

OUTCOME OF PUBLIC CONSULTATION ON THE MERCHANT SHIPPING (MARITIME LABOUR CONVENTION) (EXTENSION OF MARITIME LABOUR CERTIFICATE) (AMENDMENT) REGULATIONS 2019

Background

The proposed Regulations amend the Merchant Shipping (Maritime Labour Convention) (Survey and Certification) Regulations 2013 (S.I. 2013/1785) to implement the mandatory 2016 amendments to the International Labour Organisation's Maritime Labour Convention, 2006, ("the MLC") regarding extension of the validity of the Maritime Labour Certificate following its due expiry date where a new Certificate cannot reach the ship.

The amendments make the following changes to the Merchant Shipping (Maritime Labour Convention) (Survey and Certification) Regulations 2013 (S.I. 2013/1785):

- a UK certifying authority (the MCA or delegated recognised organisation) may 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 this power, 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 of the existing certificate.

The provisions were developed and agreed by the ILO's Special Tripartite Committee on the MLC at which UK shipowners and seafarer unions were represented. UK implementation has also been discussed with the MCA's Tripartite Working Group on the MLC.

Public consultation

A short public consultation was held from 20 to 27 March 2019. Twenty industry associations and organisations were notified, and the consultation was available on the gov.uk website. This short public consultation was considered proportionate considering the limited impact of the amendments and the involvement of the social partners (those affected by the measures) in the development of the proposals.

Three responses were received (one a little after the closing date), two of which specifically supported the amendments and the other confirming that there were no concerns about the proposals.

The UK Chamber of Shipping and the National Union of Rail and Maritime Transport Workers (RMT) agreed that the MCA should implement the 2016 amendments. The UK Chamber of Shipping supported the MCA's approach and considered that there would be no costs to the industry arising from the change.

The RMT requested greater clarity in the supporting guidance regarding the process and requested that use of the extension provision should be monitored. The guidance has been

amended to make clearer that extension of the Maritime Labour Certificate should not be the norm and is not something that the shipowner can request; it is available only where it is not practical to deliver the certificate following a successful survey.

Next steps

The amending regulations were made on 28 March 2019 and will come into force on 23 April 2019. The supporting amended guidance will be issued as MSN 1848 (M) Amendment 3.