

**2021 No.0000**

**MERCHANT SHIPPING**

**SAFETY**

**Merchant Shipping (Standards of Training, Certification and  
Watchkeeping) (Amendment) Regulations 2021**

<i>Made</i> - - - -	2021
<i>Laid before Parliament</i>	2021
<i>Coming into force</i> - -	2021

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The Secretary of State is satisfied, for the purposes of section 47(2) of the Merchant Shipping Act 1995, that it is necessary and expedient, in the interests of safety to make Regulations in so far as they require ships to carry qualified seamen.

The Secretary of State, after consulting the persons referred to in section 86(4) and 306(4) of the Merchant Shipping Act 1995(a), and in exercise of the powers conferred by sections 47(1), (3), (4), (4A) and (4B)(b), 48, 85(1), (3), (5) to (7), 86(1)(a), (b), (c) and (d), 302(1), 306A and 307(1) of that Act, makes the following Regulations.

#### **Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Merchant Shipping (Standards of Training, Certification and Watchkeeping) (Amendment) Regulations 2021 and come into force on [DATE].

(2) In these Regulations, the “STCW Regulations” means the Merchant Shipping (Standards of Training, Certification and Watchkeeping) Regulations 2015(c).

#### **Amendment of regulation 3 of the STCW Regulations**

2.—(1) In regulation 3(1) of the STCW Regulations (interpretation)—

(a) before the definition of “the Act”, insert—

““able seafarer deck” means a rating qualified in accordance with the provisions of STCW Regulation II/5;

“able seafarer engine” means a rating qualified in accordance with the provisions of STCW Regulation III/5;”

(b) in the definition of “IBC Code”—

(i) omit the words “the 2007 Edition of”;

(ii) for the words “published by the International Maritime Organization”, substitute “as defined in SOLAS regulation VII/8.1”;

(c) in the definition of “IGC Code”—

(i) omit the words “the 1993 Edition of”; and

(ii) for the words “published by the International Maritime Organization”, substitute “as defined in SOLAS regulation VII/11.1”;

(d) after the definition of “IGC Code”, insert—

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(a) 1995 c. 21; sections 85 and 86 were amended by the Merchant Shipping and Maritime Security Act 1997 (c. 28), sections 8 and 29(2) and Schedule 7. Section 85 was amended by the British Overseas Territories Act 2002 (c. 8), section 2(3). Section 306(A) was inserted by the Deregulation Act 2015 (c. 20), section 106. There are other amending instruments but none is relevant.

(b) Sections 47(4A) and (4B) were inserted by section 10 of the Marine Navigation Act 2013 (c. 23).

(c) S.I. 2015/782, amended by S.I. 2018/68 and S.I. 2019/630.

- ““IGF Code” means the International Code of Safety for Ships Using Gases or Other Low-Flashpoint Fuels, as defined in SOLAS regulation II-1/2.28;”;
- (e) in the definition of “ISPS Code”, omit the words from “adopted” to the end and substitute “as defined in SOLAS regulation XI-2/1.1.12”;
- (f) after the definition of “oil tanker”, insert—
- ““passenger” is a person other than—
- (a) the master and the members of the crew or other persons employed or engaged in any capacity on board a ship on the business of that ship; or
- (b) a child under 1 year of age;”;
- (g) after the definition of “pleasure vessel”, insert—
- ““Polar Code” means the International Code for Ships Operating in Polar Waters, as defined in SOLAS regulation XIV/1.1;
- “polar waters” means Arctic waters and the Antarctic area, or just one of those areas as the case may be, as defined in SOLAS regulation XIV/1.2 to XIV/1.4;”;
- (h) for the definition of “seafarer”, substitute—
- ““seafarer” means any person, including a master, who—
- (a) is employed or engaged or works in any capacity on board a ship to which these Regulations apply and whose normal place of work is on that ship; or
- (b) is a person to which paragraph (a) does not apply but is responsible for the operation or navigation of a pleasure vessel to which these Regulations apply, or is otherwise responsible for the safety of that vessel, and is on board the vessel;”;
- (i) after the definition of “second engineer officer”, insert—
- ““SOLAS” means the International Convention for the Safety of Life at Sea, 1974(a);”;
- (j) after the definition of “tanker”, omit “and”;
- (k) at the end of the definition of “third party State”, insert—
- “; and
- “valid” means in force and “validity” is to be construed accordingly.”.
- (2) Omit regulation 3(2).

### Ambulatory reference

3. After regulation 3 of the STCW Regulations (interpretation), insert—

#### “Ambulatory reference

**3A.**—(1) In these Regulations, any reference to the STCW Convention, the STCW Code, an STCW Regulation or an instrument specified in paragraph (2) is to be construed—

- (a) as a reference to the STCW Convention, the STCW Code, an STCW Regulation or an instrument specified in paragraph (2) as modified from time to time; and

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(a) Cmnd 7874. The Convention may be obtained in copy from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or found on the Foreign and Commonwealth Office treaties database (<https://treaties.fco.gov.uk/awweb/pdfopener?md=1&did=79786>). The Convention was modified by its Protocol of 1978 (Cmnd 8277) (<https://treaties.fco.gov.uk/awweb/pdfopener?md=1&did=68013>), which was replaced and abrogated by the Protocol of 1988 (Cm 5044) (<https://treaties.fco.gov.uk/awweb/pdfopener?md=1&did=69573>) with respect to the parties to the 1988 Protocol. The amendments to the Convention are available from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or found on the Foreign and Commonwealth Office treaties database (<https://treaties.fco.gov.uk/responsive/app/consolidatedSearch/>). Hard copies of the Command Papers are available for inspection free of charge but by appointment at the Parliamentary Archives, Houses of Parliament, London SW1A 0PW. The Parliamentary Archives catalogue numbers for the Command Papers are HL/PO/JO/10/11/2031/2878 (Cmnd 7874), HL/PO/JO/10/11/1959/2032 (Cmnd 8277) and HL/PO/JO/10/11/3156/2280 (Cm 5044).

(b) as, if the STCW Convention, the STCW Code, an STCW Regulation or an instrument specified in paragraph (2) is replaced, a reference to the replacement.

(2) The instruments are the—

- (a) IBC Code;
- (b) IGC Code;
- (c) IGF Code;
- (d) ISPS Code; and
- (e) Polar Code.

(3) For the purposes of paragraph (1), the STCW Convention, the STCW Code or an STCW Regulation is modified or replaced if the modification or replacement takes effect in accordance with Article XII of the STCW Convention.

(4) For the purposes of paragraph (1), an instrument specified in paragraph (2) is modified or replaced if the modification or replacement takes effect in accordance with Article VIII of SOLAS.

(5) A modification or replacement of the STCW Convention, the STCW Code or an STCW Regulation has effect at the time such modification or replacement comes into force in accordance with Article XII of the STCW Convention.

(6) A modification or replacement of an instrument specified in paragraph (2) has effect at the time such modification or replacement comes into force in accordance with Article VIII of SOLAS.”.

#### **Amendment of regulation 6 of the STCW Regulations**

**4.** In regulation 6 of the STCW Regulations (qualification as an officer)—

(a) for paragraph (2) substitute—

“(2) The Secretary of State may issue a certificate of competency or a certificate of equivalent competency to a person only if that person complies with—

- (a) the criteria in the STCW Regulations listed in column (2) of the Table in Schedule 3 in relation to the category of service listed in column (1); and
- (b) each requirement applicable to that person in relation to a certificate of competency in—
  - (i) Merchant Shipping Notice 1856 (Amendment 1);
  - (ii) Merchant Shipping Notice 1857 (Amendment 1);
  - (iii) Merchant Shipping Notice 1858 (Amendment 1);
  - (iv) Merchant Shipping Notice 1859 (Amendment 1);
  - (v) Merchant Shipping Notice 1860 (Amendment 1); or
  - (vi) Merchant Shipping Notice 1904,as the case may be.”;

(b) omit paragraph (6).

#### **Amendment of regulation 7 of the STCW Regulations**

**5.** In regulation 7 of the STCW Regulations (engine-room watch duties) at the end of paragraph (2)(b), insert “, section 3.3 of Merchant Shipping Notice 1859 (Amendment 1) or section 3 of Merchant Shipping Notice 1904 (marine engine operator licences on small vessels)”.

#### **Provision for engineers on small ships**

**6.** After regulation 7 of the STCW Regulations (engine-room watch duties), insert—

### **“Qualifications for engineers on small ships with limited propulsion power**

**7A.**—(1) This regulation applies to seafarers engaged in an engineering capacity on a ship whose main propulsion machinery has a propulsion power of not less than 200 kilowatts, but less than 750 kilowatts.

(2) A seafarer referred to in paragraph (1) must—

- (a) hold one of the engineering certificates of competency required by regulation 6 (qualification as an officer); or
- (b) be the holder of a marine engine operator’s licence issued in compliance with the criteria specified in section 10 of Merchant Shipping Notice 1857, section 3.3 of Merchant Shipping Notice 1859 (Amendment 1) or section 3 of Merchant Shipping Notice 1904 (marine engine operator licences on small vessels).”.

### **Amendment of regulation 8 of the STCW Regulations**

**7.** In regulation 8 of the STCW Regulations (radiocommunication and radio personnel on a GMDSS ship)—

- (a) in paragraph (2)(a), omit “and”;
- (b) at the end of paragraph (2)(b), insert—  
“; and—
- (c) complies with each requirement applicable to that person in relation to a certificate of competency in Merchant Shipping Notice 1864.”.

### **Amendment of regulation 9 of the STCW Regulations**

**8.** In regulation 9 of the STCW Regulations (seafarers on an oil or chemical tanker – basic training), for paragraph (2) substitute—

“(2) A certificate of proficiency required under paragraph (1) may be issued by—

- (a) the Secretary of State, in the case of any person who meets the criteria specified in STCW Regulation V/1-1, paragraph 2; or
- (b) a person approved by the Secretary of State under regulation 41(1) (approval of a person to provide training) in the case of any person, other than a master or officer, who meets the criteria specified in STCW Regulation V/1-1, paragraph 2.

(3) For the purpose of paragraph (1), the requirement for a certificate of proficiency with respect to a master or officer is satisfied if the Secretary of State endorses the master or officer’s certificate of competency.”.

### **Amendment of regulation 10 of the STCW Regulations**

**9.** In regulation 10 of the STCW Regulations (seafarers on an oil tanker – advanced training), for paragraph (3) substitute—

“(3) A certificate of proficiency required under paragraph (2) may be issued by—

- (a) the Secretary of State, in the case of any person who meets the criteria specified in STCW Regulation V/1-1, paragraph 4; or
- (b) a person approved by the Secretary of State under regulation 41(1) (approval of a person to provide training), in the case of any person, other than a master or officer, who meets the criteria specified in STCW Regulation V/1-1, paragraph 4.

(4) For the purpose of paragraph (2), the requirement for a certificate of proficiency with respect to a master or officer is satisfied if the Secretary of State endorses the master or officer’s certificate of competency.”.

### **Amendment of regulation 11 of the STCW Regulations**

**10.** In regulation 11 of the STCW Regulations (seafarers on a chemical tanker – advanced training), for paragraph (3) substitute—

“(3) A certificate of proficiency required under paragraph (2) may be issued by—

- (a) the Secretary of State, in the case of any person who meets the criteria specified in STCW Regulation V/1-1, paragraph 6; or
- (b) a person approved by the Secretary of State under regulation 41(1) (approval of a person to provide training), in the case of any person, other than a master or officer, who meets the criteria specified in STCW Regulation V/1-1, paragraph 6.

(4) For the purpose of paragraph (2), the requirement for a certificate of proficiency with respect to a master or officer is satisfied if the Secretary of State endorses the master or officer’s certificate of competency.”.

### **Amendment of regulation 12 of the STCW Regulations**

**11.** In regulation 12 of the STCW Regulations (seafarers on a liquefied gas tanker – basic training), for paragraph (2) substitute—

“(2) A certificate of proficiency required under paragraph (1) may be issued by—

- (a) the Secretary of State, in the case of any person who meets the criteria specified in STCW Regulation V/1-2, paragraph 2; or
- (b) a person approved by the Secretary of State under regulation 41(1) (approval of a person to provide training), in the case of any person, other than a master or officer, who meets the criteria specified in STCW Regulation V/1-2, paragraph 2.

(3) For the purpose of paragraph (1), the requirement for a certificate of proficiency with respect to a master or officer is satisfied if the Secretary of State endorses the master or officer’s certificate of competency.”.

### **Amendment of regulation 13 of the STCW Regulations**

**12.** In regulation 13 of the STCW Regulations (seafarers on a liquefied gas tanker – advanced training), for paragraph (3) substitute—

“(3) A certificate of proficiency required by paragraph (2) may be issued by—

- (a) the Secretary of State, in the case of any person who meets the criteria specified in STCW Regulation V/1-2, paragraph 4; or
- (b) a person approved by the Secretary of State under regulation 41(1) (approval of a person to provide training), in the case of any person, other than a master or officer, who meets the criteria specified in STCW Regulation V/1-2, paragraph 4.

(4) For the purpose of paragraph (2), the requirement for a certificate of proficiency with respect to a master or officer is satisfied if the Secretary of State endorses the master or officer’s certificate of competency.”.

### **Requirements for seafarers on a ship subject to the IGF Code or operating in Polar waters**

**13.** After regulation 13 of the STCW Regulations (seafarers on a liquefied gas tanker – advanced training), insert—

#### **“Seafarers on a ship subject to the IGF Code – basic training**

**13A.**—(1) Seafarers responsible for designated safety duties associated with the care of, use, or in emergency response to the fuel on board ships subject to the IGF Code must hold a certificate of proficiency in basic training for service on ships subject to the IGF Code.

(2) Subject to paragraph (3), the Secretary of State, or a person approved by the Secretary of State under regulation 41(1) (approval of a person to provide training), may issue a

certificate of proficiency required by paragraph (1) only to a person who meets the criteria specified in STCW Regulation V/3, paragraph 5.

(3) Seafarers responsible for designated safety duties associated with the care of, use, or in emergency response to the fuel on board ships subject to the IGF Code who hold a valid certificate issued under—

- (a) regulation 12(2) (basic training for liquefied gas tanker cargo operations); or
  - (b) regulation 13(3) (advanced training for liquefied gas tanker cargo operations),
- are to be considered as having met the requirements specified in paragraph (2) for basic training for service on ships subject to the IGF Code.

#### **Seafarers on a ship subject to the IGF Code – advanced training**

**13B.**—(1) This regulation applies to the following seafarers serving on board a ship subject to the IGF Code—

- (a) the master;
- (b) engineer officers; and
- (c) any other seafarer with immediate responsibility for the care of and use of fuels and fuel systems on ships subject to the IGF Code.

(2) A person to whom this regulation applies must hold a certificate of proficiency in advanced training for service on ships subject to the IGF Code.

(3) Subject to paragraph (4), the Secretary of State, or a person approved by the Secretary of State under regulation 41(1) (approval of a person to provide training), may issue a certificate of proficiency required by paragraph (2) only to a person who meets the criteria specified in STCW Regulation V/3, paragraph 8.

(4) A person to whom this regulation applies who—

- (a) holds a certificate issued under regulation 12(2) (basic training for liquefied gas tanker cargo operations); and
- (b) complies with the criteria in STCW Regulation V/3, paragraph 9,

is to be considered as having met the requirements specified in paragraph (3) for advanced training for service on ships subject to the IGF Code.

#### **Seafarers on a ship operating in polar waters – basic training**

**13C.**—(1) This regulation applies to the following seafarers on ships operating, or intending to operate, in polar waters—

- (a) the master;
- (b) a chief mate;
- (c) an officer in charge of a navigational watch.

(2) A person to whom this regulation applies must hold a certificate of proficiency in basic training for service on ships operating in polar waters when operating, or intending to operate, in the circumstances specified as requiring such qualification in paragraph 12.3.1 of chapter 12 of part 1-A of the Polar Code (manning and training).

(3) The Secretary of State, or a person approved by the Secretary of State under regulation 41(1) (approval of a person to provide training), may issue a certificate of proficiency required by paragraph (2) only to a person who meets the criteria specified in STCW Regulation V/4, paragraph 2.

#### **Seafarers on a ship operating in polar waters – advanced training**

**13D.**—(1) A master or chief mate on a ship operating, or intending to operate, in polar waters must hold a certificate of proficiency in advanced training for service on ships

operating in polar waters when operating, or intending to operate, in the circumstances specified as requiring such qualification in paragraph 12.3.1 of chapter 12 of part 1-A of the Polar Code (manning and training).

(2) The Secretary of State, or a person approved by the Secretary of State under regulation 41(1) (approval of a person to provide training), may issue a certificate of proficiency required by paragraph (1) only to a person who meets the criteria specified in STCW Regulation V/4, paragraph 4.

### **Seafarers on a ship operating in polar waters – other training provision**

**13E.**—(1) Subject to paragraph (2), a seafarer on a ship operating, or intending to operate, in polar waters (as the case may be), who is not a master, chief mate or, as the case may be, officer in charge of a navigational watch qualified under regulation 13C or 13D, may be used in place of such a master, chief mate or officer in charge of a navigational watch to satisfy the requirements of paragraph 12.3.1 of chapter 12 of part 1-A of the Polar Code provided that each requirement of paragraph 12.3.2 of that chapter is met.

(2) The use of a seafarer in the circumstances described in paragraph (1) does not relieve the master or officer of the navigational watch from their duties and obligations for the safety of the ship.

(3) Every seafarer on a ship operating in polar waters must be made familiar with the content of the Polar Water Operational Manual relevant to the seafarer’s assigned duties as required by paragraph 12.3.4 of chapter 12 of part 1-A of the Polar Code.

(4) For the purposes of paragraph (3), “Polar Water Operational Manual” means a manual containing information regarding the ship’s operational capabilities and limitations and procedures to be followed in polar waters in accordance with chapter 2 of part I-A of the Polar Code.”.

### **Amendment of regulation 22 of the STCW Regulations**

**14.** In regulation 22 of the STCW Regulations (seafarers on a passenger ship engaged on international voyages etc.)—

- (a) in paragraph (2), for “paragraphs (3) to (6)”, substitute “paragraphs (3) to (6A)”;
- (b) in paragraph (3), after “section A-V/2” insert “, paragraph 3”;
- (c) in paragraph (5), for “paragraph 4” substitute “paragraph 5”;
- (d) in paragraph (6), for “paragraph 3” substitute “paragraph 4”;
- (e) after paragraph (6), insert—

“(6A) Seafarers serving on board passenger ships must complete passenger ship emergency familiarisation training appropriate to their capacity, duties and responsibilities as specified in section A-V/2, paragraph 1 of the STCW Code.”.

### **Amendment of regulation 24 of the STCW Regulations**

**15.** For regulation 24 of the STCW Regulations (safety familiarisation, basic training and instruction for all seafarers), substitute—

#### **“Safety familiarisation, basic training and instruction for all seafarers**

**24.**—(1) In order to be assigned to shipboard duties, a seafarer must—

- (a) hold a certificate of proficiency in safety familiarisation and basic training or instruction in accordance with section A-VI/1 of the STCW Code; and
- (b) meet the appropriate standard of competence specified in that section.

(2) The Secretary of State or a person approved by the Secretary of State under regulation 41(1) (approval of a person to provide training) may issue a certificate of proficiency

required by paragraph (1) only to a seafarer who meets the requirements specified in that paragraph.”.

#### **Amendment of regulation 25 of the STCW Regulations**

**16.** For regulation 25 of the STCW Regulations (seafarers designated as a fire fighting controller), substitute—

##### **“Seafarers designated as a fire fighting controller**

**25.**—(1) A seafarer designated to control fire-fighting operations must—

- (a) hold a certificate of proficiency in advanced training techniques for fighting fire in accordance with section A-VI/3 of the STCW Code; and
- (b) meet the standard of competence specified in that section.

(2) The Secretary of State or a person approved by the Secretary of State under regulation 41(1) (approval of a person to provide training) may issue a certificate of proficiency required by paragraph (1) only to a seafarer who meets each of the requirements specified in that paragraph.”.

#### **Amendment of regulation 26 of the STCW Regulations**

**17.** For regulation 26 of the STCW Regulations (seafarers designated as a provider of medical first aid or to take charge of medical care), substitute—

##### **“Seafarers designated as a provider of medical first aid or to take charge of medical care**

**26.**—(1) A seafarer designated to provide medical first aid on board a ship must—

- (a) hold a certificate of proficiency in medical first aid specified in section A-VI/4, paragraphs 1 to 3 of the STCW Code; and
- (b) meet the standard of competence specified in that section.

(2) A seafarer designated to take charge of medical care on board a ship must—

- (a) hold a certificate of proficiency in medical care on board ships specified in section A-VI/4, paragraphs 4 to 6 of the STCW Code; and
- (b) meet the standard of competence specified in that section.

(3) The Secretary of State or a person approved by the Secretary of State under regulation 41(1) (approval of a person to provide training) may issue a certificate of proficiency required by paragraph (1) or (2) only to a seafarer who meets each of the requirements specified in those paragraphs, as the case may be.”.

#### **Amendment of regulation 27 of the STCW Regulations**

**18.** In regulation 27 of the STCW Regulations (security-related familiarisation training for seafarers on an ISPS ship)—

- (a) in paragraph (2)(a), for “receive” substitute “hold a certificate of proficiency in”;
- (b) for paragraph (3), substitute—

“(3) A seafarer with designated security duties must—

- (a) hold a certificate of proficiency in designated security duties prescribed by section A-VI/6, paragraphs 6 to 8 of the STCW Code; and
- (b) meet the appropriate standard of competence specified in that section.

(4) The Secretary of State or a person approved by the Secretary of State under regulation 41(1) (approval of a person to provide training) may issue a certificate

of proficiency required by paragraph (2) or (3) only to a seafarer who meets each of the requirements specified in those paragraphs, as the case may be.

(5) In this regulation, “security duties” includes all security tasks and duties on board ships as prescribed by SOLAS regulation XI-2 and the ISPS Code.”.

#### **Amendment of regulation 28 of the STCW Regulations**

**19.** For regulation 28 of the STCW Regulations (application for a certificate), substitute—

##### **“Application for a certificate**

**28.**—(1) An application for the issue of a certificate required by this Part must be—

- (a) in a form specified by the Secretary of State; and
- (b) accompanied by—
  - (i) the prescribed fee; and
  - (ii) evidence of identity, age, relevant service, standards of competence and certificates or qualifications held.

(2) An application for any matter ancillary to the issue of a certificate under this Part and itemised in any of the tables of fees in Parts 2, 3 and 4 of Schedule 1 (certificates and examinations for officers etc. and miscellaneous qualifications) to the Merchant Shipping (Fees) Regulations 2018 must be—

- (a) in a form specified by the Secretary of State; and
- (b) accompanied by the prescribed fee.

(3) For the purposes of this regulation, “certificate” includes a licence under regulation 7 (engine-room watch duties) or 7A (qualifications for engineers on small ships with limited propulsion power) and an endorsement under regulation 30 (endorsements on a certificate).”.

#### **Amendment of regulation 29 of the STCW Regulations**

**20.** In regulation 29 of the STCW Regulations (form of a certificate and approval of seagoing service)—

- (a) in paragraph (1), at the beginning insert “Subject to regulation 23(4) (masters and officers on a high speed craft).”;
- (b) for paragraph (2), substitute—

“(2) Where these Regulations require a person to meet a requirement of the STCW Convention and that requirement includes a requirement for seagoing service, the Secretary of State must approve that seagoing service in accordance with section A-I/2, paragraph 5 of the STCW Code.

(3) An approval given under paragraph (2) may, on the giving of reasonable notice, be continued, altered or cancelled.

(4) Any approval given under paragraph (2), or a continuation alteration or cancellation under paragraph (3), must—

- (a) be in writing;
- (b) specify the date on which it takes effect; and
- (c) specify the terms, if any, on which it is given.

(5) The requirement that the approval referred to in paragraph (2), or a continuation, alteration or cancellation under paragraph (3), be in writing is satisfied where the text of the approval is—

- (a) transmitted by electronic means;
- (b) received in legible form; and

- (c) capable of being used for subsequent reference.”.

### **Amendment of regulation 30 of the STCW Regulations**

**21.** For regulation 30 of the STCW Regulations (endorsements on a certificate), substitute—

#### **“Endorsements on a certificate of competency**

**30.**—(1) The Secretary of State must endorse a certificate of competency issued under—

- (a) regulation 6 (qualification as an officer), where the standards required by regulations 9, 10, 11, 12 and 13 have been met; and
- (b) regulation 8 (radiocommunication and radio personnel on a GMDSS ship).

(2) The endorsement referred to in paragraph (1) must be in the form prescribed by STCW Regulation I/2.”.

### **Amendment of regulation 31 of the STCW Regulations**

**22.** In regulation 31 of the STCW Regulations (exemptions)—

- (a) in paragraph (1), at the beginning, insert “Except where paragraph (5A), (5C) or (5D) applies,”;
- (b) after paragraph (5), insert—

“(5A) Subject to the conditions in paragraph (5B), the Secretary of State may exempt the master and the officer in charge of a navigational watch from the requirements of STCW Regulation II/3 (which forms part of the requirements for a certificate of competency or certificate of equivalent competency under regulation 6 (qualification as an officer));

(5B) The conditions are that—

- (a) the Secretary of State is satisfied that the—
  - (i) ship’s size; and
  - (ii) conditions of the ship’s voyage,  
are such as to render the application of the full requirements of STCW Regulation II/3 unreasonable or impracticable; and
- (b) the Secretary of State is satisfied that the exemption does not pose a danger to other ships operating in the same waters.

(5C) Subject to the conditions in paragraph (5E), the Secretary of State may exempt seafarers working on non-passenger ships of less than 500 GT from the requirements of regulations 13A or 13B (seafarers on a ship subject to the IGF Code).

(5D) Subject to the conditions in paragraph (5E), the Secretary of State may exempt seafarers working on—

- (a) passenger ships engaged on non-international voyages;
- (b) passenger ships of less than 500 GT engaged on international voyages; and
- (c) non-passenger ships, except tankers,

from the requirements of regulation 24 (safety familiarisation, basic training and instruction for all seafarers).

(5E) The conditions are that—

- (a) the Secretary of State is satisfied that the—
  - (i) ship’s size; and
  - (ii) length or character of the ship’s voyage,  
are such as to render the application of the full requirements of regulation 13A, 13B or 24, as the case may be, unreasonable or impracticable; and

- (b) the Secretary of State is satisfied that the exemption does not pose a danger to—
  - (i) persons on board;
  - (ii) the ship and property; or
  - (iv) the marine environment.”.

**Amendment of regulation 35 of the STCW Regulations**

**23.** In regulation 35 of the STCW Regulations (revalidation of certain certificates and endorsements)—

- (a) in paragraph (1)(a), omit “issued to a master or an officer”;
- (b) in paragraph (1)(b), omit “issued to a master or an officer”;
- (c) in paragraph (1)(c), omit “and”;
- (d) at the end of paragraph (1)(d), insert—
  - “; and
  - (e) a certificate of proficiency in training for ships operating in polar waters issued under regulation 13C or 13D.”;
- (e) for paragraph (2), substitute—
  - “(2) A certificate or endorsement to which this regulation applies is not valid for seagoing service unless, at intervals not exceeding five years, it is revalidated—
  - (a) in the case of certificates specified in paragraph (1)(a) to (d), by the Secretary of State; or
  - (b) in the case of the certificate specified in paragraph (1)(e), by—
    - (i) the Secretary of State; or
    - (ii) a person approved by the Secretary of State under regulation 41(1) (approval of a person to provide training), provided the certificate to be revalidated was issued by such a person under regulation 41A(1) (issue of certificates by a person approved under regulation 41(1)).”;
- (f) in paragraph (3)—
  - (i) after “Secretary of State”, insert “, or a person approved by the Secretary of State under regulation 41(1) as the case may be,”;
  - (ii) at the end, insert “and Merchant Shipping Notice 1861.”;
- (g) in paragraph (4), for “a form specified by the Secretary of State” substitute “the form specified in Merchant Shipping Notice 1861”.

**Amendment of regulation 36 of the STCW Regulations**

**24.** In regulation 36 of the STCW Regulations (refresher training for certain seafarers)—

- (a) in paragraph (1)(d), omit “and”;
- (b) after paragraph (1)(e) insert—
  - “(f) basic training for service on ships subject to the IGF Code issued under regulation 13A; and
  - (g) advanced training for service on ships subject to the IGF Code issued under regulation 13B.”;
- (c) in paragraph (4)—
  - (i) for “master and officer”, substitute “seafarer”;
  - (ii) for “referred to in”, substitute “required by”;
  - (iii) for “sections”, substitute “regulations”;
- (d) after paragraph (4), insert—

“(5) A seafarer to whom this regulation applies may, in place of complying with the requirement to undertake refresher training in paragraphs (2) to (4), provide evidence of having achieved the required standard of competence within the previous five years.”.

#### **Amendment of regulation 37 of the STCW Regulations**

**25.** In regulation 37 of the STCW Regulations (cancellation of a certificate), after “Secretary of State may” insert “suspend or”.

#### **Amendment of regulation 38 of the STCW Regulations**

**26.** In regulation 38 of the STCW Regulations (appeal against refusal or cancellation of a certificate)—

- (a) for the heading, substitute “Appeal against refusal, suspension or cancellation of a certificate”;
- (b) in paragraph (1)(c), before “cancel”, insert “suspend or”;
- (c) in paragraph (1), at the end insert “, as the case may be”;
- (d) after paragraph (1), insert—

“(1A) If a person approved by the Secretary of State under regulation 41(1) (approval of a person to provide training) refuses to—

- (a) issue or revalidate a certificate of proficiency; or
- (b) issue documentary evidence as required by regulation 41A(2) (issue of documentary evidence by training provider),

that person must give notice in writing to the applicant or holder of the certificate, as the case may be.

(1B) The requirement that the notice referred to in paragraph (1) or (1A) be in writing is satisfied where the text of the notice is—

- (a) transmitted by electronic means;
- (b) received in legible form; and
- (c) capable of being used for subsequent reference.”;
- (e) in paragraph (3), for “refusal or cancellation”, substitute “refusal, suspension or cancellation, as the case may be,”.

#### **Amendment of regulation 41 of the STCW Regulations**

**27.** For regulation 41 of the STCW Regulations (provision and quality of training), substitute—

##### **“Provision and quality of training**

**41.—**(1) Subject to payment of the prescribed fee for an inspection by the Secretary of State, the Secretary of State may grant an approval to a person to provide training or assessment of seafarers for certification under these Regulations for a maximum period of 5 years if satisfied that—

- (a) each requirement applicable to that person in, as the case may be—
  - (i) Annexes G, H, I, J and K to Merchant Shipping Notice 1856 (Amendment 1);
  - (ii) Annex D, E, F, G and H to Merchant Shipping Notice 1857 (Amendment 1);
  - (iii) Annex G to Merchant Shipping Notice 1858 (Amendment 1);
  - (iv) Annex E to Merchant Shipping Notice 1859 (Amendment 1);
  - (v) Annex B, C, D, E and F to Merchant Shipping Notice 1860 (Amendment 1);
  - (vi) paragraphs 11 and 12 in Merchant Shipping Notice 1862 (Amendment 1);

- (vii) Annex F to Merchant Shipping Notice 1865 (Amendment 1);
  - (viii) Annex D to Merchant Shipping Notice 1866 (Amendment 1); or
  - (ix) Annex D to Merchant Shipping Notice 1904,  
has been met; and
- (b) the qualifications and experience of that person meet each requirement applicable to that person in Section A-I/6 of the STCW Code.
- (2) An approval given under paragraph (1) may, on the giving of reasonable notice, be altered or cancelled.
- (3) Subject to paragraph (4), and to payment of the prescribed fee for an inspection by the Secretary of State, the Secretary of State may extend an approval given to a person under paragraph (1) if satisfied that each requirement applicable to that person in accordance with paragraphs (1)(a) and (b) continues to be met.
- (4) Each extension given under paragraph (3) may be for a maximum period of 5 years.
- (5) An approval given under paragraph (1), an alteration or cancellation under paragraph (2) or an extension under paragraph (3) must—
- (a) be in writing;
  - (b) specify the date on which it takes effect; and
  - (c) specify the terms, if any, on which it is given.
- (6) The requirement that an approval given under paragraph (1), an alteration or cancellation under paragraph (2), or an extension under paragraph (3), be in writing is satisfied where the text of the approval, alteration, cancellation or extension is—
- (a) transmitted by electronic means;
  - (b) received in legible form; and
  - (c) capable of being used for subsequent reference.
- (7) Where an—
- (a) approval requested pursuant to paragraph (1); or
  - (b) extension of an approval requested pursuant to paragraph (3),
- is refused, the requirements in paragraphs (5) and (6) apply to that refusal as they apply to an approval or extension.
- (8) A person approved under paragraph (1) must continue to comply with—
- (a) each requirement applicable to that person in accordance with paragraph (1)(a); and
  - (b) the requirements of paragraph (1)(b),  
for the duration of the validity of the approval.
- (9) The Secretary of State may require an approval given under paragraph (1), or an extension of an approval under paragraph (3), to be surrendered.
- (10) A person who has been given an approval under paragraph (1), or an extension of an approval under paragraph (3), is subject to—
- (a) monitoring by the Secretary of State in accordance with STCW Regulation I/8;
  - (b) a periodic, independent evaluation in accordance with STCW Regulation I/8; and
  - (c) the requirements in relation to the monitoring and evaluation mentioned in paragraphs (a) and (b) of—
    - (i) Annex G to Merchant Shipping Notice 1856 (Amendment 1);
    - (ii) Annex D to Merchant Shipping Notice 1857 (Amendment 1);
    - (iii) Annex G to Merchant Shipping Notice 1858 (Amendment 1);
    - (iv) Annex E to Merchant Shipping Notice 1859 (Amendment 1);

- (v) Annex B to Merchant Shipping Notice 1860 (Amendment 1);
- (vi) paragraphs 11 and 12 in Merchant Shipping Notice (Amendment 1);
- (vii) Annex F to Merchant Shipping Notice 1865 (Amendment 1);
- (viii) Annex D to Merchant Shipping Notice 1866 (Amendment 1); or
- (ix) Annex D to Merchant Shipping Notice 1904.

(11) No person must—

- (a) offer to provide, or provide, training or assessment of seafarers for certification under this Part without an approval given by the Secretary of State under paragraph (1), or an extension of an approval under paragraph (3);
- (b) with intent to deceive, use, lend, or allow to be used by another an approval given under paragraph (1), or an extension of an approval under paragraph (3);
- (c) advertise or otherwise display an approval given under paragraph (1), or an extension of an approval under paragraph (3), which has expired, or has not been granted to that person under paragraph (1) or (3);
- (d) fail to surrender an approval required to be surrendered under paragraph (9).

(12) For the purposes of paragraph (2), “altered” includes “suspend” and for the purposes of paragraphs (5) and (6) “alteration” is to be construed accordingly.

**Issue of certificates and documentary evidence by a person approved under regulation 41(1)**

**41A.**—(1) Except for the training and assessment of masters and officers undertaken to meet the requirements of regulations 9 to 13 (seafarers on oil, chemical or liquefied gas tankers), a person approved by the Secretary of State under regulation 41(1) (approval of a person to provide training) must issue a certificate of proficiency to every person who successfully completes the training or assessment undertaken to meet the requirements of such certificate.

(2) For the purposes of the training and assessment of masters and officers undertaken to meet the requirements of—

- (a) regulation 6 (qualification as an officer);
- (b) regulation 7 (engine-room watch duties);
- (c) regulation 7A (qualifications for engineers on small ships);
- (d) regulation 8 (radio personnel etc.);
- (e) regulations 9 to 13 (seafarers training);
- (f) regulation 22 (seafarers on a passenger ship engaged on international voyages etc.); and
- (g) regulation 36 (refresher training for certain seafarers),

a person approved by the Secretary of State under regulation 41(1) (approval of a person to provide training) must issue documentary evidence to every person successfully completing such training or assessment.

**Validity of certificates of proficiency issued by a person other than the Secretary of State**

**41B.**—(1) This regulation applies to certificates of proficiency issued by a person other than the Secretary of State before the coming into force of the Merchant Shipping (Standards of Training, Certification and Watchkeeping) (Amendment) Regulations 2021 (“the 2021 Regulations”).

(2) A certificate of proficiency to which this regulation applies is valid for the purposes of these Regulations from the date on which the person who issued the certificate is approved

by the Secretary of State under regulation 41(1), as substituted by regulation 27 of the 2021 Regulations (approval of a person to provide training).

(3) A certificate of proficiency validated by virtue of paragraph (2) has effect as if issued under regulation 41A(1) (issue of certificates by a person approved to provide training).

#### **Appeal against refusal, alteration or cancellation of an approval under regulation 41**

**41C.**—(1) A person who—

- (a) is refused an approval pursuant to regulation 41(1) (approval of a person to provide training) or an extension of an approval pursuant to regulation 41(3); or
- (b) is subject to an alteration or cancellation of an approval under regulation 41(2), may, before the date specified by the Secretary of State in accordance with regulation 41(5)(b), request the Secretary of State to hold an inquiry.

(2) If an inquiry is requested by a person in accordance with paragraph (1), the Secretary of State must cause such an inquiry to be held by one or more persons appointed by the Secretary of State.”.

#### **Amendment of regulation 42 of the STCW Regulations**

**28.** In regulation 42 of the STCW Regulations (hovercraft personnel)—

- (a) in paragraph (3), for “documentary evidence” substitute “a certificate of proficiency”;
- (b) in paragraph (4), for “documentary evidence” substitute “certificate of proficiency”.

#### **Amendment of regulation 46 of the STCW Regulations**

**29.** In regulation 46 of the STCW Regulations (safe manning document), after paragraph (4) insert—

“(4A) An application for a safe manning document required by this regulation must be in a form specified by the Secretary of State and be accompanied by the prescribed fee.”

#### **Amendment of regulation 50 of the STCW Regulations**

**30.** For regulation 50 of the STCW Regulations (exemptions), substitute—

##### **“Exemptions**

**50.**—(1) Subject to paragraph (2), the Secretary of State may grant an exemption from any of the requirements of this Part in individual cases or classes of cases if satisfied that compliance with such provision is either impracticable or unreasonable in that particular case.

(2) An exemption under paragraph (1) may be granted subject to such safety requirements as the Secretary of State thinks fit to ensure the overall safety of the ship.

(3) An exemption granted under paragraph (1) may, on the giving of reasonable notice, be altered or cancelled.

(4) Where an exemption is granted subject to safety requirements, the exemption ceases to have effect if those requirements are not complied with.”.

#### **Amendment of regulation 53 of the STCW Regulations**

**31.** In regulation 53(4) of the STCW Regulations (inspection of non-United Kingdom ships), in the definition of “STCW Certificate”, after “endorsed”, insert “by the government of the State whose flag a ship is entitled to fly”.

## **Amendment of provisions in the STCW Regulations relating to issue of a certificate of proficiency**

**32.** In—

- (a) regulation 14(2) (ratings forming part of a navigational watch);
- (b) regulation 15(2) (ratings forming part of an engine-room watch);
- (c) regulation 16(2) (ratings as able seafarer deck);
- (d) regulation 17(2) (ratings as able seafarer engine);
- (e) regulation 18(2) (electro-technical ratings);
- (f) regulation 19(2) (seafarers designated to launch or take charge of a survival craft or rescue boat (other than a fast rescue boat));
- (g) regulation 20(2) (seafarers designated to launch or take charge of a fast rescue boat); and
- (h) regulation 21(2) (ship security officers),

of the STCW Regulations, after “Secretary of State” insert “, or a person approved by the Secretary of State under regulation 41(1) (approval of a person to provide training),”.

## **Amendment of regulation 55 of the STCW Regulations**

**33.** In regulation 55 of the STCW Regulations (penalties), before paragraph (1), insert—

“(A1) A person approved by the Secretary of State under regulation 41(1) who contravenes regulation 41(8) is guilty of an offence, punishable—

- (a) on summary conviction—
  - (i) in England and Wales by a fine; or
  - (ii) in Scotland or Northern Ireland by a fine not exceeding the statutory maximum; or
- (b) on conviction on indictment by a fine.

(B1) A person who contravenes regulation 41(11)(a), (b), (c) or (d) is guilty of an offence, punishable—

- (a) on summary conviction—
  - (i) in England and Wales by a fine; or
  - (ii) in Scotland or Northern Ireland by a fine not exceeding the statutory maximum; or
- (b) on conviction on indictment by a fine.”.

## **Equivalents and alternative certification**

**34.** After regulation 55 of the STCW Regulations (penalties), insert—

### **“Equivalents**

**55A.**—(1) In order to meet the requirements for training in these Regulations, the Secretary of State may approve alternative training arrangements, including those involving seagoing service and shipboard organisation especially adapted to technical developments and to special types of ships and trades, if the conditions in paragraph (2) are met.

(2) The conditions are that the Secretary of State is satisfied that such arrangements ensure a level of seagoing service, knowledge and efficiency with regard to the navigational and technical handling of a ship and its cargo, and a degree of safety at sea and preventive effect with regard to pollution which is at least equivalent to the requirements of the STCW Convention.

(3) An approval given under paragraph (2) may, on the giving of reasonable notice, be continued, altered or cancelled.

(4) Any approval given under paragraph (2), or a continuation, alteration or cancellation under paragraph (4), must—

- (a) be in writing;
- (b) specify the date on which it takes effect; and
- (c) specify the terms, if any, on which it is given.

(5) The requirement that the approval referred to in paragraph (2), or a continuation, alteration or cancellation under paragraph (4), be in writing is satisfied where the text of the approval is—

- (a) transmitted by electronic means;
- (b) received in legible form; and
- (c) capable of being used for subsequent reference.

### **Alternative certification**

**55B.** In order to meet the requirements for the certification of seafarers as prescribed in these Regulations, the Secretary of State may issue an alternative certificate in accordance with STCW Regulation VII.”.

### **Amendment of the Merchant Shipping (Fees) Regulations 2018**

**35.**—(1) The Merchant Shipping (Fees) Regulations 2018(a) are amended as follows.

(2) In regulation 2 (interpretation), in the definition of “premium service”, at the end insert “, or receiving a priority appointment online”.

(3) In regulation 4 (payment for travel, subsistence and other expenses)—

- (a) in paragraph (1), in both sub-paragraphs, after “a ship” insert “, or to a person for the purposes of the inspection referred to in regulation 41(1) of the Merchant Shipping (Standards of Training, Certification and Watchkeeping) Regulations 2015”;
- (b) in paragraph (2), after “a ship” insert “, or a person for the purposes of the inspection referred to in regulation 41(1) of the Merchant Shipping (Standards of Training, Certification and Watchkeeping) Regulations 2015.”.

(4) In Schedule 1 (fees under the Merchant Shipping Act 1995)—

- (a) in paragraph 2 of Part 1 (surveys, inspections and applications for exemption), at the end insert—

“(g) an inspection for the purposes of an approval under regulation 41(1), or an extension of an approval under regulation 41(3), of the Merchant Shipping (Standards of Training, Certification and Watchkeeping) Regulations 2015.”;

- (b) after paragraph 2 of Part 2 (certificates and examinations for officers), insert—

#### **“Premium service**

**2A.** Where a person requests and receives premium service for either item 1 or item 2 in the Table of fees in this Part, a fee of £150 is payable in addition to the aggregate of the fees paid on the same occasion.”;

- (c) in the Table of fees in Part 2, for item 7 substitute—

“7	A revalidation of a Certificate of Competency	£54
8	The assessment of an application for a Certificate of Proficiency, except under regulations 16 and 17 of the Merchant Shipping (Standards of Training, Certification and Watchkeeping) Regulations 2015	£34

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(a) S.I. 2018/1104. There are amending instruments which are not relevant.

- 9 A revalidation of a Certificate of Proficiency, except under regulations 16 and 17 of the Merchant Shipping (Standards of Training, Certification and Watchkeeping) Regulations 2015”;

£54

- (d) in the Table of fees in Part 3, in item 9 for the words in the second column substitute “A revalidation of a Certificate of Equivalent Competency”;
- (e) in Part 6 (safe manning certificates)–
- (i) for the heading, substitute “Safe Manning Documents”;
  - (ii) in each place it occurs, for “safe manning certificate” substitute “safe manning document”;
  - (iii) in the Table of fees, in item 2, for “certificate” substitute “safe manning document”.

Signed by authority of the Secretary of State for Transport

*Name*  
Parliamentary Under Secretary of State

Date

Department

We consent to the making of these Regulations

*Name*  
*Name*  
Two of the Lords Commissioners of Her Majesty’s Treasury

Date

### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations implement amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (“the STCW Convention”) and amend the Merchant Shipping (Standards of Training, Certification and Watchkeeping) Regulations 2015 (S.I. 2015/782) (“the 2015 Regulations”). The amendments relate to requirements for seafarers serving on ships subject to the International Code of Safety for Ships Using Gases or Other Low-Flashpoint Fuels (“the IGF Code”) and those that operate in polar waters (regulation 13), and passenger ships (regulation 14) and are contained in IMO Resolutions MSC.396(95), MSC.397(95), MSC.416(97) and MSC.417(97). The requirements implemented by these Regulations apply to seafarers on board United Kingdom ships (regulation 4 in the 2015 Regulations) and to the inspection of non-United Kingdom ships (regulation 53 in the 2015 Regulations).

The Regulations also make consequential and other amendments to the 2015 Regulations (regulations 2, 4, 5, 7 to 12 and 14 to 26 and 28 to 32). The definition of “seafarer” in regulation 3(1) of the 2015 Regulations has been clarified to ensure that all persons engaged in the operation or navigation of a pleasure vessel to which these Regulations apply (24 metres in length or over or 80 GT or over) are included within the definition (regulation 2(1)(g)). Additional provision for training requirements for engineers on small vessels is contained in regulations 5 and 6.

Regulation 27 substitutes a new regulation 41 in the 2015 Regulations (provision and quality of training). The new regulation 41 enables the Secretary of State to approve a training provider, cancel the approval, and otherwise alter the terms of the approval, including suspension. Amendments have been made to various provisions in the 2015 Regulations to allow for the issue of a certificate of proficiency by a training provider as well as by the Secretary of State.

Future amendments to provisions of the STCW Convention, the Seafarers' Training, Certification and Watchkeeping Code ("the STCW Code"), the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk ("the IBC Code"), the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk ("the IGC Code"), the IGF Code, the International Ship and Port Facility Code ("the ISPS Code") and the International Code for Ships Operating in Polar Waters ("the Polar Code"), referred to in the 2015 Regulations, will be automatically incorporated into those Regulations by way of an ambulatory reference provision (regulation 3, which inserts a new regulation 3A into the 2015 Regulations).

The offences provisions in regulation 55 of the 2015 Regulations have been amended to include offences in relation to the provision of training (regulation 33). Powers to approve equivalents and alternative certification, in line with the STCW Convention, are included in new regulations 55A and 55B (regulation 34).

The STCW Convention, the STCW Code, the IBC Code, the IGC Code, the IGF Code, the ISPS Code and the Polar Code may be obtained in copy from the International Maritime Organization (IMO), 4 Albert Embankment, London SE1 7SR, and all are available on the Foreign and Commonwealth Office (FCO) treaties database (<https://treaties.fco.gov.uk/responsive/app/consolidatedSearch/>). The text of the IMO Resolutions amending the Convention and Protocol may be obtained from the IMO or can be found on the FCO treaties database (<https://treaties.fco.gov.uk/responsive/app/consolidatedSearch/>).

Future amendments to the STCW Convention, the STCW Code, the IBC Code, the IGC Code, the IGF Code, the ISPS Code and the Polar Code which are automatically incorporated into the 2015 Regulations may be obtained in copy from the IMO and, after coming into force in the United Kingdom, found on the Foreign and Commonwealth Office (FCO) treaties database (<https://treaties.fco.gov.uk/responsive/app/consolidatedSearch/>). Until such publication is made on the FCO treaties database, an amendment will be available from the MCA and on <https://www.gov.uk>. An amendment will be publicised in advance of its in-force date by means of a Parliamentary Statement to both Houses of Parliament and by way of a Marine Guidance Note, which will be available in copy from the MCA and on <https://www.gov.uk>.

A full impact assessment has not been produced for this instrument as the Regulations relate to the updating and maintenance of existing regulatory standards and no, or no significant, impact on the private or voluntary sector is foreseen.

An Explanatory Memorandum is published alongside the instrument on [www.legislation.gov.uk](http://www.legislation.gov.uk).