



Maritime &
Coastguard
Agency

Consultation Report:

**THE MERCHANT SHIPPING (SAFETY
MEASURES FOR SHIPS CARRYING
INDUSTRIAL PERSONNEL AND SPECIAL
PERSONNEL) REGULATIONS 2025**

May 2025

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Section 1: Introduction

This consultation sought views on the proposed Merchant Shipping (Safety Measures for Ships Carrying Industrial Personnel and Special Personnel) Regulations 2025. The consultation was open for comments from 9 December 2024 and closed on 17 February 2025.

Section 2: Background

2.1 Chapter XV in the International Convention for the Safety of Life at Sea, 1974 (“SOLAS”) – safety measures for ships carrying industrial personnel - contains the requirements governing the carriage at sea of industrial personnel. The need for this new Chapter in SOLAS has arisen due to the expansion of offshore industrial activities in recent years, most notably in the wind farm sector. It has been recognised that the safety standards found in existing IMO instruments do not adequately cover the specific risks associated with maritime operations more widely in the offshore sector, such as the transfer of personnel between a ship and an offshore structure. Accordingly, Chapter XV supplements the core requirements of SOLAS, providing bespoke requirements for the safe carriage of industrial personnel on board cargo ships and high speed cargo craft.

2.2 A fundamental principle of SOLAS is that a cargo ship can carry up to 12 passengers¹, and a passenger ship is a ship which carries more than 12 passengers. The construction and equipment standards for passenger ships are higher than for cargo ships in recognition of the likelihood that they will be carrying larger numbers of persons on board. Vessels operating in the offshore sector as cargo ships are therefore limited in the number of passengers they can carry. However, where such persons regularly work on board a ship, are certified medically fit and have received relevant safety training, historically the MCA has considered these persons to be special personnel (“SP”) rather than passengers (further information on special personnel is provided below).

2.3 It is recognised that the definitions of “crew” and “passenger” in SOLAS do not adequately address personnel who are neither part of the crew nor passengers and who work on offshore facilities, away from the ship that has transported or accommodated them. Such personnel are considered to be “industrial personnel” and the lack of a clear definition of industrial personnel in SOLAS, and the absence of an international standard for the carriage of industrial personnel, has created difficulties in the interpretation of applicable standards for vessels operating in the offshore sector.

2.4 Underpinning SOLAS Chapter XV is the International Code of Safety for Ships Carrying Industrial Personnel (“the IP Code”), which Chapter VX incorporates into the SOLAS Convention. The IP Code provides a standard which supplements

¹ SOLAS defines a “passenger” as every person other than (i) 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; and (ii) a child under one year of age.

existing requirements in SOLAS in order to enhance safety, in particular for industrial personnel on vessels operating in the offshore sector, to overcome the difficulties in interpreting the existing standards. Chapter XV and the IP Code will apply when a ship is carrying an aggregate of more than 12 industrial personnel, which figure includes special personnel and passengers up to a maximum of 12.

2.5 Chapter XV and the IP Code apply to cargo ships and high speed cargo craft of 500GT and above, which undertake international voyages. However, it is recognised that many vessels operating in the offshore sector may be undertaking non-international voyages and may also be under 500GT. Therefore, IMO Member States are also encouraged to apply the requirements to these ships. The UK has adopted this approach and, as such, the proposed Regulations will also apply the IP Code to cargo ships and high speed cargo craft <500GT, and to such ships on non-international voyages (although in UK waters high speed craft <500GT may choose whether to be subject to the HSOSC Code instead - see below). Additionally, the proposed Regulations will apply to cargo ships which fall within scope of the Special Purpose Ships Code 1983 ("the SPS Code 1983") and the Special Purpose Ships Code 2008 ("the SPS Code 2008") (together "the SPS Codes"). In other words, the new requirements will apply to vessels of all sizes, whether on international or non-international voyages, where the persons they transport are engaged in offshore work or work which takes place at sea in connection with the vessel (such as cable laying). High speed cargo craft operating in accordance with the Merchant Shipping (High Speed Offshore Service Craft) Regulations 2022 (SI 2022/41) are not in scope of the proposed Regulations unless they choose, instead, to be certified in accordance with the requirements for high speed craft in the High Speed Craft Code 2000 and the IP Code.

2.6 UK policy concerning the carriage of industrial personnel, and special personnel, is currently set out in Marine Guidance Note (MGN) 674 (M) – Application of the Special Purpose Ships Code. The current position, as stated in MGN 674 (M), is that the SPS Codes are applied to both special personnel and industrial personnel. Special personnel work primarily on the ship, in contrast to industrial personnel, who work primarily off the ship and on a separate structure. Industrial personnel undertake "walk to work" activities, i.e., they walk from the ship to the offshore structure, and are, therefore (by definition), industrial personnel.

Section 3: Proposed Changes

3.1 The primary objective of the proposed Regulations is to implement new SOLAS Chapter XV and the IP Code. Additionally, the proposed Regulations aim to achieve the following policy objectives:

- i. Preserve, so far as possible, the current "grandfathering" arrangements for ships already carrying industrial personnel, as approved in accordance with MGN 674 (M) in order to minimise disruption to existing ship operations. The proposed Regulations make provision reflecting the grandfathering

arrangements permitted by SOLAS Chapter XV; this means that any cargo ship or (if applicable) any high speed cargo craft which was authorised by its flag administration before 1st July 2024 to carry more than 12 industrial personnel, will be able to comply with slightly reduced requirements in the IP Code. The authorisation can only be given by a flag administration where the vessel complies with the recommendations contained in IMO Resolution MSC.418(97), which allows for compliance with the SPS Code 2008, and which is the standard that the UK has specified as acceptable. UK policy is to ensure that vessels which were complying with the SPS Code 2008 can continue to do so, should they wish to benefit from the grandfathering arrangements. Further information regarding this can be found in Marine Information Note (MIN) 708 (M).

- ii. Noting that the SPS Code 1983 does not provide a standard considered to be equivalent to the SPS Code 2008 or the IP Code, vessels certified in accordance with the SPS Code 1983 will not be able to transport industrial personnel on entry into force of the proposed Regulations.
- iii. In view of the close synergies between ships operating in the offshore sector carrying industrial personnel and/or special personnel, make the SPS Code 1983 and the SPS Code 2008 mandatory in relation to the carriage of more than 12 special personnel, where there are no industrial personnel also being carried on board; and
- iv. Apply both the IP Code and SPS Codes to cargo ships under 500GT including those undertaking non-international voyages. In this regard, cargo ships under 24m in load line length carrying an aggregate of not more than 12 passengers and industrial personnel must comply with the Merchant Shipping (Small Workboats and Pilot Boats) Regulations 2023 (SI 2023/1216) or the alternative requirements in other merchant shipping legislation relating to core safety requirements, including construction, fire protection, life-saving appliances, navigation and crew training.
- v. Allow operators of smaller, domestically operated, high speed cargo craft carrying industrial personnel to be able to choose whether to comply with the domestic standard in SI 2022/41 or the international standard implemented in the proposed Regulations. The proposed Regulations provide that vessels which are certified in accordance with the Merchant Shipping (High Speed Offshore Service Craft) Regulations 2022 (SI 2022/41) (“the HSOSC Regulations”) are not in scope of the proposed Regulations, but the scope of the *application* of the proposed Regulations would otherwise allow them to be; in other words, such high speed craft have the *option* of complying with either the “the HSOSC Regulations” or the Merchant Shipping (High Speed Craft) Regulations 2022 (SI 2022/1219) (“the High Speed Craft Regulations”) and the proposed Regulations. Currently, high speed craft under 500GT must comply with the HSOSC Regulations, which is a domestic regime only, and there is no alternative regime for these smaller vessels.

- a) To achieve this, two key amendments are made. The first involves removing the words “which is carrying cargo for hire or reward” from regulation 4(1)(c)(iv) of the High Speed Craft Regulations, and also the words “for hire or reward” from regulation 4(1)(c)(ii). These words otherwise imply that a high speed cargo craft must be actually carrying cargo to be within the scope of the Regulations, or in the case of other non-passenger craft, carrying passengers for hire or reward. This condition is not necessary to bring these types of craft within scope of the High Speed Craft Regulations.
 - b) The second key amendment creates a disapplication of the High Speed Craft Regulations where a vessel is actually certificated under the HSOSC Regulations (as opposed to being a vessel of a type that would be in scope of the HSOSC Regulations). An amendment is also made to the HSOSC Regulations to clarify that the Regulations only apply to vessels where an application for certification is made exclusively under the HSOSC Regulations.
- vi. The HSOSC Regulations are also amended to clarify that the application of the instrument is to an aggregate of more than 12 industrial personnel (including special personnel and passengers). The High Speed Offshore Service Craft Code (known as the HSOSC Code), which is made mandatory by the HSOSC Regulations, will be amended to reflect the changes made by the amendments to HSOSC Regulations, but there are no substantive amendments otherwise needed to the Code.
- vii. Include an ambulatory reference provision in the SI to ensure that future amendments to the IP Code are given automatic effect in UK law without the need for amending legislation.

Section 4: Summary of Comments and MCA responses

Nine responses were received to the consultation from a variety of industry stakeholders: the UK Chamber of Shipping, the International Marine Contractors Association (IMCA), the National Union of Rail, Maritime and Transport Workers (RMT), Koninklijke Vereniging van Nederlandse Reders (KVRN), Ports of Jersey, Det Norske Veritas (DNV), Boskalis, Isle of Man Ship Registry and Lloyds Register.

A summary of the comments received, together with the responses provided by the Maritime and Coastguard Agency (MCA), is set out below.

Q1. It is an assumption of the analysis that all UK flagged vessels already carrying industrial personnel comply with MGN 674 (M). Do you have any evidence in support of, or with which to challenge, this rationale? If so, please provide evidence of likely costs implications for your business.

Summary of comments

- Some respondents noted that certain vessels are not compliant with MGN 674 (M) (that is, the requirement to comply with the SPS Code 2008 for the purposes

of carrying industrial personnel) and that transitioning to the new Code could have cost implications. They further suggested that the MCA provide detailed impact assessments, including quantitative and qualitative analyses of the proposed changes, covering operational and economic impacts on vessel operators and the offshore sector.

- A respondent highlighted that foreign vessels including those under other REG flags may be operating under alternative arrangements which conflict with the UK position.
- Stakeholders highlighted that there may be confusion caused by the publication of related guidance (e.g., MIN 708) and a lack of awareness among seafarers about relevant safety legislation. There were also requests for clarity on the definition of "non-international voyages" and its implications for offshore operations.
- Issues were raised about compliance in specific sectors, such as fishing vessels performing guard duties at offshore wind installations, where non-compliant practices may exist.
- Another respondent stated that it would be helpful to establish as part of this consultation process vessels performing guard duties at Safety Zones in territorial waters or at Renewable Energy Zones outside UK territorial waters and within the UK Exclusive Economic Zone.

MCA response

- The international consensus is that the SPS Code 1983 is not sufficient for the purpose of carrying industrial Personnel (IP), as detailed in IMO resolution MSC.418(97). The MCA issued guidance in MGN 515 (2014) and later in MGN 674 (2022) advising operators of the requirements and steps to take to achieve full compliance with the SPS Code 2008 or the IP Code. Foreign flagged vessels, including other REG flagged vessels, operating in UK waters are required to adhere to the same standards as UK flagged vessels and would be subject to port State control inspection should they enter a UK port. The MCA is only able to regulate UK flagged vessels and those foreign flagged vessels operating in UK waters in line with international law. The MCA has also liaised with other flag States to ensure consistent implementation of the IP Code; for example, the Netherlands, Denmark and Norway have implemented the IP Code in the same manner as the UK. The Isle of Man is currently consulting on its own implementation of the IP Code and has adopted the same stance as the UK and others, except that compliance with the IP Code by vessels under 500GT is recommendatory rather than mandatory. Any vessel wishing to operate in UK waters, which is approved by the vessel's flag administration to carry IP, and which may not be compliant with the proposed Regulations, is encouraged to approach the MCA to apply for an equivalence arrangement.
- Compliance costs have been analysed as part of the De Minimis Assessment (DMA). These cost estimates are based on regulatory provision in place at the time compared to the proposed Regulations, and do not necessarily consider any guidance issued in the interim as this was not mandatory; however, for

the purpose of the DMA, it has been assumed that all operators adhere to the SPS Code 2008 to carry IP. The evidence available is that, currently, there is only one UK flagged vessel that is certificated to the SPS Code 1983.

- The MCA has identified areas of non-compliance by certain vessels. In response, the MCA will actively engage with stakeholders to guide the vessel operators on the requirements to obtain full compliance. This collaborative approach aims to ensure that the transition to the new requirements is both practicable and equitable.
- The MCA opines that clear and accessible guidance is essential for effective regulatory compliance; as such, the MCA will provide guidance to address any areas of uncertainty, supporting stakeholders in understanding and applying the requirements effectively.
- Any vessel performing 'Guard duties' which is not carrying IP or SPS, is not required to comply with the proposed Regulations. However, should these vessels choose to carry IP or SPS, then they will be required to comply with the Regulations.

Q2. Outside of this assumption, do you know of any costs that a vessel that is compliant with the current UK framework would need to incur to be compliant with the proposed changes? If so, please provide any evidence of this.

Summary of comments

- While some respondents stated that it would be difficult to quantify costs due to a lack of clarity in the regulatory approach, other respondents stated that *"relatively straightforward modifications could cost more than £1 million per vessel whilst other more significant modifications could cost tens of millions per vessel, assuming that they are technically feasible"*. Some respondents noted that the proposed regulations and guidance may introduce "hidden costs" by creating potential duplication or confusion in safety regimes, especially for training and crew certification. Another respondent raised a concern about the economic viability of making substantial modifications to older vessels, particularly given their limited remaining lifespan.
- One respondent stated that the proposed Regulations would prevent currently compliant REG registered HSOSC craft and SPS Code 1983 compliant vessels from continuing to carry SP/IP in UK waters. This would also include those registered under other flags which technically meet IMO requirements due to their size or date of build when in UK waters.
- One respondent queried whether the term "compliant with the current UK Framework" includes MGN 674.
- There was concern that there is potential for duplication in training requirements over the transfer from a vessel to an offshore installation. Anecdotally, some seafarers are being asked to obtain Global Wind Organization (GWO) certification when working on smaller crew transfer vessels, despite this being a requirement under a separate IMO Convention, the International Convention on Standards of Training, Watchkeeping and Certification for Seafarers (STCW), 1978. It was noted that there needs to be clearer guidance on the training requirements for seafarers who are transporting industrial and special

personnel in the offshore energy sector. Clarity in guidance that these training standards do not apply to the seafarer crew on the vessels transporting industrial and special personnel would be helpful.

MCA response

- The MCA is committed to implementing the proposed regulatory changes to enhance safety, align with international standards and future-proof the UK maritime framework. However, equivalence arrangements are available to address any operational impact on HSOSC craft and SPS Code 1983 compliant vessels, including those flagged under other States. The proposed Regulations do not apply to any vessel certificated under regulation 13A(1) of the Merchant Shipping (Survey and Certification) Regulations 2015 as a high speed offshore cargo craft (issue of certificates to HSOSC) (see regulation 4(3)(i) in the proposed Regulations).
- The MCA notes the feedback received, highlighting concerns that the proposed Regulations would prevent currently compliant REG registered HSOSC craft and SPS Code 1983 compliant vessels from continuing to carry IP in UK waters, including those registered under other flags. The proposed Regulations aim to modernise the UK maritime framework and enhance safety standards across the sector. While this may result in challenges for certain vessels, including those currently compliant under the SPS Code 1983, these changes are necessary to meet evolving safety expectations and maintain alignment with international best practices. It is important to clarify that the proposed Regulations only apply to foreign-flagged vessels when they are in UK waters. Any vessel wishing to operate out of a UK port which is approved by their own flag administration for the carriage of IP, and may not be compliant with the proposed Regulations, can approach the MCA to apply for an equivalence arrangement.
- The MCA acknowledges the importance of minimising duplication and ensuring alignment between training requirements for seafarers. While maintaining safety as the foremost priority, the MCA can confirm that the GWO certification is not intended to apply to seafarers (crew) on vessels engaged in transporting IP and SP. The MCA provides clear guidance on the training requirements for seafarers who are transporting industrial and special personnel in the offshore energy sector, as detailed in Merchant Shipping Notice (MSN) 1856 (M+F).

Q3. SOLAS Chapter XV/3.2 (and 3.3) allows ships already operating on the basis of the Interim Recommendations (MSC.418(97)) to continue operating provided that regulations III/1, III/2 (except paragraph 2.1.7), IV/7 and IV/8 are complied with. Please describe the cost implications of having to comply with these requirements.

Summary of comments

- One respondent noted that certain flag States have not applied the interim requirements to existing HSOSC vessels under 500GT, stating that Chapter XV does not apply to such vessels. They emphasised that restrictions which

exceed SOLAS requirements should not be imposed on foreign vessels in UK waters, so long as their flag State has approved equivalent levels of safety.

- Another respondent agreed that grandfathering the interim compliance regime is a cost-saving measure and reported no evidence to suggest otherwise. They indicated that MIN 708, published by the MCA, provides specific guidance on this issue and could be used to estimate the cost implications of compliance. However, they raised concerns about limited reference to MIN 708 within the consultation documents and suggested it should be emphasised more.

MCA response

It is noted that certain flag States have not applied the interim requirements to these vessels and Chapter XV does not apply to HSOSC vessels <500GT. However, the IP Code, which has been agreed by IMO Member States and is an integral part of Chapter XV, provides that Member States may consider implementing the Code more widely – to vessels on non-international voyages and to vessels under 500GT. As a regulator, the MCA's objective is to ensure that vessels operating in UK waters adhere to the highest international safety standards; the MCA therefore endorses the IMO approach in the IP Code. Foreign flagged vessels operating in UK waters are required to adhere to the same standards as UK flagged vessels and would be subject to port State control inspection should they enter a UK port. Any vessel wishing to operate in UK waters (that is, approved by their own flag administration for the carriage of IP), and which may not be compliant with the proposed Regulations, can approach the MCA to apply for an equivalence.

- The MCA acknowledges comments that grandfathering the interim compliance regime is a cost-saving measure. The MCA remains committed to enhancing understanding and facilitating compliance, while maintaining cost efficiency across the sector.
- MIN 708 was published to publicise the option for an authorisation in accordance with SOLAS XV/3.2 and 3.3, to be issued prior to 1 July 2024, and provided information regarding the process for applying the grandfathering arrangements. Additionally, the MCA contacted shipping companies which operate ships under the UK flag which may be in scope of the grandfathering arrangements. MIN 708 publicised the need for authorisations prior to 1 July 2024 so, as such, has not formed an integral part of this consultation. Vessels already complying with this requirement and accepted under the grandfathering provisions in accordance with MIN 708 can continue to operate. The intention is simply not to allow the carriage of industrial personnel on vessels to which the SPS Code 1983 applies and on those vessels which were not authorised within the timescale set out by MIN 708 (before 1 July 2024). The policy objective here, is to recognise the practical reality that there are already such vessels in operation and carrying industrial personnel. However, because MCA does not consider the SPS Code 1983 and SPS Code 2008 to be equivalent, the aim is, in effect, to gradually reduce the number of such vessels operating under the SPS Code 1983 from operating because grandfathering would not apply to any further vessels which might start operating in the UK waters after entry into force of the proposed Regulations. So, the purpose of only permitting

vessels operating under the SPS Code 2008 to carry industrial personnel, is to ensure that the regulatory relaxations only apply to grandfathered vessels.

- The MCA's intention is that SPS 1983 ships can, subject to certain conditions, continue to carry special personnel but cannot carry industrial personnel. The proposed Regulations provide for this in regulation 11(2) and is reflected in paragraph 4.10 of the MGN being developed to support the proposed Regulations.

Q4. The proposed Regulations will not allow the carriage of industrial personnel on special purpose ships which operate in accordance with the SPS Code 1983. This is because it is considered that the 1983 Code does not provide a standard equivalent to the SPS Code 2008 or the IP Code. What will be the operational impact of this policy objective?

Summary of comments

- One respondent emphasised that the proposal would make the standards in the 2008 SPS Code mandatory and this should have a positive operational impact.
- Other respondents requested clarification from the MCA on the policy's impact on foreign vessels with IP Code certificates based on the SPS Code 1983. Greater clarity was sought regarding the treatment of non-UK flagged vessels operating in UK waters under equivalent standards, adding that significant tonnage will not be allowed to carry industrial personnel in the UK sector, even though they may be approved to do so by their respective flag States in accordance with the Interim IP Code measures.
- Another issue raised was the difference in damage stability requirements between the 1983 and 2008 SPS Codes, which would pose substantial barriers to compliance. Some respondents noted that affected vessels may need modifications to comply with the SPS Code 2008, reduce their carriage to a maximum of 12 non-crew personnel, or be withdrawn from service entirely. Concerns were expressed that this approach could be disproportionate, particularly in the absence of risk analyses to justify the policy change.
- The SPS Codes are not currently mandatory. The proposal would make the standards in the SPS Code 2008 mandatory and this should have a positive operational impact as both the IP and SPS Codes would be mandatory.

MCA response

- The MCA notes the feedback received, including that the mandatory application of the SPS Code 2008 will have a positive operational impact across the industry. These changes are intended to promote a safer and more efficient regulatory framework for vessels carrying SP and IP. The MCA will continue to work closely with stakeholders to ensure this is achieved.
The MCA acknowledges the request for clearer guidance on how the proposed Regulations will affect foreign-flagged vessels holding IP certificates based on the SPS Code 1983, and notes that vessels which have been issued with IP certification based on the SPS Code 2008 on or after 1 July 2024 are in a similar position. Foreign flagged vessels operating in UK waters are required to adhere to the same standards as UK flagged vessels and

would be subject to port State control inspection should they enter a UK port. Any vessel wishing to operate in UK waters, which has been approved by their own flag administration for the carriage of IP, and may not be compliant with the UK Regulations, can approach the MCA to apply for an equivalence arrangement.

The MCA will, through a marine guidance notice, provide clarification on the treatment of such vessels to ensure consistency in application while maintaining alignment with the UK's safety objectives.

- The concern regarding the exclusion of significant tonnage has been noted. The MCA remains committed to minimising operational disruptions by offering transitional arrangements or alternative compliance pathways where feasible, while upholding safety as the primary consideration. Vessel operators should contact the MCA to discuss acceptable equivalent arrangements.
- The MCA recognises that the differences in damage stability requirements between the 1983 and 2008 SPS Codes may create significant barriers to compliance for certain vessels. It is also acknowledged that this could necessitate substantial modifications, reductions in carriage capacity, or potential withdrawal of vessels from service. While these challenges are acknowledged, the MCA emphasises the importance of the standards of the SPS Code 2008 in enhancing safety, which is the primary objective of the proposed regulatory policy. The proposed Regulations allow for the granting of equivalents, and vessel operators should contact the MCA to discuss how they may be able to use their existing damage stability compliance as an equivalence to continue operating.
- The proposed changes have been assessed for proportionality and are supported by a De Minimis Assessment (DMA) conducted by the MCA. However, the MCA will regularly conduct reviews following implementation in order to assess the effectiveness of the policy change.

Q5. Please describe any difficulties you anticipate in complying with the medical fitness and safety training requirements set out in Section 5 of the MGN.

Summary of comments

- Some respondents foresee issues with operating across the North Sea (e.g., UK–Norway) since SP and IP commonly hold OEUK or RenewableUK (RUK) medical certifications, which are not equivalent to ENG1 certification as required under the draft MGN.
- Some respondents emphasised the need for clarification regarding the use of ML5 medical certificates for vessels under 500GT operating within 60 nautical miles of a safe haven, both domestically and on international voyages.
- Concerns were raised about the lack of clarity in defining domestic and non-international voyages, and how these definitions impact the application of medical requirements for SP and IP on different types of routes

MCA response

- The MCA acknowledges the concern that the OEUK or RenewableUK (RUK) medical certifications commonly held by special personnel and industrial

personnel are not currently equivalent to ENG1 certification. As explained in paragraph 6.3 of MGN 674, the UK would accept OEUK or RUK medical certificates as evidence of medical fitness. Other alternatives are also acceptable, as detailed in the draft MGN, and which will be updated to more clearly reflect this. The objective is to ensure that medical certificates are MLC compliant.

- The feedback regarding the use of ML5 medical certificates for vessels under 500GT operating within 60 nautical miles of a safe haven is noted. Paragraph 5.3(b) of the draft MGN confirms that ML5 medical fitness certificates for vessels operating within 60 miles of a safe haven on non-international voyages will be acceptable.
- The MCA confirms that “international voyage” is clearly defined in regulation 3 of the Merchant Shipping (Survey and Certification) Regulations 2015 (SI 2015/508) and “means a voyage from a port in one country to a port in another country, either of the countries being a country to which the SOLAS convention applies”. This reflects the definition in SOLAS. The proposed Regulations do not contain a definition of “international voyage” as the application of the IP and SPS Code requirements is not determined by reference to international or non-international voyages.

Q6. High-speed cargo craft <500GT can already transport industrial personnel on the basis of the requirements in the High-Speed Offshore Service Craft Code and the proposed Regulations will allow operators of high speed cargo craft the option of complying with the IP Code and the High Speed Craft Code 2000 instead. What are your views on this?

Summary of comments

- Several stakeholders supported the proposal, noting that it provides operators with greater flexibility and options.
- Regarding the proposed exceptions in regulation 4(3)(i) and (j) (exceptions for certified HSOSCs and workboats), one stakeholder suggested that this should be extended to vessels holding certificates issued under the authority of other REG flag States under their own equivalent regulations to implement the HSOSC and Small Workboats and Pilot Boat (Work Boat Code) Codes.
- One stakeholder requested clarification of the rationale behind the proposed extension of the IP Code Regulations to vessels under 500GT, noting differing interpretations of the proposed Regulations, particularly regarding whether vessels can continue to be certificated solely under the HSOSC Code.
- Concerns were raised about the possibility of a two-tier safety regime for seafarers and industrial personnel in the crew transfer vessel (CTV) and workboat sector. Stakeholders also highlighted the need for further clarity on the safety requirements, particularly for <500GT daughter craft used in offshore wind operations.

MCA response

- The MCA appreciates the strong support for the flexibility of the proposal to allow operators to comply with either the proposed Regulations or be certified under regulation 13A(1) of the Merchant Shipping (Survey and Certification) Regulations 2015 and therefore comply with the HSOSC Code. This approach

is designed to accommodate diverse operational needs while maintaining high safety standards.

- The MCA notes the suggestion to include exceptions for vessels certified by other REG flag States under regulations in those jurisdictions equivalent to the HSOSC Code and the Small Workboats and Pilot Boat (“the Work Boat Code”). The MCA reiterates that foreign flagged vessels operating in UK waters are required to adhere to the same standards as UK flagged vessels and would be subject to port State control inspection should they enter a UK port. Any vessel wishing to operate in UK waters which is approved by their flag administration to carry IP, and which may not be compliant with the proposed Regulations, can approach the MCA to apply for an equivalence.
- The MCA acknowledges the request for further clarification on the rationale and implication of extending the proposed IP Code Regulations to vessels under 500GT. The IP Code, which has been agreed by IMO Member States and is an integral part of Chapter XV, provides that Member States may consider implementing the Code more widely – to vessels on non-international voyages and to vessels under 500GT. The UK chose to adopt this approach in line with many other IMO Member States; for example, Denmark and Norway have both applied the IP Code to vessels <500GT. The guidance accompanying the proposed Regulations will set this out in plain terms to ensure that stakeholders fully understand the scope and practical implications of these changes.

Q7. Are you aware of any unintended consequences that removing the words “which is carrying cargo for hire or reward” in regulation 4(1)(c)(iv), and “carrying cargo for hire or reward” in regulation 4(1)(c)(ii) of the High Speed Craft Regulations might have?

Summary of comments

- Most respondents indicated they are not aware of any unintended consequences from removing the specified phrases in the High-Speed Craft Regulations.

MCA response

- The MCA supports the view that the proposed amendments are unlikely to result in unforeseen impacts. However, the MCA remains committed to closely monitoring the practical implications of this change, post-implementation, and welcomes any further observations or evidence stakeholders may be able to provide as the industry adjusts to the new updated regulatory regime.

Q8. Do you know if any businesses will be disproportionately affected by the proposed changes?

Summary of comments

- Some respondents stated that ships certified under the SPS Code 1983 or equivalent standards are seen as particularly disadvantaged, as they would not be compliant with the new regulatory requirements. They further highlighted that some operators who classify SP as crew because the relevant vessels are not compliant with either SPS Code, and those operating under measures which are neither 1983 nor 2008 SPS Code compliant, were also vulnerable.

MCA response

- The MCA acknowledges the concerns raised about vessels certified under the 1983 SPS Code, as well as those operating under 'grandfathered' equivalent measures, being disadvantaged by the proposed regulations. Vessels carrying SP should currently be certified under the SPS Code 1983 or SPS Code 2008; therefore any vessel not appropriately certificated is operating outside the regulatory framework and may be subject to enforcement measures. While these changes are designed to align with modern safety standards, vessels can continue to carry SP and can also apply to the MCA for approval of equivalent arrangements for the carriage of IP.

Q9. What are the key areas, if any, where costs and benefits may arise for your business due to the proposed changes?

Summary of comments

- Respondents emphasised the financial burden of possible modifications (e.g., damage stability, accommodation) should grandfathering arrangements not be permitted. There was concern that costs could range from millions per vessel and include additional expenses such as time out of service and feasibility challenges given existing vessel designs.
- Concerns were raised about the potential shift in homeporting and port calls from UK ports to other EEA countries if grandfathering arrangements are not agreed. Such changes may result in significant indirect impacts on the UK maritime sector.

MCA response

- The MCA acknowledges concerns regarding the financial impact of required modifications, including damage stability and accommodation changes, should grandfathering arrangements not be permitted. Vessels can continue to apply to the MCA for approval of equivalent arrangements, including damage stability. Operators should in the first instance contact their CSM.
- The feedback regarding potential shifts in homeporting and port calls to other EEA countries, should grandfathering not be agreed, is noted. The MCA recognises the potential indirect impacts on the UK maritime sector, including reduced economic activity such as crew changes and victualling. To address this, we are committed to maintaining clear, proportionate, and practical regulatory requirements that minimise disruptions while upholding safety standards. The various routes to regulatory compliance detailed above, should minimise the need for any change to homeporting arrangements.

Q10. Generally, do you know of any likely unintended consequences resulting from the proposed changes?

What impact do you think the proposed changes will have upon safety standards? Please provide evidence to support your response.

Summary of comments

- Concerns were raised about the possibility of an end to the mutual recognition of flag State certificates, which could create operational challenges for vessels certified under alternative regimes.
- One respondent mentioned that operators and masters of vessels under the HSOSC Code, including those under other REG flags, may risk significant penalties (e.g., fines or imprisonment) if these vessels are excluded from compliance under the new regulations, despite operating at equivalent safety levels.

MCA response

- The MCA acknowledges concerns about the possibility of flag State certificates no longer being mutually accepted, which could create operational challenges for vessels certified under alternative regimes. It is important to clarify that the proposed Regulations will only apply to such vessels when they operate in UK waters, including operating out of a UK port for the purposes of operating in the UK EEZ. Further details on potential mitigating measures, by way of equivalence, have been provided above.
- The feedback regarding potential penalties for operators and masters of vessels under the HSOSC Code from other REG flags is noted. As mentioned above, foreign flagged vessels operating in UK waters are required to adhere to the same standards as UK flagged vessels and would be subject to port State control inspection should they enter a UK port. Any vessel wishing to operate in UK waters which has been authorised by their flag administration to carry IP, and which may not be compliant with the proposed Regulations, can approach the MCA to apply for an equivalence. Vessels certificated under the HSOSC Code are not in scope of the proposed Regulations.

Q11. What impact do you think the proposed changes will have upon safety standards? Please provide evidence to support your response.

Summary of comments

- While the introduction of regulations for new vessels was welcomed for their clarity regarding safe construction, operation, and personnel transfer, respondents reiterated that existing offshore safety practices are already robust.
- Several respondents highlighted the high safety standards in the offshore sector over the years, with no significant incidents reported during the transition from the SPS Code 1983 to the SPS Code 2008. They stated that the proposed changes were largely an administrative exercise.
- One respondent noted that the complexity and lack of certainty surrounding applicable legislation, particularly for flags of convenience (which are common amongst the diverse range of vessels in the offshore industry needed to transport cargo, lay cable arrays and to install the heavier foundations, towers, blades, nacelles and other wind turbine components), could create challenges for maintaining safety standards.

MCA response

- The MCA welcomes the acknowledgment that the proposed Regulations provide clarity regarding the safe construction, operation, and personnel transfer for new vessels. This clarity is critical in maintaining and enhancing safety standards as the industry evolves.
- The MCA recognises that stakeholders have emphasised the historically robust safety practices in the offshore sector and the lack of significant incidents during the transition from the SPS Code 1983 to the SPS Code 2008. The proposed regulatory changes are intended to ensure continued alignment with international safety standards and provide a consistent framework for all operators.
- Foreign flagged vessels operating in UK waters are required to adhere to the same standards as UK flagged vessels and would be subject to Port State control inspection should they enter a UK port. Any vessel wishing to operate in UK waters which has been authorised by their flag administration to carry IP, and which may not be compliant with the proposed Regulations, can approach the MCA to apply for an equivalence.

Section 5: Additional comments and MCA responses

Summary of comments

- A stakeholder requested that the definitions included in applicable Codes should not be amended so that we all have clarity on the meaning. They noted that neither SOLAS nor the IP Code use the phrase “*working primarily*”.
- They further added that no consideration is given in SOLAS or the IP Code of the possibility that special personnel “*may become*” Industrial Personnel and vice versa. As such, they sought further clarification on this.

MCA response

- The MCA aims to achieve consistency with international standards to ensure clarity for all stakeholders. It is worth noting that the use of the phrase “*working primarily*” is not used in the proposed SI or updated MGN and was only included in the consultation document for explanatory purposes.
- Equally, the term “*may become*” is not used in the proposed SI or updated MGN and was only included in the consultation document for the purposes of further explanation.

Summary of comments

- One respondent sought clarification on how the MCA intends to make both the SPS Code 1983 and the SPS Code 2008 mandatory. Their enquiry specifically centred on how the SPS Code 1983 will be applied to older vessels, alongside the SPS Code 2008. They noted that since the SPS Codes have never been mandatory, the decision to change the status of these Codes from equivalence to regulatory requirements, may prohibit a significant number of vessels from operating in the UK sector. They further added that

these vessels have done so for extended periods safely, and were built in line with all relevant mandatory requirements at the time of build.

MCA response

- Compliance with a particular SPS Code depends on the date of construction of the vessel. The default position is compliance with the SPS Code 2008, but regulation 11(2) of the proposed Regulations allows vessels constructed before 1 July 2009 to continue to comply with the SPS Code 1983 where the ship was constructed before 1st July 2009, was compliant with the SPS Code 1983 (and holds a document confirming that compliance) and has not been modified.
- The SPS Code 1983 is published in a Merchant Shipping Notice (MSN) and reference to that MSN allows for the enforcement of the requirement to comply with the Code (as shown in Annex F of the consultation document).

Summary of comments

- One respondent sought clarification on the inclusion of an ambulatory reference provision in the SI, expressing concern that the statement implies that the MCA could impose future amendments automatically without consultation and out-with mandatory flag State requirements.

MCA response

- Ambulatory referencing in UK regulations is common and allows any reference to any provision of an international instrument in secondary legislation made under the Merchant Shipping Act 1995 to be read as the most up to date version of that provision, without the need for further legislation. References of this type are commonly made to international conventions such as SOLAS and, in this case, references are made to the text of the IP Code (which is incorporated into SOLAS Chapter XV). The use of ambulatory reference ensures that UK regulations referencing international requirements remain up to date at all times. The UK participates in all IMO discussions and negotiations on proposed international amendments, and therefore has an opportunity, at that stage, to object to or to influence changes. In addition, there is a strict process in place for notifying Parliament prior to any ambulatory amendments taking effect.

Summary of comments

- One respondent highlighted that there is some work ongoing to conduct a gap analysis and to undertake remedial work in order to obtain IP Code certification. As such, the respondent was seeking assurance that sufficient time will be made available for this process to be completed without being subjected to penalties. They therefore request a moratorium be instituted if it can be demonstrated that this work is being undertaken.

MCA response

- The MCA acknowledges the need to provide stakeholders with sufficient time to conduct gap analyses and to complete necessary remedial work for the purposes of meeting the requirements of the IP Code. To support this, the MCA has provided clear guidance on the forthcoming regulatory

requirements, and it is not proposed to bring the Regulations into force until early January 2026, allowing stakeholders time to prepare for compliance.

- A vessel that has not previously been certificated should be compliant prior to completion of initial surveys.

Summary of comments

- One respondent stated that the requirement for type approval certification of safe transfer arrangements is not contained in the IP Code and therefore beyond scope.

MCA response

- Paragraph 2.2 of regulation 2 in Part III of the IP Code requires Administrations to establish transfer arrangements which must be designed, constructed and tested in accordance with standards which are acceptable to the Administration or with the requirements of an RO. The MCA has determined that the rules of an RO² should be followed in these circumstances; as part of that process, any equipment required will need to have type approval.

Summary of comments

- One respondent pointed out that the statement in the draft MGN at Annex D of the consultation document contradicts the conclusion in the consultation document at Annex A.

MCA response

- The draft MGN highlights the complementary roles of the IP Code and SPS Codes in providing safety standards for ships operating within the offshore sector, while Annex A emphasises the mandatory application of the IP Code, as well as the proposed mandatory implementation of the SPS Codes to enhance safety measures across relevant sectors. The MCA reiterates that while the SPS Code 1983 is suitable for the carriage of SP, it is not suitable for the carriage of IP.

Summary of comments

- One respondent pointed out that regulation 10(3) of the draft Regulations clearly only allows grandfathering for cargo ships which comply with the SPS Code 2008. Regulation 10(5) relates to HSC type vessels (high speed cargo craft), and it is the opinion of the respondent that such vessels should not be required to comply with the SPS Code 2008. Several Administrations have national guidance for this type of high speed service craft. The respondent was concerned that if the regulation remains as it is, it would mean that not a single service craft of an HSC type could operate in UK waters and carry more than 12 IPs. The respondent did not expect any UK flagged HSC service craft to be in compliance with the SPS Code 2008 and notes that as the application provision in the proposed Regulations did not mention a GT threshold, it must mean that the Regulations apply to vessels of all sizes.

² UK Authorised Recognised Organisations (ROs) - GOV.UK

- The respondent further added that in regulation 8(2), the Secretary of State, or any person authorised by the Secretary of State, may give an approval in relation to a United Kingdom ship for anything in these Regulations, Parts III to V of the IP Code, Chapters 2 to 9 of the SPS Code 1983 or Chapters 2 to 9 of the SPS Code 2008 requiring to be—
 - (a) approved by the Administration of the State whose flag the ship is entitled to fly;
 - (b) done to the satisfaction of such Administration; or
 - (c) acceptable to that Administration.
- The respondent advised that (a) was not understood and was concerned that this was a reference solely to non-UK ships.

MCA response

First, the proposed regulation 4(3)(i) provides that the Regulations do not apply to any high-speed cargo craft which has been issued with a certificate under regulation 13A(1) of the Merchant Shipping (Survey and Certification) Regulations 2015 (issue of certificates to HSOSC). This means that a certificated HSOSC is not in scope of the proposed Regulations at all.

- In relation to other high speed cargo craft, regulation 10 of the proposed Regulations only applies to cargo ships and high speed cargo craft constructed before 1 July 2024; it implements regulation 3.2 and 3.3 in SOLAS Chapter XV. This regulation therefore deals with grandfathering.
- Implementation of **regulation 3.2 of Chapter XV**. Regulation 10(3) provides that where cargo ships constructed before 1 July 2024 were authorised by the UK before 1 July 2024 to carry more than 12 IP in accordance with the interim recommendations in Resolution MSC.418(97), these ships only need to comply with regulations III/1 (training of IP), III/2 (safe transfer of IP) except for paragraph 2.1.7, IV/7 (life-saving appliances) and V/8 (dangerous goods) of the IP Code by the time of their third periodical or first renewal survey after 1 July 2024. These (authorised) ships do not need to comply with the other requirements in Part IV of the IP Code because they are deemed already to be compliant – as the basis of the authorisation given is that they comply with the SPS Code 2008 (because this is what MSC.418(97) says, paragraph 6 being the key provision).
- Implementation of **regulation 3.3 of Chapter XV**. Exactly the same requirement applies with respect to high speed cargo craft under regulation 3.3 of Chapter XV, except that in this case regulations V/7 and V/8 are the relevant provisions (in place of regulations IV/7 and IV/8) – i.e. high speed cargo craft have the same relaxations as cargo ships where they have also been authorised by the UK before 1 July 2024 to carry more than 12 IP in accordance with Resolution MSC.418(97) (see paragraph 6).
- Accordingly, regulation 10(5) is only relevant to high speed cargo craft if they have actually been authorised as described before 1 July 2024; otherwise, they have to comply with all the requirements for the IP Code.
- The UK position was that the SPS Code 2008 is the only relevant standard and that there were no other standards available which could provide an equivalent

level of safety acceptable to the UK, notwithstanding that MSC.418(97) did cater for other standards. This policy is therefore implemented in regulation 10(3) (cargo ships) and 10(5) (high speed cargo craft). The MCA welcomes applications by operators of high speed cargo craft for equivalences to the requirements of regulation 10(4) (requirement to comply with all of the IP Code unless grandfathered under regulation 10(5)).

- The references in regulation 8(1) to “Administration”, are references to the “Administration” as defined in SOLAS, and which is the government of the State whose flag a ship is entitled to fly (in accordance with regulation 2 in SOLAS Chapter I). The wording used in regulations 8(2)(a) to (c) relates to the various references to the Administration in the proposed Regulations (where the Administration is the Secretary of State), the IP Code and both SPS Codes, and therefore sets out the circumstances in which flag administration approval is required. Approval can only be given in respect of a United Kingdom ship.
- Regulation 8(2)(a) is referring to the text of the respective Code which uses the term “approved by the Administration of the State whose flag the ship is entitled to fly”, whereas the text of 8(2) states “may give an approval in relation to a United Kingdom ship for anything in these Regulations...”. Therefore, approval can only be given to a UK flagged vessel.

Summary of comments

- One respondent referred to regulation 2(e) in SOLAS Chapter 1 and noted that, historically, the MCA had applied Class VII (or Class VIII(A)) cargo ship requirements to offshore vessels transporting IP/SPS, as it appeared that there was a reluctance to recognise the SPS Codes, particularly the 1983 Code and/or equivalent. The respondent raised concerns regarding the MCA’s intent for carriage of SP and has requested confirmation as to whether the MCA will continue to accept ships certified in accordance with the SPS Code 1983, or equivalent, to carry SP or equivalent under MGN 674, or whether MCA intend that this no longer be permitted.

MCA response

- The MCA reiterates its recognition of the SPS Codes, including the 1983 version, for the carriage of SP. Special Purpose Ships constructed before 1 July 2009 and which complied with the SPS Code 1983 prior to 1 July 2024, can continue to comply with the SPS Code 1983 for the purpose of carrying special personnel only. This is explained in section 4.10 of the proposed MGN. However, such ships must not carry industrial personnel unless equivalent arrangements are agreed.
- As such, the regulatory position is that compliance with the SPS Code 1983 is permitted to enable vessels to carry SP, provided such vessels meet the relevant criteria.

Section 6: Further Information

The International Maritime Organization (IMO) issued its interim guidelines on the safe carriage of more than 12 industrial personnel on board vessels engaged on international voyages and published it under resolution MSC 418(97).

Paragraph 6 states that *“Industrial personnel may be carried on board ships meeting the provisions of the 2008 SPS Code or other standards, providing they meet an equivalent level of safety acceptable to the Administration, taking into consideration the number of persons on board”*.

The UK does not recognise SPS Code 1983 as equivalent to the SPS Code 2008. The MCA requires any vessel wishing to carry SP to ensure compliance with the SPS Code 1983 or SPS Code 2008. The MCA also requires any vessel wishing to carry IP to ensure compliance with the IP Code or approach the MCA for approval of equivalence arrangements. In all other cases, where the vessel is not IP Code or SPS Code 2008 compliant, the vessel operator should contact the MCA to request equivalence arrangements for the carriage of IP, which will be considered on a case by case basis.

The UK is content to consider any vessel application for equivalence arrangements, should a vessel not be able to comply with the 2008 SPS damage stability requirements. There have already been examples of approvals by the UK where a restriction has been placed on the vessel so that it can only carry IP on ‘near coastal voyages’, which is defined as *“a voyage during which the ship is not more than 150 nautical miles³ from a safe haven in the United Kingdom, or not more than 30 nautical miles from a safe haven in the Republic of Ireland”*

As detailed above, the UK only has one SPS Code 1983 certified vessel registered on the UK flag, and this is in line with the DMA which assumed a high level of compliance with the interim guidelines (MSC.418(97)). This has been further evidenced by the European Maritime Safety Agency’s (EMSA) Thetis database, which holds data on ship inspection records, history and detention rate under the Paris Memorandum of Understanding (MoU)⁴. Under the Paris MoU, since 2020, a total of 207 SPS vessels were inspected 381 times and 44 non-UK ships inspected 66 times in the UK. Four UK ships were inspected by other Paris MoU members a total of eight times. Of these, two UK ships received five deficiencies against the international conventions (and therefore not the SPS Code) but neither ship was detained. With the inspection and detention rate reflecting the risk profile of ships on a flag, the low level of inspections and no detention record for UK-flagged ships suggests compliance with the high safety standards that have been formalised in the IP Code. Thus, the MCA considers that the impact for ship operators between the current non-mandatory to future mandatory regime should not cause undue disruption. Additionally, if the vessel is carrying a recognised international certificate (the SPS certificate), it is considered that during a port State control inspection in a foreign port, the inspection process will be simplified because the Port State Control Officer will be referring to the IMO SPS Certificate, rather than, up until this point, a Cargo Ship Certificate with (UK) Statement of Compliance.

Other neighbouring IMO Member States, including Norway, Denmark and the Netherlands, have implemented the IP Code in exactly the same manner as the UK’s

³ SI 2022 No. 1342 - The Merchant Shipping (Standards of Training, Certification and Watchkeeping) Regulations 2022 – For the purposes of this Schedule, “near-coastal voyage” means a voyage during which the ship is not more than 150 nautical miles from a safe haven in the United Kingdom, or not more than 30 nautical miles from a safe haven in the Republic of Ireland.

⁴ EMSA Thetis Database is not publicly available but can be accessed upon subscription. The data can be accessed here: [HYPERLINK](https://portal.emsa.europa.eu/web/thetis)

["https://portal.emsa.europa.eu/web/thetis"](https://portal.emsa.europa.eu/web/thetis)<https://portal.emsa.europa.eu/web/thetis>

proposed Regulations and no longer allow compliance with the SPS Code 1983 for the purposes of carrying industrial personnel. The Isle of Man is also proposing the same course of action and will not accept the SPS Code 1983 as acceptable for the carriage of industrial personnel, otherwise, the Isle of Man will have the same mandatory requirements as the UK for vessels of 500GT or more (and compliance by vessels under 500GT is recommended).
