

CONSULTATION DRAFT

2023 No.

MERCHANT SHIPPING

The Merchant Shipping (Small Workboats and Pilot Boats) Regulations 2023

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

The Secretary of State, after consulting the persons referred to in section 86(4) of the Merchant Shipping Act 1995(a) (“the 1995 Act”), and in the exercise of the powers conferred by sections 77, 85(1), (3)(a) to (c), (k), (l), (n) to (q), (5) to (7), 86(1), 128(5) and (6), 302(1) and 306A of that Act and article 2(1), (2)(a) and (3)(a) and (b) of the Merchant Shipping (Prevention of Pollution) (Law of the Sea Convention) Order 1996(b) and with the consent of the Treasury, makes the following Regulations.

PART 1

General

Citation, commencement and extent

- 1.—(1) These Regulations may be cited as the Merchant Shipping (Small Workboats and Pilot Boats) Regulations 2023 and come into force on [].
- (2) These Regulations extend to England and Wales, Scotland and Northern Ireland.

Revocation

2. The following Regulations are revoked—
- (a) the Merchant Shipping (Small Workboats and Pilot Boats) Regulations 1998(c);
 - (b) the Merchant Shipping (Small Workboats and Pilot Boats) (Amendment) Regulations 2016(d).

(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 306A was inserted by the Deregulation Act 2015 (c. 20), section 106. There are other amendments not relevant to these Regulations.

(b) S.I. 1996/282, to which there are amendments not relevant to these Regulations.

(c) S.I. 1998/1609, amended by S.I. 2006/2055, 2013/1785, 2015/782, 2016/354, 2018/1221, 2020/501 and 673.

(d) S.I. 2016/354.

Interpretation

3.—(1) In these Regulations—

“the 1995 Act” means the Merchant Shipping Act 1995;

“certificate” means a certificate issued in accordance with section 4.3 of the Workboat Code Edition 3;

“Certifying Authority” has the meaning given to it in regulation 8 (certifying authorities);

“competent harbour authority” has the meaning given to it in section 1 of the Pilotage Act 1987(a);

“dedicated pilot boat” means a small vessel used, or intended to be used, solely as a pilot boat;

“load line length” means the greater of the following distances, measured at and along the waterline—

- (a) the distance between the foreside of the stem and the axis of the rudder stock; or
- (b) a distance measured from the foreside of the stem, being 96 per cent of the distance between that point and the aft side of the stern.

The waterline referred to in this definition shall be at 85 per cent of the least moulded depth of the vessel. In the case of a vessel having a rake of keel, the waterline shall be parallel to the designed waterline;

“Marine Guidance Note” means a note described as such and issued by the Maritime and Coastguard Agency and includes a reference to any document amending or replacing that note which is considered by the Secretary of State to be relevant from time to time and is specified in a Marine Guidance Note;

“Marine Information Note” means a note described as such and issued by the Maritime and Coastguard Agency and includes a reference to any document amending or replacing that note which is considered by the Secretary of State to be relevant from time to time and is specified in a Marine Information Note;

“Maritime and Coastguard Agency” means the Maritime and Coastguard Agency, an executive agency of the Department for Transport which operates under that name;

“Merchant Shipping Notice” means a notice described as such and issued by the Maritime and Coastguard Agency and includes a reference to any document amending or replacing that Notice which is considered by the Secretary of State to be relevant from time to time and is specified in a Merchant Shipping Notice;

“owner” means, in relation to a vessel, the person who owns the vessel, not being the competent harbour authority;

“passenger” means any person carried on a ship except—

- (a) a person employed or engaged in any capacity on the business of the ship;
- (b) a person on board the ship either in pursuance of the obligation laid upon the master to carry shipwrecked, distressed or other persons, or by reason of any circumstance that neither the master nor the owner nor the charterer (if any) could have prevented or forestalled; or
- (c) a child of under one year of age;

“pilot boat” means a small vessel employed, or intended to be employed, in pilotage services;

“pleasure vessel” means—

- (a) any vessel which at the time it is being used is—
 - (i) in the case of a vessel wholly owned by—
 - (aa) an individual or individuals, used only for the sport or pleasure of the owner or the immediate family or friends of the owner; or

(a) 1987 c. 21.

- (bb) a body corporate, used only for sport or pleasure and on which the persons on board are employees or officers of the body corporate, or their immediate family or friends; and
- (ii) on a voyage or excursion which is one for which the owner does not receive money for or in connection with operating the vessel or carrying any person, other than as a contribution to the direct expenses of the operation of the vessel incurred during the voyage or excursion; or
- (b) any vessel wholly owned by or on behalf of a members' club formed for the purpose of sport or pleasure which, at the time it is being used, is used only for the sport or pleasure of members of that club or their immediate family, and for the use of which any charges levied are paid into club funds and applied for the general use of the club,

where, in the case of any vessel referred to in paragraphs (a) or (b), no other payments are made by or on behalf of users of the vessel, other than by the owner; and in this definition "immediate family" means, in relation to an individual, the spouse or civil partner of the individual, and a relative of the individual or the individual's spouse or civil partner; and "relative" means brother, sister, ancestor or lineal descendant;

"remote operation centre" means any location other than a remotely operated unmanned vessel from which a remotely operated unmanned vessel is operated;

"remotely operated unmanned vessel" means a small vessel that—

- (a) is operated from a remote operation centre; and
- (b) is not carrying any person at the time that it is operated;

"similar stage of construction" means a stage at which—

- (a) construction identifiable with a specific vessel begins; and
- (b) assembly of that vessel has commenced, comprising at least 1% of the estimated mass of all structural material;

"small vessel" means a vessel of less than 24 metres in load line length or, in the case of a vessel the keel of which was laid or which was at a similar stage of construction before 21 July 1968, less than 150 tons;

"surveyor" means a surveyor of ships, or any other person appointed by a Certifying Authority other than the Secretary of State, to be a surveyor;

"tons" means—

- (a) in the definition of "small vessel", the gross tons, measured in accordance with the Merchant Shipping (Tonnage) Regulations 1967^(a) in force on 20 July 1968; and
- (b) in all other cases, gross tons, measured in accordance with regulation 14 (measurement and certification) of the Merchant Shipping (Tonnage) Regulations 1997^(b);

"vessel in commercial use" includes any vessel including any pleasure vessel, while it is possession of a broker, ship repairer or other such person for the purpose of business;

"voyage" means a journey of any kind;

"workboat" means a small vessel in commercial use other than for sport or pleasure, including a dedicated pilot boat;

"Workboat Code Edition 3" means the document entitled "The Workboat Code Edition 3, The Safety of Small Workboats and Pilot Boats — A Code of Practice"^(c) published by the Maritime and Coastguard Agency, including a reference to any document amending or replacing that document which is considered by the Secretary of State to be relevant from time to time and is specified in a Merchant Shipping Notice.

(a) S.I. 1967/172 revoked by S.I. 1982/84; relevant amending instrument is S.I. 1967/1093.

(b) S.I. 1997/1510, to which there are amendments not relevant to these Regulations.

(c) Available from the gov.uk website.

(2) Where a vessel is managed by a person other than the owner, whether on behalf of the owner or some other person, or on their own behalf, a reference in these Regulations to the owner must be construed as including a reference to that person.

(3) In these Regulations, “compliance survey”, “annual survey”, “intermediate survey”, “renewal survey” and “emergency survey” has the same meaning as an “examination” of that type in section four of the Workboat Code Edition 3.

Application

- 4.—(1) Subject to paragraphs (2), these Regulations apply to—
- (a) workboats which are United Kingdom vessels wherever they may be;
 - (b) other workboats operating from United Kingdom ports whilst in United Kingdom waters;
 - (c) pilot boats, not being workboats, which are United Kingdom vessels wherever they may be; and
 - (d) remotely operated unmanned vessels—
 - (i) which are United Kingdom vessels wherever they may be; or
 - (ii) operating from United Kingdom ports whilst in United Kingdom waters.
- (2) These Regulations do not apply—
- (a) to a workboat or pilot boat carrying more than 12 passengers;
 - (b) to hovercraft or submersible vessels.

Exemptions

- 5.—(1) The Secretary of State may, in exceptional circumstances, grant an exemption from all or any of the provisions of these Regulations in respect of a vessel other than a dedicated pilot boat or a pilot boat that is not a workboat if the Secretary of State is satisfied that compliance with such provision is either impracticable or unreasonable in the case of that vessel.
- (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 vessel.
- (3) An exemption granted under paragraph (1) may, on the giving of reasonable notice, be altered or cancelled.
- (4) Where an exemption under paragraph (1) is granted subject to safety requirements under paragraph (2), the exemption ceases to have effect if those requirements are not complied with.
- (5) An exemption granted under paragraph (1), or an 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.
- (6) The requirement that an exemption granted under paragraph (1), or an alteration or cancellation under paragraph (3), be in writing is satisfied where the text of the exemption, alteration or cancellation is—
- (a) transmitted by electronic means;
 - (b) received in legible form; and
 - (c) capable of being used for subsequent reference.
- (7) The period of validity of an exemption granted under paragraph (1), or an alteration under paragraph (3), must not be longer than the duration period specified for the relevant certificate in regulation 11 (duration of a certificate).

Equivalent standards to those in the Workboat Code Edition 3

6.—(1) Where these Regulations or the Workboat Code Edition 3 require that—

- (a) a particular fitting, material, appliance or apparatus, or a type of fitting, material, appliance or apparatus be fitted on, or carried in, a vessel;
- (b) a particular arrangement be made on, or in relation to, a vessel; or
- (c) any particular provision be made in relation to a vessel,

the Secretary of State may approve any other fitting, material, appliance or apparatus, arrangement or other provision if satisfied that it is at least as effective as that required by these Regulations or the Workboat Code Edition 3, as the case may be.

(2) An approval given under paragraph (1) may, on the giving of reasonable notice, be continued, altered or cancelled.

(3) Any approval given under paragraph (1), or a continuation, alteration or cancellation under paragraph (2), 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.

(4) The requirement that the approval referred to in paragraph (1), or a continuation, alteration or cancellation under paragraph (2), be in writing is satisfied where the text of the approval, continuation, alteration or cancellation is—

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

PART 1

Certification of vessels

Requirement for a certificate

7.—(1) A workboat, pilot boat or a remotely operated unmanned vessel must not be operated unless—

- (a) it has a valid certificate required under the Workboat Code Edition 3 for that vessel;
- (b) in the case of a workboat or a pilot boat, a valid certificate is retained on board the vessel or if this is not reasonably practicable, is available for immediate inspection on shore;
- (c) in the case of a remotely operated unmanned vessel, a valid certificate is available for immediate inspection at the remote operation centre;
- (d) the vessel complies with the requirements of the Workboat Code Edition 3 (including any requirements as to operation, manning and maintenance); and
- (e) in the case of a pilot boat, such a vessel has been surveyed and a Pilot Boat Certificate or a Workboat Certificate with a Pilot Boat endorsement has been issued in accordance with the Workboat Code Edition 3.

(2) A certificate may only be issued in accordance with regulation 10 (determination of an application for a certificate) on the satisfactory completion of the relevant survey.

(3) Any survey for the purposes of paragraph (2) must satisfy the requirements prescribed in the Workboat Code Edition 3.

(4) Where the Workboat Code Edition 3 provides discretion as to which requirements apply to a vessel, a Certifying Authority must make a determination as to which requirements will apply to that vessel to reasonably ensure—

- (a) the safety of that vessel; and
- (b) the health and safety of any persons on that vessel.

Certifying Authorities

8.—(1) In these Regulations, “Certifying Authority” means the Secretary of State or any person authorised by the Secretary of State.

(2) Authorisation under paragraph (1) may be given conditionally or unconditionally and is subject to paragraph (4).

(3) Without restricting what may be done under paragraph (2), the Secretary of State may in particular impose limitations on any person’s authorisation relating to—

- (a) individual vessels;
- (b) classes of vessels; and
- (c) the extent of any survey to be carried out—
 - (i) by that person; or
 - (ii) by any surveyor appointed by that person.

(4) The Secretary of State may direct in relation to an individual case or to a class of cases that a survey or part of a survey for the purposes of these Regulations may only be carried out by the Secretary of State and not by another Certifying Authority.

(5) A Certifying Authority, other than the Secretary of State, is not to be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown and its property is not to be regarded as property of or held on behalf of the Crown.

(6) A list of Certifying Authorities, authorised by the Secretary of State for the purposes of paragraph (1), is published in Marine Information Note 538 Amendment 4(M)(a) or any subsequent replacement.

Application for a certificate

9.—(1) The owner or master of a vessel may make an application to a Certifying Authority to issue any certificate that is required under these Regulations.

(2) Any application for the purposes of paragraph (1) must—

- (a) be made on a form approved by the relevant Certifying Authority; and
- (b) in the case of any application made to the Secretary of State, include the payment of any relevant fee prescribed under section 302(1) of the 1995 Act(b).

Determination of an application for a certificate

10.—(1) On receipt of an application for a certificate, the Certifying Authority may—

- (a) inform the owner or master that a surveyor is required to carry out a survey of the relevant vessel in accordance with section 4 of the Workboat Code Edition 3; or
- (b) decline the application if—
 - (i) that Certifying Authority does not have the necessary experience or expertise in relation to the type of vessel for which that application is made; or
 - (ii) the application has not been made in accordance with paragraph 9(2).

(2) The Certifying Authority must consider if a certificate may be issued in respect of a vessel if a notification signed by a surveyor and either the owner or master of the vessel is received.

(a) Available from the gov.uk website.

(b) The relevant fees prescribed under section 302 of the 1995 Act are in the Merchant Shipping (Fees) Regulations 2018 (S.I. 2018/1104, to which there are amendments not relevant to these Regulations).

- (3) Any notification for the purposes of paragraph (2) must—
- (a) confirm that at the date of the notification being given—
 - (i) a survey required under these Regulations has been completed;
 - (ii) the vessel meets all the relevant requirements of these Regulations and the Workboat Code Edition 3 in relation to the particular certificate being requested; and
 - (b) include a report documenting the vessel's compliance with the relevant requirements of these Regulations and the Workboat Code Edition 3.

(4) The Certifying Authority must issue the relevant certificate in accordance with section 4.3 of the Workboat Code Edition 3 if, having considered the notification referred to in paragraph (2), it is satisfied that the vessel meets all the relevant requirements of the Workboat Code Edition 3 for a vessel of its type.

(5) A certificate issued under this regulation must contain the information specified in Appendix 10 of the Workboat Code Edition 3 depending on the type of certificate being issued.

(6) If after considering the notification referred to in paragraph (2), a Certifying Authority determines that the vessel does not meet all of the relevant requirements of these regulations and the Workboat Code Edition 3 for a vessel of its type, the Certifying Authority must advise—

- (a) the surveyor who carried out the survey; and
- (b) the owner or master of that vessel,

of the corrective action which, in the opinion of the Certifying Authority is required before a certificate may be issued.

(7) Where corrective action is not taken within such reasonable period as a Certifying Authority may specify, the Certifying Authority must refuse the application for a certificate and notify the surveyor and the owner or master of the vessel of the refusal and the reasons for such refusal.

Duration of a certificate

11.—(1) A certificate issued under these Regulations is valid until the expiration of the date specified on that certificate.

- (2) The date specified under paragraph (1) must be—
- (a) in the case of a certificate following a compliance survey, a date not exceeding five years beginning with the date on which that survey is completed;
 - (b) in the case of a certificate issued following a renewal survey referred to in regulation 15(5) (renewal survey requirements)—
 - (i) where the renewal survey is completed more than three months before expiry of the existing certificate, a date not exceeding five years from the date of the renewal survey;
 - (ii) where the renewal survey is completed within a period of three months before expiry of the existing certificate, a date not more than five years from the expiration of the existing certificate; or
 - (iii) where the renewal survey is completed after expiry of the existing certificate, a date not more than five years from the date on which that existing certificate expired.

Extension of a certificate

12.—(1) Where the conditions set out in paragraph (2) are met, a Certifying Authority that has issued a certificate in respect of a vessel may extend the period of validity of that certificate for a period not exceeding three calendar months.

- (2) The conditions are that—
- (a) in accordance with regulation 10 (determination of an application for a certificate), the Certifying Authority has been notified by a surveyor that a renewal survey has been carried out; and

- (b) the Certifying Authority is unable to issue a new certificate in respect of the vessel prior to the expiry of the existing certificate.

Validity of a certificate

13.—(1) A certificate issued under these Regulations ceases to be valid if—

- (a) that vessel is sold or there is a change of ownership;
- (b) a relevant survey is not completed within the period specified for it in regulation 15 (survey requirements);
- (c) that vessel does not meet all the requirements for the issue of that certificate;
- (d) a material change has been made to the vessel or its equipment;
- (e) that certificate is replaced by a new certificate;
- (f) that certificate has expired;
- (g) the vessel suffers an incident which is not reported as required under regulation 18 (incident reporting);
- (h) the vessel, its equipment or machinery has sustained damage or is otherwise deficient since the completion of any survey required under these Regulations and the damage or deficiency is a material change,

and for the purposes of sub-paragraphs (a) to (d), (f) and (h), the Certifying Authority has not given its written approval under regulation 17(2)(a) (change of circumstances requiring approval).

(2) For the purposes of paragraph (1)(d) and (h), a change is material if it affects, or is likely to affect—

- (a) the safety of that vessel;
- (b) the health and safety of any persons on that vessel; or
- (c) compliance with the Workboat Code Edition 3 in relation to that vessel.

Cancellation of a certificate

14.—(1) The Secretary of State may give notice that a certificate issued under these Regulations is cancelled where there is reason to believe that—

- (a) the certificate was issued on the basis of false or erroneous information;
- (b) since any survey required by these Regulations, the structure, equipment or machinery has sustained damage or is otherwise deficient;
- (c) the circumstances in paragraph (3)(a) apply.

(2) The Secretary of State may require a certificate issued under these Regulations which has expired, or has been cancelled, to be surrendered.

(3) A person must not—

- (a) intentionally alter a certificate issued under these Regulations;
- (b) intentionally make a false certificate referred to in these Regulations;
- (c) knowingly or recklessly furnish false documents or information for the purpose of obtaining for any vessel a certificate required under these Regulations;
- (d) with intent to deceive, use, lend, or allow to be used by another, a certificate issued under these Regulations; or
- (e) fail to surrender a certificate required to be surrendered under paragraph (2).

(4) The Secretary of State must give notice of any cancellation to—

- (a) the owner or master of the vessel;
- (b) the surveyor of that vessel;

- (c) the competent harbour authority in the case of a pilot boat or workboat with a pilot boat endorsement; and
- (d) the Certifying Authority where the Certifying Authority is not the Secretary of State.

PART 2

Survey requirements and provisions disapplied

Survey requirements

- 15.**—(1) A vessel is required to be surveyed in accordance with this regulation.
- (2) A compliance survey must be completed in accordance with section 4.2 (compliance examination) of the Workboat Code Edition 3 before a vessel is put into service or a certificate under these Regulations is first issued in respect of that vessel.
- (3) An annual survey must be completed in accordance with section 4.4 (annual examination) of the Workboat Code Edition 3—
- (a) within three calendar months of each anniversary of the date of the vessel's compliance survey; and
 - (b) at intervals not exceeding 15 months from the date of the previous survey.
- (4) An intermediate survey must be completed in accordance with section 4.5 (intermediate examination) of the Workboat Code Edition 3 not more than 36 months from the date of the compliance survey or any renewal survey.
- (5) A renewal survey must be completed in accordance with section 4.6 (renewal examination) of the Workboat Code Edition 3 within five years from the date of the compliance survey or previous renewal survey.
- (6) An emergency survey in accordance with regulation 18 (incident reporting) must be completed if an incident involving a vessel is reported to the Certifying Authority.
- (7) A report of any survey completed by a surveyor under this regulation must include an assessment indicating if the vessel satisfies the requirements of the Workboat Code Edition 3.

Provisions disapplied

- 16.**—(1) The Regulations listed in the first column of the table in Schedule 1 (statutory instruments not applied) do not apply to a vessel which meets the conditions set out in paragraph (2) to the extent specified in the third column of that table.
- (2) The conditions are that the vessel—
- (a) has been surveyed and issued with a relevant certificate in accordance with these Regulations; and
 - (b) in the case of a vessel the keel of which was laid or which was at a similar stage of construction on or after 7th August 2014, complies with the standards set out in—
 - (i) Annex 1 to Marine Guidance Note MGN 601(M) where the vessel is less than 200 tons; or
 - (ii) Annex 1 to Marine Guidance Note MGN 602(M) where the vessel is 200 tons or more but less than 500 tons.

PART 3

Change of circumstances and offences

General

17.—(1) Any change of circumstances of a type included in regulation 13(1)(a) to (d), (f) and (h) (validity of certificates) must be reported by the owner or master of a vessel to the Certifying Authority which issued a certificate in respect of that vessel at the earliest opportunity and in any event before the vessel undertakes any further voyage.

(2) Where paragraph (1) applies the Certifying Authority must—

- (a) give written approval for the vessel to continue operating under the relevant certificate; or
- (b) advise the owner or master of the vessel about any corrective action that must be taken before the vessel undertakes any further voyage.

(3) Any corrective action undertaken on the vessel must be in accordance with the advice provided by the Certifying Authority.

Incident reporting

18.—(1) Where an owner or master of a vessel, in respect of which a certificate has been issued under these Regulations, becomes aware that the vessel has been involved in an incident, the owner or master must report that incident to the Certifying Authority which issued the certificate at the earliest opportunity and in any event before the vessel undertakes any further voyage.

(2) Where a report has been made under paragraph (1), the Certifying Authority must—

- (a) at the earliest opportunity, decide whether the vessel should be subjected to an emergency survey in accordance section 4.7 (emergency examinations) of the Workboat Code edition 3; and
- (b) notify the owner or master of its decision.

(3) In this regulation, “incident” includes—

- (a) any collision;
- (b) any grounding;
- (c) any fire;
- (d) any event involving—
 - (i) the hull;
 - (ii) the keel or keel attachments;
 - (iii) the rudder;
 - (iv) any other fitting that is below the waterline;
 - (v) the propulsion system;
 - (vi) the steering equipment;
 - (vii) any machinery; or
 - (viii) any failure of any other part which makes it unsafe to operate the vessel or compromises the safety of—
 - (aa) persons on board;
 - (bb) other vessels; or
 - (cc) the marine environment.

Deficient vessels

19.—(1) A vessel is deficient where a surveyor determines following a survey required under regulation 15 (survey requirements) or an emergency survey under regulation 18(2) (survey requirement following an incident) that the condition of that vessel does not correspond substantially with—

- (a) the particulars on the certificate issued in respect of that vessel under these Regulations; or
- (b) a vessel is not fit to undertake a voyage without danger to the vessel or to a person on board.

(2) Where a surveyor determines that a vessel is deficient, the surveyor must—

- (a) advise the owner or master of the corrective action which, in the opinion of the surveyor, is required and specify a period within which such corrective action must be completed and approved by the surveyor; and
- (b) notify the Certifying Authority.

(3) Where corrective action is approved for the purposes of paragraph (2)(a), the surveyor must provide confirmation of such approval to—

- (a) the owner or master of the vessel; and
- (b) the Certifying Authority.

(4) If corrective action is not completed within such reasonable period as a surveyor may specify, the Certifying Authority may suspend the relevant certificate.

(5) A certificate suspended by a Certifying Authority may be—

- (a) reinstated if the Certifying Authority is notified by a surveyor of the vessel that corrective action has been taken; or
- (b) cancelled by the Certifying Authority if a notification is not received from a surveyor of the vessel within a period of 3 months following the date of the suspension that corrective action has been taken.

(6) The period provided for in paragraph (5)(b) may be extended by the Certifying Authority as appropriate if the Certifying Authority believes that the owner or master of the vessel is taking reasonable steps to bring the vessel into compliance.

(7) The Secretary of State may require a Certifying Authority to suspend or cancel a certificate it has issued if the Secretary of State has reasonable grounds to believe that the vessel to which that certificate relates does not satisfy the requirements of these Regulations.

(8) The Certifying Authority must give notice of any suspension, an extension of any suspension or cancellation to—

- (a) the owner and master of the vessel;
- (b) the surveyor of that vessel;
- (c) the competent harbour authority in the case of a pilot boat or workboat with a pilot boat endorsement; and
- (d) the Secretary of State where the Certifying Authority is not the Secretary of State.

Detention of vessels

20.—(1) Where a vessel does not comply with the requirements of these Regulations, that vessel may be liable to be detained.

(2) Section 284(a) of the 1995 Act (enforcing detention of ship) applies where a vessel is liable to be detained under this regulation as if—

(a) Section 284 was amended by Schedule 1 to the Merchant Shipping and Maritime Security Act 1997 (c. 28) and S.I. 2015/664.

- (a) references to detention of a ship under the 1995 Act were references to detention of the vessel in question under this regulation; and
 - (b) subsection (7) were omitted.
- (3) Where a vessel is liable to be detained under this regulation the person detaining the vessel must serve on the master a detention notice which—
- (a) states the grounds for the detention; and
 - (b) requires the terms of the notice to be complied with until the vessel is released by any person mentioned in section 284(1) of the 1995 Act.
- (4) Subject to paragraph (5), section 96(a) (references of detention notices to arbitration) and section 97 (compensation in connection with invalid detention of a ship) of the 1995 Act apply in relation to a detention notice issued pursuant to this regulation as they apply in relation to detention notices issued pursuant to section 95(b) (power to detain dangerously unsafe ship) of that Act.
- (5) For the purposes of paragraph (4)—
- (a) section 96 of the 1995 Act applies as if—
 - (i) subsection (3) were omitted;
 - (ii) the words “as a dangerously unsafe ship” in subsection (5) were omitted;
 - (iii) subsection (11) were omitted; and
 - (b) sections 96 and 97 of the 1995 Act apply as if “the relevant inspector” means a person issuing the detention notice pursuant to this regulation.

Review application

- 21.**—(1) If an applicant for a certificate under these Regulations is dissatisfied with the outcome of a survey carried out for those purposes, the applicant may request a review of that outcome to be carried out by the Certifying Authority.
- (2) Any application seeking a review under paragraph (1) must—
- (a) be made in writing within a period of 21 days beginning with the date on which the outcome of the survey was notified;
 - (b) state the reasons for requesting the review; and
 - (c) be accompanied by such further evidence as the person believes supports those reasons.
- (3) Before carrying out a review, the Certifying Authority—
- (a) may request further evidence, in support of the application;
 - (b) must notify the applicant and the surveyor who carried out the survey for which a review has been requested; and
 - (c) must advise the applicant—
 - (i) that they may request a representative or professional adviser to give evidence on their behalf; and
 - (ii) that evidence may be given in writing or in person by agreement with the Certifying Authority.
- (4) Any decision made by the Certifying Authority following its review must be notified to the persons included in paragraph 3(b) in writing.

(a) Section 96(7) was amended by Part 1 of Schedule 10 to the Tribunals, Courts and Enforcement Act 2007 (c. 15) and by Schedule 11 to the Constitutional Reform Act 2005 (c. 4). Section 96(10) was repealed by Schedule 4 to the Arbitration Act 1996 (c. 23).

(b) Section 95 was amended by the Merchant Shipping and Maritime Security Act 1997 (c. 28), Schedule 1, paragraph 2.

Arbitration

22.—(1) If an applicant is dissatisfied for any reason with the outcome of a review carried out by the Certifying Authority under regulation 21 (review application), the applicant may serve a written notice on the Certifying Authority within 21 days beginning with the date of receiving notification of the review decision—

- (a) stating that there is a dispute in relation to the survey and the review decision; and
- (b) requesting that the dispute be referred to a single arbitrator.

(2) Subject to paragraph (3) (4) and (6), an arbitrator referred to in paragraph [1] must be appointed by agreement between the applicant and the Certifying Authority.

(3) Except in relation to Scotland, if the applicant and the Certifying Authority are unable to agree an arbitrator, the arbitrator is such a person as may be appointed by the President or Vice President of the Chartered Institute of Arbitrators following a request made by—

- (a) one party, after giving written notice to the other party, or
- (b) the parties jointly.

(4) No person is to be an arbitrator under this regulation unless that person is—

- (a) a person who holds a certificate of competency as a Class 1 Deck Officer or Class 1 Marine Engineer Officer, or a certificate of competency which is equivalent to such a certificate;
- (b) a naval architect;
- (c) a qualified person;
- (d) a person with special experience of shipping matters or of activities carried on in ports; or
- (e) a member of the Chartered Institute of Arbitrators.

(5) An arbitrator appointed under this regulation has the powers of an inspector conferred by section 259 of the 1995 Act (powers of inspectors).

(6) In the application of this regulation to Scotland—

- (a) any reference to an arbitrator is to be construed as a reference to an arbiter; and
- (b) the reference in paragraph (1) to a single arbitrator appointed by agreement between the applicant and the responsible person is to be construed as a reference to a single arbiter so appointed, or in default of agreement, appointed by a sheriff.

(7) The rules for arbitration set out in Merchant Shipping Notice No M1613(a) apply unless alternative procedures are agreed between the applicant and the Secretary of State before the commencement of arbitration proceedings.

(8) In this regulation—

“applicant” means a person who makes an application for a certificate required by these Regulations;

“the parties” means the applicant and the Certifying Authority, and “party” is to be construed accordingly;

“qualified person” means—

- (i) a person who satisfies the judicial appointment eligibility condition on a seven-year basis within the meaning of section 50 of the Tribunals, Courts and Enforcement Act 2007(b) (period over which a person is qualified);
- (ii) a person who is an advocate or solicitor in Scotland of at least seven years’ standing; or
- (iii) a person who is a member of the Bar of Northern Ireland or a solicitor of the Supreme Court of Northern Ireland of at least seven years’ standing.

(a) Available via link: [1613.doc \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk).

(b) 2007 c. 15.

Offences, penalties and defences

23.—(1) Any contravention of regulations 7(1) (requirement for a certificate), 14(3) (cancellation of a certificate), 15(2) to (5) (survey requirements), 17(1) or (3) (reporting changes of circumstances and corrective action to be taken) or 18(1) (requirement to report incidents) is an offence in respect of each case of non-compliance.

(2) Any offence under paragraph (1) in relation to a pilot boat is an offence by the competent harbour authority, the owner and master of the boat in respect of each case of non-compliance and is punishable on a summary conviction by—

- (a) a fine not exceeding level 3 on the standard scale, in relation to an offence under regulation 7(1)(b) and (c);
- (b) a fine not exceeding level 4 on the standard scale in all other cases.

(3) If paragraph (2) does not apply, any offence of a regulation included in paragraph (1) is an offence by—

- (a) each of the master and the owner of the vessel; or
- (b) if applicable, the charterer and owner of the vessel.

(4) An offence under paragraph (4) is punishable—

- (a) on summary conviction—
 - (i) in England and Wales by a fine;
 - (ii) in Scotland or Northern Ireland by a fine not exceeding the statutory maximum;
- (b) on conviction on indictment to imprisonment for a term not exceeding two years, or a fine, or both.

(5) In any proceedings for an offence under these Regulations, it is a defence for a person charged to prove that the person charged took all reasonable steps to avoid commission of the offence.

PART 4

Final provisions

Amendment, transitional and savings provisions

24.—(1) Amendments listed in Schedule 2 (amendments) has effect.

(2) Notwithstanding any revocation of Regulations under regulation 2 (revocation) and thereby the application of any Codes of Practice supported by those Regulations, the transitional arrangements in paragraph 3 and Schedule 3 apply in relation to vessels already certificated when these Regulations come into force.

(3) If this paragraph applies, any section and requirement of the Workboat Code Edition 3 in columns one and two of Schedule 3 will apply to the relevant vessel after the end of the period specified in the corresponding entry in column 3 or 4 of the Schedule 3 depending on the edition of the Workboat Code under which the vessel was last certificated.

(4) For the purposes of this regulation and Schedule 3 (transitional arrangements)—

“Workboat Code Edition 1” means the Safety of Small Workboats and Pilot Boats – A Code of Practice(a) published in 1998 and Marine Guidance Note MGN 280 (M)(b);

“Workboat Code Edition 2” means the Workboat Code Edition 2 – Amendment 1- The Safety of small Workboats and Pilot Boats – a Code of Practice(c).

(a) Available from the gov.uk website.
(b) Available from the gov.uk website.
(c) Available from the gov.uk website.

Review

- 25.—(1) The Secretary of State must from time to time—
- (a) carry out a review of the regulatory provision contained in these Regulations; and
 - (b) publish a report setting out the conclusions of the review.
- (2) The first report must be published before [] 2028.
- (3) Subsequent reports must be published at intervals not exceeding 5 years.
- (4) Section 30(3) of the Small Business, Enterprise and Employment Act 2015(a) requires that a review carried out under this regulation must, so far as is reasonable, have regard to how any international obligations of the United Kingdom (which are implemented by means of these Regulations) are implemented in other countries which are subject to those obligations.
- (5) Section 30(4) of the Small Business, Enterprise and Employment Act 2015 requires that a report published under this regulation must, in particular—
- (a) set out the objectives intended to be achieved by the regulatory provision referred to in paragraph (1)(a);
 - (b) assess the extent to which those objectives are achieved;
 - (c) assess whether those objectives remain appropriate; and
 - (d) if those objectives remain appropriate, assess the extent to which they could be achieved in another way which involves less onerous regulatory provision.
- (6) In this regulation, “regulatory provision” has the same meaning as in sections 28 to 32 of the Small Business, Enterprise and Employment Act 2015 (see section 32 of that Act).

Signed by authority of the Secretary of State for Transport

Date

Name
Parliamentary Under Secretary of State
Department for Transport

We consent

Date

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

(a) 2015 c. 26. Section 30(3) was amended by section 19 of the Enterprise Act 2016 (c. 12) and Schedule 8, Part 2, paragraph 36 to the European Union (Withdrawal) Act 2018 (c. 16).

SCHEDULE 1

Regulation 16(1)

Statutory Instruments Not Applied

<i>Statutory Instruments</i>	<i>SI No.</i>	<i>Extent of disapplication</i>
The Merchant Shipping (Crew Accommodation) Regulations 1997	1997/1508	The whole instrument
The Merchant Shipping (Fire Protection: Small Ships) Regulations 1998	1998/1011	The whole instrument
The Merchant Shipping (Load Line) Regulations 1998	1998/2241	The whole instrument
The Merchant Shipping (Marine Equipment) Regulations 1999	1999/1957	The whole instrument
The Merchant Shipping (Fire protection) Regulations 2003	2003/2950	The whole instrument
Merchant Shipping (Maritime Labour Convention) (Minimum Requirements for Seafarers etc) Regulations 2014	1014/1613	Regulation 29(2) and 30
The Merchant Shipping (Survey and Certification) Regulations 2015	2015/508	The whole instrument
The Merchant Shipping (Standards of Training, Certification and Watchkeeping) Regulations 2015	2015/782	The whole instrument
The Merchant Shipping (Life-Saving Appliances and Arrangements) Regulations 2020	2020/501	The whole instrument
The Merchant Shipping (Safety of Navigation) Regulations 2020	2020/673	The whole instrument
Merchant Shipping (High Speed Offshore Service Craft) Regulations 2022	2022/41	The whole instrument
Merchant Shipping (High Speed Craft) Regulations 2022		The whole instrument
The Merchant Shipping (Standards of Training, Certification and Watchkeeping) Regulations 2022		The whole instrument

SCHEDULE 2

Regulation 24(1)

Amendments

The Merchant Shipping (Official Log Books) Regulations 1981

1.—(1) The Merchant Shipping (Official Log Books) Regulations 1981(a) are amended as follows.

(2) In regulation 1(2)(b) (interpretation), before the definition of “the Repatriation Regulations”, insert—

““remote operation centre” means any location other than a remotely operated unmanned vessel from which a remotely operated unmanned vessel is operated;

“remotely operated unmanned vessel” means a vessel that—

- (a) is operated from a remote operation centre; and
- (b) is not carrying any person at the time that it is operated;”.

(3) For regulation 2 (exemption from requirement for a UK ship to keep a log book) substitute—

“Exemption from the requirement to keep a log book

2.—(1) The requirement imposed under section 77(1) of the Merchant Shipping Act 1995(c) that an official log book must be kept in every United Kingdom ship does not apply—

- (a) to a ship belonging to a general lighthouse authority;
- (b) to a ship of less than 25 gross tons;
- (c) to a pleasure yacht;
- (d) subject to paragraph (2), to a remotely operated unmanned vessel.

(2) The log book for a remotely operated vessel—

- (a) must be kept at the remote operation centre for that vessel; and
- (b) contain all the information required under Appendix [] to the Code of Practice entitled “Workboat Code Edition 3 - The Safety of Small Workboats and Pilot Boats – A Code of Practice published by the Maritime and Coastguard Agency.”

The Merchant Shipping (Radio Installations) Regulations 1998

2.—(1) The Merchant Shipping (Radio Installations) Regulations 1998(d) are amended as follows.

(2) In regulation 2(e) (interpretation), after the definition of “Radio Regulations” insert—

““remote operation centre” means any location from which a remotely operated vessel is operated except that vessel;

“remotely operated unmanned vessel” means a vessel that—

- (a) is operated from a remote operation centre; and

(a) S.I. 1981/569.

(b) Paragraph (2) of regulation 2 was substituted by SI 1991/2145. Paragraph (2) has subsequently been amended but none of these amendments are relevant to these Regulations.

(c) 1995 c. 21. Section 77(1) of the Merchant Shipping Act 1995 is derived from section 68(1) of the Merchant Shipping Act 1970 (c. 36).

(d) S.I. 1998/2070.

(e) Regulation 2 has been amended but none of these amendments are relevant to these Regulations.

(b) is not carrying any person at the time that it is operated;”

(3) In regulation 3(2)(a) (vessels to which the Regulations do not apply), after sub-paragraph (h) insert—

“(ha) remotely operated unmanned vessels;”

The Merchant Shipping (Fees) Regulations 2018

3.—(1) The Merchant Shipping (Fees) Regulations 2018(b) are amended as follows.

(2) In Schedule 1 (fees under the Merchant Shipping Act 1995), in the table in paragraph 5 (fees for inspections, etc) of Part 1 (surveys, inspections and applications for exemption), in section I (construction and equipment)—

- (a) omit the entry for the Merchant Shipping (Small Workboats and Pilot Boats) Regulations 1998;
- (b) at the end—
 - (i) in the first column, insert “The Merchant Shipping (Small Workboats and Pilot Boats) Regulations 2023”;
 - (ii) in the second column, insert “2023/****”;
 - (iii) in the third column, insert “None”.

The Merchant Shipping (Prevention of Pollution by Garbage from Ships) Regulations 2020

4.—(1) The Merchant Shipping (Prevention of Pollution by Garbage from Ships) Regulations 2020(c) are amended as follows.

(2) In regulation 2 (interpretation), after the definition of “harbour master” insert—

““the IMO MEPC Guidelines” means the guidelines for the use of electronic record books under MARPOL that were adopted under Resolution MEPC.312(74)(d) of the Marine Environment Protection Committee of the International Maritime Organisation;”

(3) In regulation 3 (ambulatory reference)—

- (a) in paragraph (1), after each occurrence of “the Polar Code” insert “the IMO MEPC Guidelines”;
- (b) in paragraph (2)—
 - (i) in sub-paragraph (a), omit “and”;
 - (ii) in sub-paragraph (b), for “SOLAS.” substitute “SOLAS; and”;
 - (iii) after subparagraph (b) insert—

“(c) the IMO MEPC Guidelines are modified or replaced if a modification or replacement takes effect following a review in accordance with Annex 1 of the IMO MEPC Guidelines.”;
- (c) in paragraph (3)—
 - (i) in sub-paragraph (a), omit “and”;
 - (ii) in sub-paragraph (b), for “SOLAS.” substitute “SOLAS; and”;
 - (iii) after sub-paragraph (b) insert—

(a) Regulation 3 was substituted by S.I. 2021/1316.

(b) 2018/1104, to which there are amendments not relevant to these Regulations.

(c) S.I. 2020/621.

(d) Resolution MEPC.312(74) is available via [https://www.wco.imo.org/localresources/en/KnowledgeCentre/IndexofIMOResolutions/MEPCDocuments/MEPC.312\(74\).pdf](https://www.wco.imo.org/localresources/en/KnowledgeCentre/IndexofIMOResolutions/MEPCDocuments/MEPC.312(74).pdf)

(c) the IMO MEPC Guidelines has effect at the time such modification or replacement comes into force in accordance with Annex 1 of the IMO MEPC Guidelines.

(4) In regulation 11 (garbage arrangement plan), after paragraph (2) insert—

“(3) Any garbage management plan for the purposes of this regulation may be kept electronically in accordance with Annex 1 of the IMO MPC Guidelines.”

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SCHEDULE 3

Regulation 24(2) and (3)

Transitional arrangements

The transitional requirements for vessels operating under provisions extant before these Regulations were brought into force are given in the table below.

In particular, the table provides that such vessels may continue operating in compliance with the requirements satisfied under the Workboat Code Editions 1 and 2 for the duration of any transitional period provided for under Column three and four, and in those cases, the requirements in these Regulations and the Workboat Code Edition 3 will apply thereafter.

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
Section in the Workboat Code Edition 3	Requirement under column 1	Date from which the requirements in Column 2 apply	
		Vessel is currently compliant with Workboat Code Edition 2	Vessel is currently compliant with Workboat Code Edition 1
2. Definitions	All	From the date these Regulations come into force.	
3. Application, Interpretation and Certification	All	From the date these Regulations come into force.	
4. Certification and Examinations	All	From the date these Regulations come into force.	
5. Construction and Structural Strength	5.1 – General Requirements	From the date these Regulations come into force.	
	5.2 - Structural Strength	Where section 5.3.5 of the Workboat Code Edition 3 applies the requirement in column 2 does not apply.	
	5.3 – Certificate of Construction	Where section 5.3.5 of the Workboat Code Edition 3 applies the requirement in column 2 does not apply.	
	5.4 - Construction Materials	From the date these Regulations come into force.	
	5.5 - Decks	From the date these Regulations come into force.	
	5.6 – Watertight Bulkheads	At the first annual examination or one year after the date these Regulations come into force.	At the first renewal examination or three years after the date these Regulations come into force, whichever is later. In relation to vessels included under section 5.2.1 or 5.6.4 of the Workboat Code Edition 3, the

			watertight collision bulkhead must be positioned between 5% and 20% of the vessel length, from the bow at the first renewal examination or, three years after the date these Regulations come into force, whichever is later
	5.7 – Offshore Energy Service Vessels	From the date these Regulations come into force.	At the first renewal examination or three years after these Regulations come into force, whichever is later.
	5.8 – Lifting and Towing	From the date these Regulations come into force.	
	5.9 – Boats with a Buoyant Collar, Inflatable Boats and Rigid Inflatable Boats	From the date these Regulations come into force.	
6. Weathertight Integrity	All	From the date these Regulations come into force.	At the first renewal examination or three years after these Regulations come into force, whichever is later.
7. Water Freezing Arrangements	All	From the date these Regulations come into force.	
8. Machinery, Propulsion and Fuel Systems	All	At the first renewal examination or one year after these Regulations come into force, whichever is later.	
9. Electrical Installations	All	At the first annual examination or one year after these Regulations come into force, whichever is later.	
10. Steering, Rudder and Propulsion Systems	All	At the first annual examination or one year after these Regulations come into force, whichever is later.	
11. Bilge Pumping	All	At the first annual examination or one year after these Regulations come into force, whichever is later.	At the first renewal examination or three years after these Regulations come into force, whichever is later.
12. Stability	All	At the first annual examination or one year after these Regulations come into force, whichever is later.	At the first renewal examination or three years after these Regulations come into force, whichever is later.
13. Freeboard and Freeboard Marking	All	At the first annual examination or one year after these	At the first renewal examination or three years after these

		Regulations come into force, whichever is later.	Regulations come into force, whichever is later.
14. Life-Saving Appliances	All	At the first renewal examination or three years after these Regulations come into force, whichever is later.	
15. Fire Safety	All	At the first annual examination or one year after these Regulations come into force, whichever is later.	At the first renewal examination or three years after these Regulations come into force, whichever is later.
16. Fire Appliances	All	At the first renewal examination or three years after these Regulations come into force, whichever is later.	
17. Radiocommunications Equipment	All	At the first annual examination or one year after these Regulations come into force, whichever is later.	At the first renewal examination or three years after these Regulations come into force, whichever is later.
18. Navigation, Lights, Shapes and sound Signals	All	From the date these Regulations come into force.	
19. Navigation	All	From the date these Regulations come into force.	
20. Anchors and Cables	All	From the date these Regulations come into force.	
21. Accommodation and Recreational Facilities	All	From the date these Regulations come into force.	
21A. Accommodation and Recreational Facilities for all Vessels to which the MLC does not apply	All	At the first annual examination or one year after these Regulations come into force, whichever is later.	At the first renewal examination or three years after these Regulations come into force, whichever is later.
21B. Accommodation and Recreational Facilities for all Vessels to which the MLC applies	All	At the first annual examination or one year after these Regulations come into force, whichever is later.	At the first renewal examination or three years after these Regulations come into force, whichever is later.
22. Protection of Personnel	All	From the date these Regulations come into force.	
23. Medical Care	All	At the first annual examination or one year after these Regulations come into force, whichever is later.	At the first renewal examination or three years after these Regulations come into force, whichever is later.
24. Tenders and Daughter Craft	All	From the date these Regulations come into force.	
25. Cargo Carrying, Lifting, High Speed	All	At the first annual examination or one	At the first renewal examination or three

and Bow Push Up Operations		year after these Regulations come into force, whichever is later.	years after these Regulations come into force, whichever is later.
26. Towing and Non Self-Propelled Vessels	All	At the first annual examination or one year after these Regulations come into force, whichever is later.	At the first renewal examination or three years after these Regulations come into force, whichever is later.
27. Dedicated pilot Boats and Workboats with a Pilot Boat Endorsement	All	At the first annual examination or one year after these Regulations come into force, whichever is later.	At the first renewal examination or three years after these Regulations come into force, whichever is later.
28. Manning	All	From the date these Regulations come into force.	
29. Carriage and Transfer of Dangerous Goods	29.1 General	From the date these Regulations come into force.	
	29.2 Document of Compliance for the Carriage of Dangerous Goods	From the date these Regulations come into force.	
	29.3 Documentation	From the date these Regulations come into force.	
	29.4 Stowage and Segregation Requirements	From the date these Regulations come into force or the first renewal of any existing Dangerous Goods Declaration of Conformity Certificate, whichever is later.	
	29.5 Scuppers and Drains	From the date these Regulations come into force.	
	29.6 Electrical Equipment	From the date these Regulations come into force.	
	29.7 Structural Fire Protection	From the date these Regulations come into force or the first renewal of any existing Dangerous Goods Declaration of Conformity Certificate, whichever is later.	
	29.8 Fire Fighting Equipment	From the date these Regulations come into force.	
	29.9 First Aid Kit Requirements	From the date these Regulations come into force.	
	29.10 Transfer Arrangements of Marine Gas Oil (MGO)	From the date these Regulations come into force or the first renewal of any existing Dangerous Goods Declaration of Conformity Certificate, whichever is later.	
	29.11 Carriage of Dangerous Goods by Industrial Personnel or Passengers	From the date these Regulations come into force.	
30. Prevention of Pollution	All	From the date these Regulations come into force.	
31. Safety Management	All	At the first renewal examination or three years after these Regulations come into force,	

		whichever is later.
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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace the Merchant Shipping (Small Workboats and Pilot Boats) Regulations 1998 (S.I. 1998/1609) (“the 1998 Regulations”) and the Merchant Shipping (Small Workboats and Pilot Boats) (Amendment) Regulations 2016 (S.I. 2016/354).

In these Regulations—

- Part 1 provides in regulations 1 to 5, for the revocation of earlier Regulations, definitions of terms used and information about the types of vessels to which these Regulations apply and the types of vessels that are exempted;
- Part 2 provides in regulations 6 to 15, the detailed certification and survey requirements for vessels. This includes information on: how applications for certificates may be made and what the requirements are; how those requirements may be satisfied by meeting equivalent standards; who the Certifying Authorities are and how they will determine an application and the terms under which a certificate may subsist;
- Part 3 provides in regulations 16 and 17 and Schedule 1, the requirements for periodical surveys and for provisions that are disappplied in relation to vessels included in these Regulations;
- Part 4 provides in regulations 18 to 24, for various changes in circumstances that may arise following certification of the vessel. In particular, these regulations set out: the requirements to report incidents and deficient vessels; circumstances when vessels may be liable to be detained, the availability of a review or arbitration to settle disputes; the offences, penalties and defences in relation to any breaches of the Regulations;
- Part 5 provides in regulation 25 and Schedules 2 and 3, the consequential amendments it is necessary make because the 1998 Regulations are being revoked and to amend some other Regulations in connection with requirements for remotely operated unmanned vessels. This Part also includes transitional provisions required to ensure that after the coming into force of these Regulations, certificates issued under the 1998 Regulations and associated codes of practice remain valid for the period thereafter depending on the technical requirement under consideration. Regulation 26 provides for a review of these Regulations to be undertaken in 5 years.

A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is available from.....