor (<i>St Helens North</i>) (Lab) |
| † Brown, Alan (<i>Kilmarnock and Loudoun</i>) (SNP) | † Merriman, Huw (<i>Bexhill and Battle</i>) (Con) |
| Champion, Sarah (<i>Rotherham</i>) (Lab) | † Mills, Nigel (<i>Amber Valley</i>) (Con) |
| † Donelan, Michelle (<i>Chippenham</i>) (Con) | † Peacock, Stephanie (<i>Barnsley East</i>) (Lab) |
| Ellman, Dame Louise (<i>Liverpool, Riverside</i>) (Lab/Co-
op) | † Turner, Karl (<i>Kingston upon Hull East</i>) (Lab) |
| George, Ruth (<i>High Peak</i>) (Lab) | † Vickers, Martin (<i>Cleethorpes</i>) (Con) |
| † Ghani, Ms Nusrat (<i>Parliamentary Under-Secretary
of State for Transport</i>) | † Villiers, Theresa (<i>Chipping Barnet</i>) (Con) |
| † Heapey, James (<i>Wells</i>) (Con) | † Wood, Mike (<i>Dudley South</i>) (Con) |
| † Jones, Mr Kevan (<i>North Durham</i>) (Lab) | Dominic Stockbridge, <i>Committee Clerk</i> |
| | † attended the Committee |

Fourth Delegated Legislation Committee

Tuesday 5 March 2019

[MR ADRIAN BAILEY *in the Chair*]

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

8.55 am

The Parliamentary Under-Secretary of State for Transport (Ms Nusrat Ghani): I beg to move,

That the Committee has considered the draft Merchant Shipping (Passengers' Rights) (Amendment etc.) (EU Exit) Regulations 2019.

The Chair: With this it will be convenient to discuss the draft Merchant Shipping (Standards of Training, Certification and Watchkeeping) (Amendment) (EU Exit) Regulations 2019.

Ms Ghani: It is an honour to serve under your chairmanship on this bright morning, Mr Bailey.

The two sets of draft regulations will be made under powers in the European Union (Withdrawal) Act 2018. The Act retains directly applicable EU legislation in UK law and preserves EU-derived domestic legislation. Section 8 also makes provision for Ministers to correct deficiencies in retained EU legislation that arise from the UK leaving the European Union. To ensure that the retained legislation remains operable, both sets of draft regulations change references to member states and the Commission to the Secretary of State or the United Kingdom. The draft regulations also change definitions and other wording to reflect the UK's position outside the EU.

The first set of draft regulations deals with the certificates that seafarers need to hold to demonstrate their competence to perform certain roles on ships. The international convention on standards of training, certification and watchkeeping sets the standards of competence for seafarers internationally. Through two directives, the EU harmonised the way in which member states implement the requirements of the STCW convention. The EU directives and our international obligations are implemented by the Merchant Shipping (Standards of Training, Certification and Watchkeeping) Regulations 2015, which will be amended by the regulations under consideration. The Government have decided to continue to recognise seafarer certificates from EU and EEA countries. The UK will also continue to recognise the certificates from those non-EU or EEA countries that are approved by the EU and currently recognised by the UK. The draft regulations enable the Secretary of State to maintain the recognition of certificates from such countries.

The draft regulations allow the Secretary of State to recognise additional parties to the STCW convention and the certificates that they issue. The Secretary of State must be satisfied that any such country complies fully with the requirements of the convention. The regulations

also enable the Secretary of State to remove recognition from any country if he is satisfied that the country no longer complies with the convention. The regulations replace a requirement to report to the European Commission on compliance with the STCW convention with a requirement to report on compliance to the secretary-general of the International Maritime Organisation.

The 2015 regulations that are being amended are about the seafarers who work on UK-flagged ships. With the support of Nautilus International and the Chamber of Shipping, we are working with EU countries to ensure continuity for the UK-trained seafarers who work on EU-flagged ships.

The second set of draft regulations deals with passenger rights and other issues involving the carriage of passengers by sea. Under EU regulation 1177/2010, UK passengers travelling by sea and inland waterways benefit from a comprehensive set of rights and entitlements. The regulations put in place consumer protections that, among other things, allow for redress in respect of delayed and cancelled journeys. They also define the standards that industry must uphold in respect of disabled passengers to provide them with the same opportunities and assistance to travel as they have in other transport sectors at no extra cost. Furthermore, the International Maritime Organisation's Athens convention requires shipowners to maintain compulsory insurance, which must be sufficient to cover third-party claims in respect of death or personal injury to passengers and the loss of or damage to luggage and vehicles.

The draft regulations amend EU regulations 1177/2010 and 392/2009 to ensure that they continue to function correctly as part of UK law. The changes will not affect passengers in any way and will serve to ensure that they continue to enjoy the rights and entitlements available to them today. The regulations also amend the EU-derived domestic legislation that implements EU law in that area.

So that the UK continues to meet its international obligations under the Athens convention once the UK leaves the EU, the draft regulations will transfer power from the European Commission to the Secretary of State. That will enable the UK to keep up to date with changes to the compulsory insurance requirements and liability limits for shipowners, as and when they are adopted by the International Maritime Organisation. That will not create a burden on shipowners, as state certificates are easily obtainable from state parties to the convention, including, for example, from the Maritime and Coastguard Agency in the UK. The proposed change will therefore not have any significant impact on industry. It simply ensures that we are complying with our international obligations under the convention without exemption.

The changes made by the draft regulations will ensure that retained EU law operates effectively, so that we have an effective system for ensuring that seafarers working on UK ships are qualified to do so, and that passengers can continue to rely on the rights and entitlements they currently enjoy. They are also important for ensuring that the UK can continue to meet its international obligations and passenger safety commitments. I commend the draft regulations to the Committee.

9.1 am

Karl Turner (Kingston upon Hull East) (Lab): It is a pleasure to see you in the Chair, Mr Bailey, and it is always a pleasure to serve under your chairmanship.

The instrument relating to passenger rights ensures that current provisions relating to rights and entitlements of passengers when travelling by sea and inland water are legally operable when the UK leaves the EU. They are entirely sensible and the Opposition support them.

The instrument relating to standards of training amends the Merchant Shipping (Standards of Training, Certification and Watchkeeping) Regulations 2015—the STCW regulations. The amendments made by the instrument, as the Minister has briefly outlined, will broadly maintain the existing policy position. The UK will continue to recognise seafarer certificates issued by parties to the international convention on standards of training, certification and watchkeeping for seafarers that are currently recognised, and a new mechanism will be established enabling the Secretary of State to recognise certificates from other parties to the convention in the future. The Opposition will support this instrument.

I have one brief question. I believe the EU is looking at tightening up the basic training of seafarers. If there are changes to the STCW training requirements at EU level once we are no longer in the EU and are effectively a third party, what will the Government's position be?

9.3 am

Mr Kevan Jones (North Durham) (Lab): It is a pleasure to serve under your chairmanship, Mr Bailey. It is of note that my hon. Friend the Member for Kingston upon Hull East is the shadow Minister in the Committee, because I worked with his father, who was a National Union of Seamen official for many years. I am sure he is looking down favourably on my hon. Friend today.

I agree with my hon. Friend on the draft regulations, but I would like to ask for clarification regarding the amounts in euros for which provision is made by article 6(1) of regulation (EC) 392/2009, and articles 17(2) and 19(6) of regulation (EU) 1177/2010. The amounts are in euros. The explanatory memorandum to the passengers' rights regulations states that the exchange rate used is the average rate for the year ending 31 December 2017. Why is the exchange rate for that period used, rather than a more up-to-date one? I understand that the exchange rate was £1 to €1.14615. These amounts are clearly set at the moment. What is the mechanism for increasing or changing them in the future? Would we just adopt what was put forward?

9.4 am

Alan Brown (Kilmarnock and Loudoun) (SNP): It is a pleasure to serve under your chairmanship, Mr Bailey. I will be brief. So long as the Scottish National party is a party, we are opposed to Brexit, particularly a possible no-deal Brexit, but we accept that the draft regulations are sensible to provide continuity, as a contingency. My main question to the Minister is this: paragraph 7.5 of the explanatory memorandum to the Merchant Shipping (Standards of Training, Certification and Watchkeeping) (Amendment) (EU Exit) Regulations correctly states:

“These regulations cannot provide a mechanism to ensure other EU/EEA countries continue to accept UK Certificates of Competency once the United Kingdom leaves the EU.”

Can she tell us where the Department has got to in its ongoing discussions on some sort of reciprocal arrangement?

Slightly tangential to that question, where is the Department in terms of supporting non-EU workers' ability to work in the merchant shipping sector, particularly fishing vessels? There is already a problem in Scotland of labour from outwith the EU not being able to get permits to work.

9.6 am

Ms Ghani: I thank the hon. Members for Kingston upon Hull East and for Kilmarnock and Loudoun, and the right hon. Member for North Durham, for their consideration of the draft regulations, which deal with important issues relating to the carriage of passengers by sea and the qualifications that seafarers must hold. The regulations are designed simply to ensure that the EU-derived legislation will be retained in UK law and continue to function as intended. They make the changes appropriate to ensuring that the existing regulatory framework is retained and operates effectively when we leave the EU.

On the question of basic seafarer training, possible changes to STCW training requirements and the UK Government's position, I emphasise the fact that the UK is party to the STCW convention and it is our policy to continue to apply changes to the convention in domestic law.

On how we will work with countries to ensure that our seafarers and their certificates are recognised, we are indeed working with European countries on a bilateral relationship and working in partnership with Nautilus International and the UK Chamber of Shipping to put in place a simple process for the Commission to recognise UK seafarers in future if we leave without a deal. We are focused on ensuring that the arrangement is reciprocated. The hon. Member for Kilmarnock and Loudoun must know that my portfolio includes responsibility for taking care of our seafarers.

The hon. Gentleman also mentioned countries outside the EU and EEA; already within the convention 50 countries are recognised and half of those are third-party countries, so we will continue to work with them. I believe there are about 24 or 25.

There was also a question about euros; I must say I was not expecting that this morning, but I am grateful to the right hon. Member for North Durham for raising it. The exchange rate was set at the beginning of the drafting process, as is normal. I am not sure what more I can say about the financing and the particular point he raised, but if he will allow me, I will write to him in detail to confirm the absolute answer to that. I would not want to give him anything inappropriate right here and right now.

Mr Jones: I accept the Minister's explanation of why the 2017 figure was used, but I think she ought to remind her officials that when this regulation is laid, the information put before the Committee should be up to date, because there is clearly a more appropriate figure to use than the 2017 one. It is not a great point, but I think it is a point worth noting.

Ms Ghani: It is indeed a valuable point and no doubt it has been noted, but as the right hon. Gentleman will know, there are always processes in place and that process has been followed when exchange rates are set. No doubt his point will be noted and there will be a comment on it in future in case it is raised. I am sure my officials have made a note.

I am pleased that the Committee supports the regulations. They are appropriate to ensuring that the retained EU legislation relating to seafarer qualifications, passenger rights and the carriage of passengers by sea continues to work effectively in the UK from day one after exit. I commend the regulations to the Committee.

Question put and agreed to.

**DRAFT MERCHANT SHIPPING
(STANDARDS OF TRAINING,
CERTIFICATION AND WATCHKEEPING)
(AMENDMENT) (EU EXIT)
REGULATIONS 2019**

Resolved,

That the Committee has considered the draft Merchant Shipping (Standards of Training, Certification and Watchkeeping) (Amendment) (EU Exit) Regulations 2019.—(*Ms Ghani.*)

9.10 am

Committee rose.

