



Maritime &
Coastguard
Agency

Consultation Document:

Implementation of the 2016 Amendments to
the Maritime Labour Convention into UK Law

March 2019

Contents

<u>Section 1: Overview of this consultation</u>	1
<u>Aim</u>	1
<u>Views sought</u>	1
<u>Deadline for responses</u>	1
<u>Overview Timeline</u>	1
<u>Section 2: Areas for consideration</u>	1
<u>Background</u>	1
<u>Proposed Changes</u>	2
<u>Summary of Options and Recommendation</u>	2
<u>Supporting Information</u>	2
<u>Section 3: Responding to this consultation document</u>	2
<u>Consultees</u>	3
<u>Duration</u>	3
<u>Submitting your response</u>	3
<u>Freedom of Information and Data Protection</u>	3
<u>Section 4: Outline plans beyond this consultation</u>	4
<u>Section 5: Response form</u>	5
<u>Section 6: Conduct of this consultation</u>	7
<u>Consultation Principles</u>	7
<u>Feedback on conduct of consultation</u>	8
<u>MCA consultation feedback form</u>	8
Annex A: Draft regulations.	10
Annex B: De Minimis Assessment	13
Annex C: MSN 1848	15

Section 1: Overview of this consultation

Aim

- 1.1. This consultation seeks your views on implementing the mandatory provisions of the 2016 amendments to the Maritime Labour Convention 2006 (MLC) into UK Law to allow a Maritime Labour Certificate of Compliance to be endorsed for a period not exceeding 5 months after its expiry date if a ship has successfully completed a MLC renewal inspection.

Views sought

- 1.2. Your views are sought in the following areas;
 - i. The text of the draft regulations; The Merchant Shipping (Maritime Labour Convention) (Extension of Maritime Labour Certificate) (Amendment) Regulations (Annex A)
 - ii. The economic assessment set out in the De Minimis Assessment (DMA). (Annex B)
 - iii. The proposed amendment to section 8 of Merchant Shipping Notice 1848 to provide guidance on the changes (Annex C)
- 1.3. A full list of consultation questions is contained in Section 5 of this consultation.

Deadline for responses

- 1.4. Responses are welcomed from 20/03/2019 until 27/03/2019.

Section 2: Areas for consideration

Background

- 2.1 The International Labour Organization's Maritime Labour Convention, 2006 (MLC) updated and replaced a total of over 60 instruments relating to the living and working conditions of seafarers.
- 2.2 The aims of the MLC 2006 are to ensure comprehensive worldwide protection of the rights of seafarers (the Convention is sometimes called the seafarers' Bill of Rights); and to establish a level playing field for countries and shipowners committed to providing decent working and living conditions for seafarers, protecting them from unfair competition on the part of substandard ships. The UK ratified the MLC on 7 August 2013
- 2.3 The MLC was innovative for the ILO as it provides simplified provisions for amendments to the Code to be amended to ensure that the MLC remains up to date. The 2016 amendments are the second set of amendments to the MLC.
- 2.4 The 2016 amendments to the MLC came into force internationally on 8 January 2019. They include a mandatory provision which allows flag states to extend the validity of a Maritime Labour Certificate of Compliance for ships (which is otherwise held to a



maximum period of validity of 5 years) by up to a further five months. This can only be done where a ship has successfully completed an MLC renewal inspection, but the new certificate cannot be immediately issued and made available to the ship.

Proposed Changes

- 2.5 The proposed changes introduce an option for a 5 month extension of an existing certificate of compliance through an endorsement page avoiding the potential for operators whose ships have been surveyed and found to be compliant with the standards of the MLC being prevented from sailing due to a delay in issuing the certificate of compliance itself. It reduces the possibility of ships being detained due to administrative procedures. We regard this to be of benefit to the industry. The changes would be implemented through an amendment to the Merchant Shipping (Maritime Labour Convention) (Survey and Certification Regulations) 2013. The MCA will redesign the MLC certificate of compliance to include an endorsement page. The new certificate will be rolled out as part of the existing survey programme. There will be no recall and replacement of certificates.

Summary of Options and Recommendations

- 2.6 We believe that the most beneficial option for our stakeholders is to implement the changes. The terms of the MLC require ratifying states to fully implement the Convention and any subsequent amendments to the Convention. To enable the UK to remain fully compliant with the MLC the Government must implement the 2016 Amendments and not to do so could impact on the UK Ship Register, which has a reputation for maintaining the highest international standards. There is a risk that UK registered ships visiting foreign ports could be subject to more frequent inspections leading to potential detentions or delays. Conversely as this policy constitutes a slight relaxation of the rules relating to MLC certification, if the UK does not implement the changes UK registered ships may also suffer a competitive disadvantage relative to their competitors from MLC compliant flag states who have implemented the changes.

Supporting Information

- 2.7 There are no costs to industry in making these changes and the economic impact has been assessed in the DMA at ANNEX B. We have discussed implementation of this policy with our MLC tripartite working group which includes the UK Chamber of Shipping representing ship owners and the seafaring unions Nautilus and the RMT. The group supports implementation of the 2016 amendments.
- 2.8 We have drafted a amendment to the existing guidance, MSN 1848 on the survey and certification of ships to reflect the proposed changes. This is included as Annex C.

Section 3: Responding to this consultation

- 3.1. There are specific questions highlighted in section 5 of this document and information on how to respond to this consultation document.



Consultees

- 3.2. Anyone may respond to this consultation and consideration will be given to all responses. We will be particularly interested to hear from: shipowners and seafarers representatives.

Duration

- 3.3. This consultation is open from 20/03/19. The deadline for responses is 27/03/19.

Submitting your response

- 3.4. Consultation responses should be emailed to mlc@mcga.gov.uk. Any questions should be sent to this email address.
- 3.5. When responding, representative groups are asked to give a summary of the people and organisations they represent, and where relevant who else they have consulted in reaching their conclusions.

Freedom of Information

- 3.6. Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the Freedom of Information Act 2000 (FOIA) or the Environmental Information Regulations 2004.
- 3.7. If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.
- 3.8. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department/MCA.
- 3.9. The MCA will process your personal data in accordance with the data protection framework and, in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

Data Protection

- 3.10. The MCA is carrying out this consultation to gather evidence. The consultation is being carried out in the public interest to inform the development of policy.
- 3.11. The MCA will use your contact details to send you information about the consultation, for example if we need to ask follow-up questions, as part of its functions as a government department. Your information will be kept secure and will not be used for any other purpose without your permission.
- 3.12. To find out more about how the MCA looks after personal data, your rights, and how to contact our data protection officer, please go to:

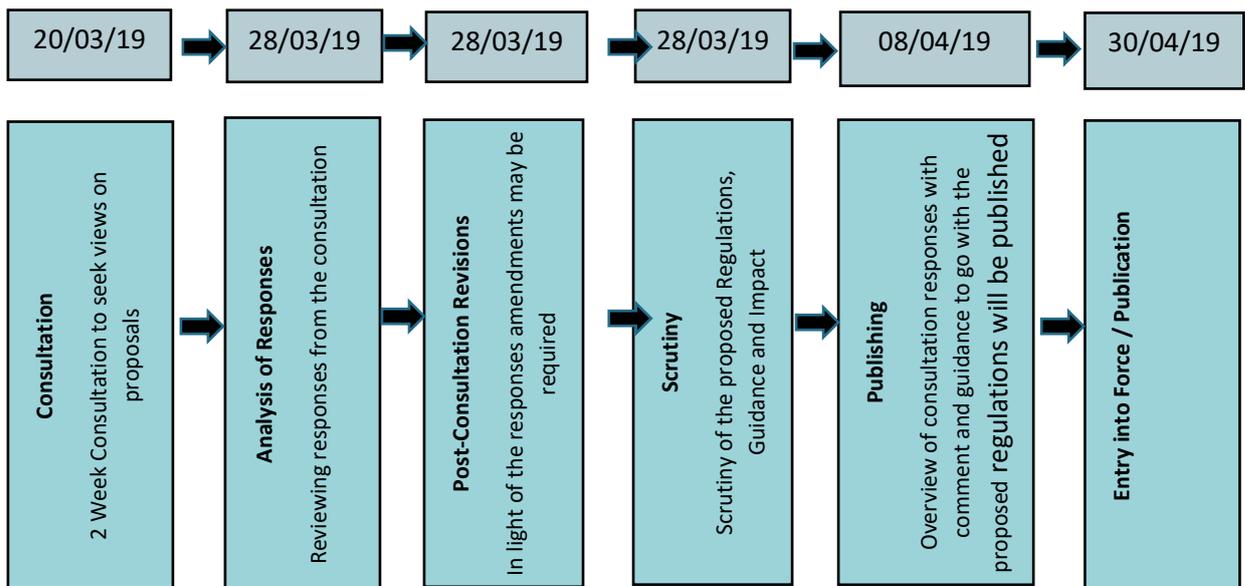
<https://www.gov.uk/government/organisations/maritime-and-coastguard-agency/about/personal-information-charter>

If you do not wish to remain on this list, please reply and let us know.



Section 4: Outline of plans beyond this consultation

- 4.1. Once this consultation closes we will review all responses. In considering the responses we will apply appropriate weight to those from organisations and individuals with specialist knowledge of the subject area.
- 4.2. We will be analysing the responses following closure. Our aim is to publish an overview of the responses and the MCA's comments by 08/04/2019 which will be available from: www.gov.uk/government/publications
- 4.3. Where appropriate the draft Regulations/Guidance, accompanying guidance and impact assessment will be revised to take into consideration the consultation responses.
- 4.4. Our aim is for the Merchant Shipping (Maritime Labour Convention) (Extension of Maritime Labour Certificate) (Amendment) Regulations to come into force on 30/04/2019. The Regulations will be published on www.legislation.gov.uk
- 4.5. Every effort will be made to publish the revised accompanying guidance on GOV.UK in advance of the 30/04/2019.
- 4.6. An overview timetable is below for reference:



Section 5: Response form

What is your name? _____

What is your email address? _____

What is your job title? _____

When responding please state whether you are responding as an individual or representing the views of an organisation:

- I am responding as an individual
- I am responding on behalf of an organisation

(name of organisation) _____

Please check the box that best describes you as a respondent and the size of your organisation:

Respondent Type

- Classification Society
- Government Agency/Department
- Individual
- Legal representative
- Protection & Indemnity
- Seafarer
- Ship Operator
- Ship Owner
- Trade Union
- Other

Size of Organisation

- Large business (over 250 staff)
- Medium business (50 to 250 staff)
- Micro business (up to 9 staff)
- Small business (10 to 49 staff)

(please describe) _____



Section 5.1 Consultation Questions

1. Do you agree that the MCA should implement the MLC 2016 amendments into UK law? (If you do not please explain why.)
2. Do you have any comments on our approach to implementing the MLC 2016 amendments as expressed in the draft regulations at Annex A?
3. Do you have any comments on information relating to costs and benefits of this policy as expressed in the DMA at Annex B?
4. Do you have any comments relating to the proposed amendments to MSN 1848 (section 8)

Section 5.2

Do you have any additional comments to add to the response?

Please return completed response forms to mlc@mcga.gov.uk

Alternatively responses may be posted to:

Seafarer Safety and Health
MCA
Spring Place
105 Commercial Road
Southampton
Hampshire
SO15 1EG



Section 6: Conduct of this consultation

- 6.1. This consultation has been conducted in accordance with the Cabinet Office Consultation Principles.

Consultation principles

- 6.2. The Cabinet Office Consultation Principles can be found at:

[20160111_Consultation_principles_final.pdf](#)

Feedback on conduct of consultation

- 6.3. If you have any comments regarding the conduct of this consultation, please contact the Consultation Co-ordinator at consultation.coordinator@mcga.gov.uk.
- 6.4. We are continually trying to improve the way in which we conduct consultations and appreciate your views. We would be grateful if you could complete and return the attached feedback form. These should be submitted to the Consultation Co-ordinator and are not affected by the deadline for this consultation.
- 6.5. If you require this consultation in an alternative format, please contact either the Consultation Co-ordinator or the named official conducting this consultation.



MCA CONSULTATION FEEDBACK FORM

1. Please indicate on which Consultation you are providing feedback:

.....

2a. Please indicate whether you are responding on behalf of:

- Yourself as an Individual
- A Trade Association
- A Company
- A Government Organisation
- A Trade Union
- Other
(please specify) _____

2b. If you are representing a company, please indicate the size of your company:

- Micro (1-9 employees)
- Small (10-49 employees)
- Medium (50-249 employees)
- Large (250+ employees)

2c. Please indicate whether you accessed this consultation package through:

- Post
- email
- Website

3. Please rate the quality of this consultation regarding accuracy, good English and spelling:

- Very good
- Good
- Average
- Poor
- Very Poor

4. Please rate the format of the consultation presentation (layout, Annexes etc.):

- Very good
- Good
- Average
- Poor
- Very Poor

5. Please rate the consultation in terms of how clear and concise you felt it was:



- Very good
- Good
- Average
- Poor
- Very Poor

6. Did you feel that the consultation was conducted over a sufficient period of time?

- Yes
- No

7. Were any representative groups, organisations or companies not consulted who you felt should have been?

- Yes
- No

If yes, who? _____

8. Please let us have any suggestions for improvement or other comments you wish to make about this consultation below:

Thank you for your time. Please return this form to:

Consultation Co-ordinator,
Maritime and Coastguard Agency,
Spring Place, Bay 3/26, 105 Commercial Road
Southampton SO15 1EG
Or e-mail it to: consultation.coordinator@mca.gov.uk

If you are happy to supply your name in case we need to contact you to discuss your views further, please enter it below (this is optional, and your feedback will still be taken into account if you wish to remain anonymous):

Name _____

Tel. No. _____

Please note that the deadline for responses to the Consultation itself does not apply to the return of this form.



2019 No.

MERCHANT SHIPPING

The Merchant Shipping (Maritime Labour Convention) (Extension of Maritime Labour Certificate) (Amendment) Regulations 2019

<i>Made</i>	- - - -	***
<i>Laid before Parliament</i>		***
<i>Coming into force</i>	- -	***

The Secretary of State is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972⁽¹⁾ in relation to measures relating to the safety of ships and the health and safety of persons on them⁽²⁾ and in relation to measures relating to maritime transport⁽³⁾.

The Secretary of State, in exercise of the powers conferred by section 2(2) of that Act⁽⁴⁾ and sections 85(1) and 86(1) of the Merchant Shipping Act 1995⁽⁵⁾, makes the following Regulations.

[In accordance with section 86(4) of the Merchant Shipping Act 1995 the Secretary of State has consulted the persons referred to in that section.]

Citation, commencement and application

—a) These Regulations may be cited as the Merchant Shipping (Maritime labour Convention) (Extension of Maritime Labour Certificate) (Amendment) Regulations 2019 and come into force on ***.

These Regulations do not apply in relation to renewal surveys required by regulation 5(1)(b) of the Merchant Shipping (Maritime Labour Convention) (Survey and Certification Regulations) 2013⁽⁶⁾ which are completed before the coming into force of these Regulations.

⁽¹⁾ 1972 c. 68.

⁽²⁾ S.I. 1993/595.

⁽³⁾ S.I. 1994/757.

⁽⁴⁾ Section 2(2) was amended by section 27 of the Legislative and Regulatory Reform Act 2006 (c.51) and by section 3 of, and Part I of the Schedule to, the European Union (Amendment) Act 2008 (c.7). The Maritime Labour Convention is regarded as one of the “EU Treaties” within the meaning of section 1(2) of the European Communities Act 1972 by virtue of the European Communities (Definition of Treaties) (Maritime Labour Convention) Order 2009 (S.I. 2009/1757).

⁽⁵⁾ 1995 c.21. Sections 85 and 86 were amended by section 8 of the Merchant Shipping and Maritime Security Act 1997 (c.28) and section 2 of the British Overseas Territories Act 2002 (c. 8). Those sections are applied to hovercraft by article 4 of the Hovercraft (Application of Enactments) Order 1989 (S.I. 1989/1350) (sections 85 and 86 re-enact sections 21 and 22 of the Merchant Shipping Act 1979 (c.39), to which that article refers). There are other amendments not relevant to these Regulations.

⁽⁶⁾ S.I. 2013/1785.



Amendment of the Merchant Shipping (Maritime Labour Convention) (Survey and Certification Regulations) 2013

—b) The Merchant Shipping (Maritime Labour Convention) (Survey and Certification Regulations) 2013 are amended as follows.

In regulation 2 (interpretation)—

in the definition of “anniversary date” before “date” insert “original”;

after the definition of “Merchant Shipping Notice” insert—

““original date of expiry” has the meaning given in regulation 10(2D);”.

In regulation 10 (duration and validity of maritime labour certificates)—

in paragraph (1) for “paragraph (2)” substitute “paragraphs (2) and (2B)”;

after paragraph (2) insert—

“(2A) This paragraph applies where a renewal survey as required by regulation 5(1)(b) has been completed but a new Maritime Labour Certificate cannot, on the date of completion of the survey—

(a) be issued; or

(b) made available on board ship,

(2B) Where paragraph (2A) applies, the certifying authority may extend the period of validity of the existing Maritime Labour Certificate by a period not exceeding 5 months.

(2C) Where a certifying authority extends the period of validity of a Maritime Labour Certificate under paragraph (2B), it must—

(a) issue the new Maritime Labour Certificate as being valid from the original date of expiry of the existing certificate; and

(b) endorse the existing certificate accordingly.

(2D) “Original date of expiry”, in relation to a Maritime Labour Certificate, means the final day of the period of validity of the certificate, excluding any extension to that period added under paragraph (2B).”

[name]

Minister of State for Transport
Department for Transport

Date

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Merchant Shipping (Maritime Labour Convention) (Survey and Certification) Regulations 2013 (S.I. 2013/1785) to implement the amendments of 2016 to the Maritime Labour Convention 2006 (“the 2016 amendments”), approved at the 105th session of the International Labour Conference (the “ILC”) on 9th June 2016.

The paragraphs inserted into regulation 10 by these Regulations allow a certifying authority of the United Kingdom to extend the period of validity of a Maritime Labour Certificate by up to 5 months where a renewal survey has been completed but a new Maritime Labour Certificate cannot be immediately issued and made available on board the ship. Where the certifying authority exercises its power under the inserted paragraphs it must endorse the extended Maritime Labour Certificate accordingly. The new Maritime Labour Certificate must be issued as being valid from the original date of expiry (as defined) of the existing certificate.

The 2016 amendments may be downloaded from the website of the International Labour Organisation at the following address: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_488452.pdf. Hard copies can be obtained by writing to the Seafarer Safety and Health Manager, The Maritime and Coastguard Agency, Spring Place, 105 Commercial Road, Southampton, SO15 1EG.

The Maritime Labour Convention may be downloaded from the website of the International Labour Organisation at www.ilo.org/global/standards/maritime-labour-convention/lang--en/index.htm. Copies of the Maritime



Labour Convention may be obtained as a priced publication from www.tsoshop.co.uk, by post from TSO Customer Services, PO Box 29, Norwich, NR3 1GN, tel: +44 (0) 333 202 5070.



Annex B:

Title: The Merchant Shipping (Maritime Labour Convention) (Maritime Labour Certificate) (Amendment) Regulations 2018 Date: 05/02/2019 DMA No: DfTDMA085 Lead department or agency: Maritime and Coastguard Agency Other departments or agencies: Department for Transport		De Minimis Assessment (DMA)	
		Stage: Final	
		Source of intervention: International	
		Type of measure: Secondary	
Summary: Rationale and Options		Contact for enquiries: Louise Unsworth, Louise.Unsworth@mcga.gov.uk	
Total Net Present Value N/A	Business Net Present Value N/A	Net cost to business per year <small>(EANDCB in 2014 prices)</small> N/A	

Rationale for intervention and intended outcomes

An update of the International Labour Organisation's (ILO) Maritime Labour Convention 2006 (MLC) comes into force internationally on 8 January 2019 (the 2016 amendments). To ensure continuing UK compliance with the requirements of the MLC we must implement these changes to the satisfaction of the ILO. This amendment brings the MLC into line with similar existing provisions which already exist for ship certificates issued under the Safety of Life at Sea Convention (SOLAS).

The amendment's intended outcome is to introduce more flexibility into the process of issuing replacement certificates of compliance with the MLC, giving the option for a 5 month extension of an existing certificate, avoiding the potential for operators who have been surveyed and found to be compliant not being legally compliant due to a delay in issuing the physical certificate.

Describe the policy options considered

Option 0: Do Nothing – This is not considered a viable option as the UK would not be compliant with the MLC, to which it is a signatory state. Failure to implement changes to the MLC in a timely fashion may be detrimental to UK ships as they would be at risk of being deemed to be non-compliant with the MLC, exposing them to potential delays when in foreign ports.

Option 1 (preferred option): Implement the amendments into UK legislation through an amendment to the Merchant Shipping (Maritime Labour Convention) (Survey and Certification Regulations) 2013 to ensure UK compliance with the MLC. The amendments will allow for extensions to the validity of an expiring mandatory maritime labour certificate of compliance for a period of up to five months following a satisfactory renewal survey to allow a ship to remain compliant with the MLC requirement to have a valid certificate of compliance on board while allowing time for the new certificate of compliance to be issued and to reach the ship. This amendment brings the MLC into line with similar existing provisions which already exist for ship certificates issued under the Safety of Life at Sea Convention (SOLAS).

Since the proposed amendment relates to flag state survey, it will apply to UK ships only. However, the UK also

Rationale for DMA rating

There are no costs to business. The amendment will not affect any standards with which businesses comply, nor will it affect how they prepare for their survey. There is no need for businesses to familiarise themselves with the amendment and it is not expected to be controversial.

There is a small potential benefit to shipping businesses in avoiding the possibility of a sailing delay when it not possible for a surveyor to issue the certificate on the spot and their existing certificate has nearly expired. This is a rare occurrence: in practice, surveyors often take a prepared blank certificate of compliance or a printer with them when they conduct an MLC survey. If the ship passes the survey the surveyor issues it on the spot. The new provision allows for when for some reason this is not possible.

Will the policy be reviewed? No

If applicable, set review date: N/A (amending SI)



Are these organisations in scope?	Micro Yes	Small Yes	Medium Yes	Large Yes
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Senior Policy Sign-off: ✓ Date: 07/02/2019

Peer Review Sign-off: ✓ Date: 11/02/2019

Better Regulation Unit Sign-off: ✓ Date: 11/02/2019



MERCHANT SHIPPING NOTICE

MSN 1848 (M)
Amendment 2

Maritime Labour Convention, 2006
Survey and Certification of UK Ships

**Notice to all Ship Owners, Ship Operators, Managers, Manning Agents,
Trade Unions and Seafarer**

This notice should be read with Merchant Shipping (Maritime Labour Convention) (Survey and Certification) Regulations 2013 (S.I. No 2013/1785) and the ILO Guidelines for Flag State Inspections and replaces MSN 1848(M) Amendment 1.

Summary

- The purpose of this Merchant Shipping Notice is to give details of arrangements for the survey, inspection and certification of seafarers' working and living conditions on UK ships, in accordance with the Maritime Labour Convention, 2006 (MLC) under the Merchant Shipping (Maritime Labour Convention) (Survey and Certification) Regulations 2013 (S.I. No. 2013/1785) ("the MLC Survey & Certification Regulations"), and provide appropriate guidance.
- MSN 1848(M) Amendment 2 includes the amendments to the Maritime Labour Convention, 2006 (the MLC) adopted by the ILO in June 2014, including the format for the updated DMLC Part 1 and Part 2.
- Ships of 500GT and over operating internationally or in a foreign port require a Maritime Labour Certificate. Shipowners for ships under 500GT which operate internationally or in a foreign port may also request a survey for issue of a certificate. For UK ships under 500 GT, currently a Maritime Labour Certificate can only be issued by the Maritime and Coastguard Agency. For UK ships of 500 GT and over the Maritime Labour Certificate may be issued either by the Maritime and Coastguard Agency or by one of the six Recognised Organisations.
- A Maritime Labour Certificate is valid for five years, subject to an intermediate inspection between the second and third year, after which the certificate may be endorsed.



- All ships, whether or not they require a Maritime Labour Certificate, must be inspected at least twice within a five year period and inspections will, where appropriate, be conducted at the same time as ISM audits.
- Prior to applying for survey or inspection, shipowners should familiarise themselves with the UK's Declaration of Maritime Labour Compliance Part 1, available on the MCA website, and, if they need or want a Maritime Labour Certificate, should prepare a Declaration of Maritime Labour Compliance Part 2.

Relationship with the MLC Survey & Certification Regulations

- The MLC Survey & Certification Regulations need to be read together with this Merchant Shipping Notice, as it sets out many of the details, standards and formalities which must be observed in order to comply with the legal obligations under those Regulations. Failure to comply with those obligations may be a criminal offence under the Regulations.
- In order to assist with this Paragraph 14 contains an index which clearly sets out and/or identifies the provisions in this Notice which relate to the relevant provision in the Regulations.

1. Introduction

- 1.1 The Maritime Labour Convention, 2006 (MLC) requires ratifying states to implement an inspection regime to ensure that the ships flying their flag comply with the national legislation which implements the MLC standards. For ships of 500GT or over operating internationally, this regime must also provide for certification. The MLC also sets out Port State Control provisions so that ratifying countries can inspect vessels calling at their ports for compliance with the MLC.
- 1.2 The Maritime and Coastguard Agency (MCA) has been carrying out formal inspections of living and working conditions on UK ships of 500GT and over since 2nd July 2004 under ILO Convention No.178. These inspections have been replaced by MLC survey and inspection. The MCA will continue to promote and ensure effective co-operation between inspectors, shipowners, seafarers and their respective organisations, in order to maintain and improve seafarers' working and living conditions.

2. Application

- 2.1 The MLC Survey & Certification Regulations do not apply to pleasure vessels, fishing vessels, ships of traditional build, warships or naval auxiliaries and ships not ordinarily engaged in commercial activities. Otherwise, the arrangements in this notice apply to all UK ships unless they operate exclusively from a UK port on domestic voyages within 60 nautical miles of a UK safe haven.
- 2.2 For inspection arrangements for small commercial vessels operating outside those limits under the MCA Codes of Practice, please see MGN 490(M) Amendment 1 (for vessels under 200GT) and MGN 491(M) Amendment 1 (for vessels of 200GT and under 500GT).

3. The MLC Survey & Certification regime

- 3.1 The MLC Survey & Certification Regulations refer to five different circumstances for survey (in the Regulations, the term "survey" is used in every context, but this notice, when describing UK arrangements, makes the conventional distinction between a "survey", which



would lead to issue of a certificate, and “inspection” when no certificate is required or requested).

3.2 The five circumstances are :

- 3.2.1 Mandatory surveys for ships of 500GT and over operating internationally or operating from a port in a country other than the United Kingdom
- Initial survey – before the first issue of a Maritime Labour Certificate to the ship; there will only ever be one initial inspection for any particular ship;
 - Renewal survey – at five yearly intervals following the initial survey, for issue of a new Maritime Labour Certificate;
 - Intermediate survey – between the second and third years of validity of the Maritime Labour certificate to ensure that the ship continues to comply with the UK Maritime Labour Convention standards.
- 3.2.2 Voluntary survey, where requested by the shipowner for issue of a certificate (for ships not covered by 3.2.1 (see paragraph 8.5). Once issued, the certificate is subject to the regime set out in paragraph 3.2.1.
- 3.2.3 Mandatory inspection of all vessels not covered by 3.2.1 or 3.2.2 to be carried out at least twice in five years.

4. Organisation of inspections

- 4.1 MCA will follow the ILO Guidelines on Flag State Inspection for the Maritime Labour Convention, 2006, but incorporating the MLC amendments 2014. These Guidelines can be viewed on the ILO website at http://www.ilo.org/global/standards/maritime-labour-convention/WCMS_101788/lang--en/index.htm . Section 2.2 of the Guidelines explains the inspection and certification process. Chapter 3 explains how inspections of the seafarer living and working conditions will be carried out under the MLC, and possible deficiencies that may arise for each regulation during a survey or inspection. Further guidance on the actions that surveyors may take when deficiencies have been identified can be found in chapter 4 of the same document.
- 4.2 Each ship, regardless of whether it is required to have a Maritime Labour Certificate or not, will be surveyed or inspected twice in every 5 years, with the intermediate survey or inspection being carried out between the second and third years, following the normal pattern of international Convention certificates. As with the ILO 178 inspections it is intended to conduct MLC surveys at the same time as International Safety Management (ISM) Code audits of individual ship Safety Management Certificates (SMC) to minimise inconvenience to shipowners and seafarers. However, an MLC survey or inspection and an SMC audit cover separate issues, and both are needed.
- 4.3 For ships not covered by the ISM Code, inspections will, wherever possible, be carried out in conjunction with other surveys or other targeted inspections carried out by the MCA.
- 4.4 The MLC Survey & Certification Regulations refer generally to surveys etc. being performed by certifying authorities (being either the Secretary of State/MCA or a Recognised Organisation). MLC inspections may be delegated to Recognised Organisations (ROs) either under the Enhanced Authorisation Scheme or on a case by case basis. Any delegation to ROs is undertaken within the terms of the agreements between the MCA and the ROs, and subject to the standards for ROs, explained in MSN 1672(M). The current list of UK authorised ROs can be found at <https://www.gov.uk/guidance/uk-authorised-recognised-organisations-ros>.



5. Scope of Inspections

- 5.1 In all the circumstances described in paragraph 3, the survey or inspection must cover the following working and living conditions under the MLC:
- Minimum age
 - Medical certification
 - Qualification of seafarers
 - Seafarers' employment agreements
 - Use of any licensed or certified or regulated private recruitment and placement service
 - Hours of rest
 - Manning levels for the ship
 - Accommodation
 - On-board recreational facilities
 - Food and catering
 - Health and safety and accident prevention
 - On board medical care
 - On-board complaint procedures
 - Payment of wages
 - Financial security for repatriation
 - Financial security relating to shipowners' liability
- 5.2 This does not mean that other areas of the MLC which are not specifically mentioned in the list above are excluded from the survey or inspection. The MCA intends to conduct surveys and inspections against this list in a manner which ensures that all aspects of the MLC are covered. For example, repatriation arrangements and the shipowner's liability for medical care must be included in the seafarers' employment agreements, so a check of the seafarer employment agreement will be used to confirm that the repatriation and medical care provisions are satisfactory.
- 5.3 Furthermore while the majority of the obligations under the MLC are the responsibility of the MCA to enforce, some obligations may be enforced by other government departments, and MCA will seek the advice and assistance of other departments when required.

6. Mandatory Standards

- 6.1 The standards with which ships must comply (subject to paragraph 11 below) in order to be issued with a UK Maritime Labour Certificate, for endorsement following an intermediate survey or for inspection under paragraph 3.2.3, are listed at Annex 1. Paragraph 14.1 contains additional information as to the interpretation of Annex 1 in connection with the MLC Survey & Certification Regulations.

7. Inspection Reports

- 7.1 The attending surveyor will complete a report listing any deficiencies that have been noted during the survey or inspection. The report is to be given to the Master and a copy posted on the ship's notice board for the information of all seafarers. A copy may also be sent to seafarers' organisations and a final copy will be held by the MCA on the relevant file.

8. Certification

- 8.1 If the ship requires a certificate, or the shipowner has requested one, on completion of a successful survey, a Maritime Labour Certificate will be issued.
- 8.2 The form of an interim Maritime Labour Certificate is at Annex 2 to this notice. An interim Maritime Labour Certificate may only be issued to
- a new build; or



- when the ship changes flag; or
- when the applicant wishes to change the person named as “shipowner” on an existing Maritime Labour Certificate.

8.3 An interim Maritime Labour Certificate will be issued following survey, if the MCA is satisfied that the ship has adequate procedures to comply with the relevant UK standards, that the master of the ship is familiar with the requirements of the MLC, and that there is sufficient information for the preparation of a DMLC Part 1. An interim Maritime Labour Certificate is valid for a maximum period of 6 months, and cannot be revalidated, nor can a second interim certificate be issued. Before the end of the 6-month validity of the interim Maritime Labour Certificate, the ship should be subject to full survey to determine whether a full Maritime Labour Certificate can be issued. Standard A5.1.3.8 of the MLC sets out the requirements on this point.

8.4 The form of full Maritime Labour Certificate is at Annex 3 to this notice. A full term certificate valid for a maximum period of 5 years is to be issued on completion of a satisfactory survey (but see paragraph 8.5). If a renewal survey is completed within 3 months immediately prior to the expiry date of the certificate, the expiry date on the subsequent certificate will be five years from the expiry date of the previous certificate. If the renewal survey is carried out outside the 3 month “window”, the expiry date of the new certificate is 5 years after the date of completion of the renewal survey. An intermediate survey is to be carried out between the second and third years. The scope of an intermediate survey is the same as that for a renewal survey. The certificate must be endorsed following a satisfactory intermediate survey.

8.5 Where a satisfactory renewal survey has been completed demonstrating that a ship remains compliant with MLC requirements, an extension to the validity of an expiring mandatory maritime labour certificate of compliance for a period of up to five months is permitted, to ensure that a valid certificate of compliance remains on board until a new certificate of compliance is issued and reaches the ship. The extended certificate will be endorsed to this effect by the attending surveyor.

8.6 There is provision within the Regulations for owners of ships that are less than 500GT or do not operate internationally to request certification under the MLC. In such circumstances the process and documentation is the same as that for ships of 500GT or over. However, while it is voluntary and optional to request a Maritime Labour Certificate for those ships, once a certificate has been issued, it is mandatory to comply with the relevant provisions in the Regulations concerning associated obligations (for example, intermediate inspection, display of documentation), and non-compliance with those requirements may give rise to criminal sanctions (as it does in respect of ships of 500GT and over). For the purposes of regulation 10(3)(b), a certificate which has been issued on such a voluntary basis will cease to be valid upon the anniversary date for the Maritime Labour Certificate in its third year of validity if it has not been endorsed to show a satisfactory intermediate survey, as described in paragraph 8.4.

9. Validity of a Maritime Labour Certificate or an interim Maritime Labour Certificate

9.1 A certificate becomes invalid –

- 9.1.1 if a satisfactory intermediate survey is not carried out within the specified period;
- 9.1.2 if the certificate is not endorsed following an intermediate survey;
- 9.1.3 if the ship transfers to another flag;
- 9.1.4 if the shipowner named on the Certificate ceases to be the shipowner; or
- 9.1.5 if substantial changes are made or damage sustained to the ship’s accommodation and recreational facilities for seafarers or its food and catering facilities.



- 9.2 Where the certificate becomes invalid for the reasons in 9.1.3 to 9.1.5 above, it can only be reissued following survey.
- 9.3 The MCA may cancel a certificate if there is reason to believe it was issued on the basis of incorrect information.
- 9.4 The MCA may suspend the validity of a Maritime Labour Certificate or an interim Maritime Labour Certificate if an improvement notice has been issued under section 261 of the Merchant Shipping Act and has not been complied with within the specified period or if there is clear evidence that the ship does not comply with the relevant requirements (Annex 1).

10. Declaration of Maritime Labour Compliance

- 10.1 The Declaration of Maritime Labour Compliance is in two parts.
- 10.1.1 Part I is to be completed by the attending surveyor and will identify the topics for survey, and set out by reference relevant UK standards concerning the MLC. It will also refer to any relevant ship-type specific requirements under national legislation and record any substantially equivalent provisions (see paragraph 10) or exemptions applicable to the ship. The form of the DMLC Part I is at Annex 4 to this notice. The contents of the DMLC Part I issued to a particular ship will vary slightly depending on the requirements applicable to the ship.
- 10.1.2 Part II is to be completed by the shipowner and approved by the attending surveyor when the first survey is completed. The Part II declaration details the shipowner's procedures for ongoing compliance with the MLC. The format for a Part II is at Annex 5 to this notice. This format (MSF 2401) is also available to download from the MCA website <https://www.gov.uk/government/publications/declaration-of-maritime-labour-compliance-part-ii-and-guidance>. The DMLC Part II and any supporting documentation must be made available in English.
- 10.2 A Declaration of Maritime Labour Compliance need not be issued for the period of validity of an interim certificate.

11. Substantial equivalence and exemptions

- 11.1 Paragraph 37 of Chapter 2 of the Guidelines for Flag State Inspections explains the concept of substantial equivalence. Any substantial equivalent agreed by the MCA which is relevant to the ship, is to be listed on the Part I declaration.
- 11.2 Paragraph 38 of the same chapter of the guidelines gives guidance on exemptions which may only be granted from specific parts of Regulation 3.1 on crew accommodation, and where provided for in UK regulations, following consultation with the social partners. Exemptions are to be listed on the Part I declaration.

12. Documents to be carried on board ship and made available

- 12.1 The current valid Maritime Labour Certificate and Declaration of Maritime Labour Compliance must be carried onboard and posted in a conspicuous place where it is available to seafarers.
- 12.2 A copy of the Maritime Labour Convention, 2006 must also be carried on board.
- 12.3 Financial security certificates complying with the requirements of MLC Standard A2.5.2, A.4.2.1 and A4.2.2 including the MLC amendments, 2014 must also be displayed in a conspicuous place on board.



- 12.4 Copies of all these documents must be made available on request to seafarers, flag state inspectors, authorised officers in port states and shipowners' and seafarers' representatives.

13. Fees

- 13.1 Fees will be charged at the current hourly rate for survey on ships that are required or which the shipowner requests to be certificated. If an RO carries out the inspection, fees will be charged by the RO as per their agreement with the shipowner. No fees will be charged for investigating complaints or for inspections on ships that are less than 500GT where the shipowner has not requested certification unless a re-visit is required.

14. References to this Notice in the Merchant Shipping (Maritime Labour Convention) (Survey & Certification) Regulations 2013

- 14.1 The references to this Notice in the MLC Survey & Certification Regulations are indexed below. This is the version of Merchant Shipping Notice 1848(M) which is considered to be relevant until further notice. The functions of the Secretary of State under the Regulations will in practice be exercised through the MCA, and references in this paragraph refer to the MCA accordingly.

Regulation 2(1): The United Kingdom Maritime Labour Convention standards are those set out in the Schedule to the Regulations, shown at Annex 1 to this Notice.

Regulation 5(1)(a) : The MCA (or any other certifying authority) will conduct an initial survey as described in paragraph 3.2.1. This survey will be carried out in the manner described in paragraph 4, and with the scope described in paragraph 5. It will be carried out by reference to the United Kingdom Maritime Labour Convention standards (as described above for the purposes of regulation 2(1)), subject to paragraph 11.

Regulation 5(1)(b): The MCA (or any other certifying authority) will conduct a renewal survey as described in paragraph 3.2.1. This survey will be carried out in the manner described in paragraph 4, and with the scope described in paragraph 5. It will be carried out by reference to the United Kingdom Maritime Labour Convention standards (as described above for the purposes of regulation 2(1)), subject to paragraph 11.

Regulation 5(2)(c): The MCA (or any other certifying authority) will conduct an intermediate survey as described in paragraph 3.2.1. This survey will be carried out in the manner described in paragraph 4, and with the scope described in paragraph 5. It will be carried out by reference to the United Kingdom Maritime Labour Convention standards (as described above for the purposes of regulation 2(1)), subject to paragraph 11.

Regulation 5(3): The MCA (or any other certifying authority) will conduct a survey under paragraph 5(3) as follows-

- If the shipowner makes a request for MLC documentation pursuant to regulation 6(3), the MCA (or any other certifying authority) will conduct a survey as described in paragraph 3.2.2. This survey will be carried out in the manner described in paragraph 4, and with the scope described in paragraph 5. It will be carried out by reference to the United Kingdom Maritime Labour Convention standards (as described above for the purposes of regulation 2(1)), subject to paragraph 11.
- If the shipowner does not make a request pursuant to regulation 6(3), the MCA (or any other certifying authority) will conduct a survey as described in paragraph 3.2.3. This survey will be carried out in the manner described in paragraph 4, and with the scope described in paragraph 5. It will be carried out by reference to the United Kingdom Maritime Labour



Convention standards (as described above for the purposes of regulation 2(1)), subject to paragraph 11.

Regulation 6(5): The form of the Maritime Labour Certificate to be issued in respect of UK ships is set out in the model shown at Annex 3 to this Notice. As mentioned in that Annex, a valid Maritime Labour Certificate must have a Declaration of Maritime Labour Compliance (DMLC) attached. Annexes 4 and 5 show the form of Parts 1 and 2 of the DMLC respectively. As regards the content of the certificate, where the model in Annex 3 contains blank boxes, lines or spaces which are to be completed, it is a requirement for the purposes of regulation 6(5) that they be appropriately completed.

Regulation 7(1): The initial, renewal and intermediate surveys referred to in sub-paragraph (a) are the surveys of those names described above for the purposes of regulation 5(1)(a), (b) and (c). Such surveys would be conducted by the Government of a Convention State for the purposes of regulation 7(1), but subject to the provisions of regulation 7 would otherwise be conducted in the same manner as a survey of the same name conducted by a certifying authority under regulation 5.

Regulation 7(3): The form of the Maritime Labour Certificate to be issued in respect of UK ships is set out in the model shown at Annex 3 to this Notice. As mentioned in that Annex, a valid Maritime Labour Certificate must have a Declaration of Maritime Labour Compliance (DMLC) attached. Annexes 4 and 5 show the form of Parts 1 and 2 of the DMLC respectively. As regards the content of the certificate, where the model in Annex 3 contains blank boxes, lines or spaces which are to be completed, it is a requirement for the purposes of regulation 7(3) that they be appropriately completed.

Regulation 8(2): The MCA (or any other certifying authority) will conduct a survey under regulation 8(2) where an interim Maritime Labour Certificate (as described in paragraph 8(2)) is requested. This survey will be carried out in the manner described in paragraph 4, and with the scope described in paragraph 5. It will be carried out by reference to the United Kingdom Maritime Labour Convention standards (as described above for the purposes of regulation 2(1)), subject to paragraph 11. However, as mentioned in regulation 8(2) and in Standard A5.1.3.7(a) of the MLC, the survey is subject to a “so far as reasonable and practicable” caveat, which is intended to reflect the idea that it may be appropriate to issue an interim Maritime Labour Certificate (which has a short period of validity which cannot be extended) notwithstanding that the survey has not been able to cover every aspect of all of the matters described in paragraph 5(1).

Regulation 8(5): The form of the interim Maritime Labour Certificate to be issued in respect of UK ships is set out in the model shown at Annex 2 to this Notice. As regards the content of the certificate, where the model in Annex 2 contains blank boxes, lines or spaces which are to be completed, it is a requirement for the purposes of regulation 8(5) that they be appropriately completed.

Regulation 10(3): The requirement as regards endorsements for the purposes of regulation 10(3) is that there be an endorsement recording a satisfactory intermediate inspection on the Maritime Labour Certificate no later than the anniversary date for the Maritime Labour Certificate in its third year of validity. A Maritime Labour Certificate which has been issued on a voluntary basis will cease to be valid upon the anniversary date for the certificate in its third year of validity if it has not been endorsed to show a satisfactory intermediate inspection. This is discussed in paragraphs 8.4 and 8.5 of this Notice.

Regulation 11(3)(b): The surveys referred to in this provision are those described in paragraph 3.2.1 and 3.2.2.



Regulation 11(4): The form of the Declaration of Maritime Labour Compliance (DMLC) to be issued in respect of UK ships comprises the models for Part 1 and Part 2 of the DMLC as set out in Annexes 4 and 5 to this Notice respectively. As regards the content of the DMLC, where the models in Annexes 4 and 5 contains blank boxes, lines or spaces which are to be completed, it is a requirement for the purposes of regulation 11(4) that they be appropriately completed.

Regulation 12(3): The persons to whom the shipowner and master must make the relevant documents (being documents which the ship must carry in accordance with regulation 12(1) and (2), where applicable) available on request are the persons specified in paragraph 12.3 of this Notice.

Regulation 15(2): For the purposes of regulation 15(2), the endorsement required in relation to a ship to which regulation 5(3) applies but in respect of which a Maritime Labour Certificate has been issued is the endorsement recording a satisfactory intermediate inspection on the Maritime Labour Certificate no later than the anniversary date for the Maritime Labour Certificate in its third year of validity. This is discussed in paragraphs 8.4 and 8.5 of this Notice. As the ship can legitimately have the intermediate inspection at any time up to the anniversary date in the third year of validity, it follows that it is not a requirement for the purposes of regulation 15(2) that there be such an endorsement prior to that date.

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THE UNITED KINGDOM MARITIME LABOUR CONVENTION STANDARDS

<i>Instrument</i>	<i>Provision</i>
A. Minimum age	
The Merchant Shipping (Maritime Labour Convention) (Minimum Requirements for Seafarers etc.) Regulations 2014 ⁽⁷⁾	Part 2
B. Medical certification	
The Merchant Shipping (Maritime Labour Convention) (Medical Certification) Regulations 2010 ⁽⁸⁾	Regulation 7
C. Training and qualifications	
The Merchant Shipping (Standards of Training, Certification and Watchkeeping) Regulations 2015 ⁽⁹⁾	Parts 2 and 3
D. Recruitment and placement	
The Merchant Shipping (Maritime Labour Convention) (Minimum Requirements for Seafarers etc.) Regulations 2014	Part 3
E. Seafarers employment agreements	
The Merchant Shipping (Maritime Labour Convention) (Minimum Requirements for Seafarers etc.) Regulations 2014	Part 4
F. Wages	
The Merchant Shipping (Maritime Labour Convention) (Minimum Requirements for Seafarers etc.) Regulations 2014	Part 5
G. Hours of work	
The Merchant Shipping (Maritime Labour Convention) (Hours of Work) Regulations 2018 ⁽¹⁰⁾	Regulations 4, 5, 8, 10 and 11
H. Entitlement to leave	
The Merchant Shipping (Maritime Labour Convention) (Hours of Work) Regulations 2018	Regulations 14 and 16
I. Repatriation	
The Merchant Shipping (Maritime Labour Convention) (Minimum Requirements for Seafarers etc.) Regulations 2014	Part 6
J. Abandonment security	
The Merchant Shipping (Maritime Labour Convention) (Minimum Requirements for Seafarers etc.) Regulations 2014 ⁽¹¹⁾	Part 10B
K. Seafarer's compensation for ship's loss or foundering	
The Merchant Shipping (Maritime Labour Convention) (Minimum Requirements for Seafarers etc.) Regulations 2014	Regulation 48
L. Manning	

⁽⁷⁾ S.I. 2014/1613.

⁽⁸⁾ S.I. 2010/737.

⁽⁹⁾ S.I. 2015/782.

⁽¹⁰⁾ S.I. 2018/58.

⁽¹¹⁾ S.I. 2014/1613. Relevant amending instrument is S.I. 2018/xxx

The Merchant Shipping (Standards of Training, Certification and Watchkeeping) Regulations 2015	Part 4
M. Accommodation and recreational facilities	
The Merchant Shipping (Maritime Labour Convention) (Minimum Requirements for Seafarers etc.) Regulations 2014	Part 7
N. Food and catering	
The Merchant Shipping (Maritime Labour Convention) (Minimum Requirements for Seafarers etc.) Regulations 2014	Part 8
O. Medical care	
The Merchant Shipping (Maritime Labour Convention) (Minimum Requirements for Seafarers etc.) Regulations 2014	Part 9
The Merchant Shipping (Medical Stores) Regulations 1995 ⁽¹²⁾	Regulations 4 to 11
P. Shipowner's liability and seafarers' compensation	
The Merchant Shipping (Maritime Labour Convention) (Minimum Requirements for Seafarers etc.) Regulations 2014 ⁽¹³⁾	Parts 10, other than regulation 48, and 10A
Q. Health and safety	
The Merchant Shipping and Fishing Vessels (Health and Safety) (Employment of Young Persons) Regulations 1998 ⁽¹⁴⁾	Regulations 5, 6(1) to (5) and (8) and 9
The Merchant Shipping (Health and Safety at Work) Regulations 1997 ⁽¹⁵⁾	Regulations 5, 7, 12(1) and (2), 15, 16(1)(b)(ii), 19(1)(b)(ii) and 20.”

⁽¹²⁾ S.I. 1995/1802. Relevant amending instrument is S.I. 1996/2821.

⁽¹³⁾ S.I. 2014/1613 Relevant amending instrument is S.I. 2018/xxx.

⁽¹⁴⁾ S.I. 1998/2411.

⁽¹⁵⁾ S.I. 1997/2962. Relevant amending instruments are S.I. 1998/2411, S.I. 2001/54, S.I. 2014/1616 and S.I. 2015/1692.