

Annex A: Draft Regulations: The Merchant Shipping (Polar Code) (Safety) Regulations 2025

STATUTORY INSTRUMENTS

2025 No.0000

MERCHANT SHIPPING

The Merchant Shipping (Polar Code) (Safety) Regulations 2025

Made - - - -

Laid before Parliament

Coming into force

1st January 2026

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SCHEDULE

PART 1 — Amendments

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The Secretary of State is satisfied, for the purposes of section 47(2) of the Merchant Shipping Act 1995⁽¹⁾, that it is necessary or expedient, in the interests of safety, to make Regulations in so far as they require ships to carry qualified seamen.

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 47(1), (3), (4), (4A) and (4B), 85(1), (3)(a), (c) to (h), (j) to (l) and (n) to (q), and (5) to (7), 86(1)(a), (b), (c) and (d), 128(5) and (6), 302(1), 306A and 307(1) of the Merchant Shipping Act 1995⁽²⁾, article 2 of the Merchant Shipping (Prevention of Pollution) (Law of the Sea Convention) Order 1996⁽³⁾, and article 2 of the Merchant Shipping (Control of Pollution) (SOLAS) Order 1998⁽⁴⁾, and with the consent of the Treasury.

The Secretary of State has consulted such persons in the United Kingdom as the Secretary of State considers will be affected by the exercise of powers in this instrument in accordance with sections 86(4) and 306(4) of the Merchant Shipping Act 1995.

PART 1

Preliminary

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Merchant Shipping (Polar Code) (Safety) Regulations 2025 and come into force on 1st January 2026.

(2) These Regulations extend to England and Wales, Scotland and Northern Ireland.

Amendments and revocations

2.—(1) The amendments listed in Part 1 of the Schedule have effect.

(2) The Regulations listed in the first column of the Table in Part 2 of the Schedule are revoked to the extent specified in the third column of that Table.

Interpretation

3. In these Regulations—

“Antarctic Area” means the sea area south of latitude 60° S;

“Arctic waters” means those waters which are located north of a line from the latitude 58°00′.0 N and longitude 042°00′.0 W to latitude 64°37′.0 N, longitude 035°27′.0 W and thence by a rhumb line to latitude 67°03′.9 N, longitude 026°33′.4 W and thence by a rhumb line to the latitude 70°49′.56 N and longitude

⁽¹⁾ 1995 c. 21. For amendments, see footnote (b) below.

⁽²⁾ Section 47(4A) and (4B) were inserted by the Marine Navigation Act 2013 (c. 23). 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 but none is relevant.

⁽³⁾ S.I. 1996/282. Article 2 was amended by the Marine and Coastal Access Act 2009 (c. 23), Schedule 4, Part 1, paragraph 3 and S.I. 2022/844. There is another amendment which is not relevant.

⁽⁴⁾ S.I. 1998/1500.

008°59'.61 W (Sørkapp, Jan Mayen) and by the southern shore of Jan Mayen to 73°31'.6 N and 019°01'.0 E by the Island of Bjørnøya, and thence by a great circle line to the latitude 68°38'.29 N and longitude 043°23'.08 E (Cap Kanin Nos) and hence by the northern shore of the Asian Continent eastward to the Bering Strait and thence from the Bering Strait westward to latitude 60° N as far as Il'pyrskiy and following the 60th North parallel eastward as far as and including Etolin Strait and thence by the northern shore of the North American continent as far south as latitude 60° N and thence eastward along parallel of latitude 60° N, to longitude 056°37'.1 W and thence to the latitude 58°00'.0 N, longitude 042°00'.0 W;

“cargo ship” means any ship which is not a passenger ship;

“Chapter XIV” means Chapter XIV in the Annex to the Convention (safety measures for ships operating in polar waters)⁽⁵⁾;

“Company” means, in relation to a ship, the operator of the ship, who is either—

- (a) the owner; or
- (b) any person who has assumed responsibility for the operation of the ship from the owner;

“Convention” means the International Convention for the Safety of Life at Sea, 1974⁽⁶⁾;

“Convention country” means a country or territory which is either—

- (a) a country the Government of which is party to the Convention; or
- (b) a territory to which the Convention extends whether or not it is subject to the amendments to, or reservations in respect of, the Convention;

“fishing vessel” means a ship used for catching fish, whales, seals, walrus or other living resources of the sea;

“gross tonnage” means gross tonnage determined in accordance with regulation 6 or 12(1) of the Merchant Shipping (Tonnage) Regulations 1997⁽⁷⁾;

“length overall” means the distance between the foreside of the foremost fixed permanent structure and the after side of the aftermost fixed permanent structure;

“non-United Kingdom ship” means any ship other than a United Kingdom ship;

“passenger” is a person other than—

- (a) the master and the members of the crew or other persons employed or engaged in any capacity on board a ship on the business of that ship; or
- (b) a child under one year of age;

“passenger ship” means a ship which carries more than 12 passengers;

“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

⁽⁵⁾ Chapter XIV was inserted into the Convention by IMO Resolution MSC.386(94), which is available in hard copy from the IMO of 4 Albert Embankment, London SE1 7SR or at

[https://wwwcdn.imo.org/localresources/en/KnowledgeCentre/IndexofIMOResolutions/MSCResolutions/MS.386\(94\).pdf](https://wwwcdn.imo.org/localresources/en/KnowledgeCentre/IndexofIMOResolutions/MSCResolutions/MS.386(94).pdf), or found on the Foreign, Commonwealth and Development Office treaties database (<https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch/>).

Chapter XIV is amended by IMO Resolution MSC.532(107), which comes into force on 1st January 2026; this Resolution is available from the IMO in hard copy or at [ADD IMO LINK WHEN AVAILABLE].

⁽⁶⁾ Cmnd 7874. The Convention may be obtained in hard copy from the International Maritime Organization (IMO) of 4 Albert Embankment, London SE1 7SR or found on the Foreign, Commonwealth and Development Office treaties database (<https://treaties.fcdo.gov.uk/awweb/pdfopener?md=1&did=79786>). The Convention was modified by its Protocol of 1978 (Cmnd. 8277) (<https://treaties.fcdo.gov.uk/awweb/pdfopener?md=1&did=68013>), which was replaced and abrogated by the Protocol of 1988 (Cm 5044) (<https://treaties.fcdo.gov.uk/awweb/pdfopener?md=1&did=69573>) with respect to the parties to the 1988 Protocol. These amendments to the Convention are available in hard copy from the IMO or from the Maritime and Coastguard Agency (MCA) of Spring Place, 105 Commercial Road, Southampton, SO15 1EG (telephone 020 3817 2000 and email MarineTechnology@mcga.gov.uk, or found on the Foreign, Commonwealth and Development Office treaties database (<https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch/>)). Hard copies of the Command Papers are available for inspection free of charge but by appointment at the Parliamentary Archives, Houses of Parliament, London SW1A 0PW. The Parliamentary Archives catalogue numbers for the Command Papers are HL/PO/JO/10/1/2031/2878 (Cmnd 7874), HL/PO/JO/10/11/1959/2032 (Cmnd 8277) and HL/PO/JO/10/11/3156/2280 (Cm 5044).

⁽⁷⁾ S.I. 1997/1510, amended by S.I. 2020/362. There are other amendments but none is relevant to these Regulations.

- (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 paragraph (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;

"Polar Code" means the International Code for Ships Operating in Polar Waters⁽⁸⁾;

"Polar Ship Certificate" means a certificate of that description contained in Appendix 1 to the Polar Code and which confirms that a ship complies with each requirement of part 1-A of the Polar Code (certificate and survey) applicable to it and issued in respect of—

- (a) a United Kingdom ship pursuant to regulation 13B of the Merchant Shipping (Survey and Certification) Regulations 2015⁽⁹⁾ (issue of Polar Ship Certificate); or
- (b) a non-United Kingdom ship flying the flag of a Convention country, by that country;

"Polar Water Operational Manual" means a manual containing information regarding the ship's operational capabilities and limitations, and procedures to be followed in polar waters, in accordance with chapter 2 of part I-A of the Polar Code;

"polar waters"⁽¹⁰⁾ means Arctic waters and the Antarctic Area;

"Survey and Certification Regulations" means the Merchant Shipping (Survey and Certification) Regulations 2015;

"United Kingdom ship" has the meaning given to it in section 85(2) of the Merchant Shipping Act 1995.

Application

4.—(1) Subject to paragraph (2), these Regulations apply to—

- (a) United Kingdom ships which are operating, or which intend to operate, in polar waters; and
- (b) non-United Kingdom ships which—
 - (i) commence a voyage from a port in the United Kingdom or end a voyage in a port in the United Kingdom; and
 - (ii) as part of that voyage operate, or intend to operate, in polar waters.

(2) These Regulations do not apply to—

⁽⁸⁾ The International Code for Ships Operating in Polar Waters, known as the "Polar Code", was adopted by IMO Resolutions MSC.385(94) and MEPC.264(68) and took effect on 1st January 2017 upon entry into force of new Chapter XIV of the Convention, in which it is incorporated, and amendments to Annexes I, II, IV and V of the International Convention for the Prevention of Pollution from Ships 1973 (MARPOL). IMO Resolution MSC.386(94) amended the Convention to incorporate Chapter XIV and the safety related provisions of the Polar Code, and MEPC.265(68) amended Annexes I, II, IV and V of MARPOL to incorporate the environment related provisions. MARPOL was published in Cmnd 5748 and was amended by the Protocols of 1978 (Cmnd 7347) and 1997 (Cm 4427). The Polar Code was amended by IMO Resolution MSC.538(107) and the amendments come into force on 1st January 2026. The Polar Code and Resolution MSC.538(107) are available in hard copy from the IMO of 4 Albert Embankment, London SE1 7SR, and on the IMO website at <https://wwwcdn.imo.org/localresources/en/MediaCentre/HotTopics/Documents/POLAR%20CODE%20TEXT%20AS%20ADOPTED.pdf> and [https://wwwcdn.imo.org/localresources/en/KnowledgeCentre/IndexofIMOResolutions/MSCResolutions/MSR.538\(107\).pdf](https://wwwcdn.imo.org/localresources/en/KnowledgeCentre/IndexofIMOResolutions/MSCResolutions/MSR.538(107).pdf) respectively, and from the MCA of Spring Place, 105 Commercial Road, Southampton, SO15 1EG (telephone 020 3817 2000 and email MarineTechnology@mca.gov.uk). Hard copies of the Command Papers are available for inspection free of charge but by appointment at the Parliamentary Archives, Houses of Parliament, London SW1A 0PW. MARPOL and the IMO Resolutions which amend it are available in hard copy from the IMO or the MCA. MARPOL and its amendments can be found on the Foreign, Commonwealth and Development Office treaties database (<https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch>).

⁽⁹⁾ S.I. 2015/508, amended by S.I. 2018/53, S.I. 2018/1221, S.I. 2022/41, S.I. 2022/1169, S.I. 2022/1219, S.I. 2024/280 and by these Regulations.

⁽¹⁰⁾ Polar waters are illustrated in figure 1 and figure 2 in the Introduction to the Polar Code.

- (a) ships of war and naval auxiliary ships;
- (b) ships owned or operated by a State and engaged only on governmental non-commercial service;
- (c) cargo ships of less than 300 gross tonnage;
- (d) ships not propelled by mechanical means;
- (e) wooden ships of primitive build;
- (f) pleasure vessels of less than 300 gross tonnage;
- (g) fishing vessels of less than 24 metres in length overall;
- (h) ships solely navigating the Great Lakes of North America and the River St Lawrence as far east as a straight line drawn from Cap des Rosiers to West Point, Anticosti Island and, on the north side of Anticosti Island, the 63rd meridian.

(3) A non-United Kingdom ship flying the flag of a State which is not a Convention country is not subject to these Regulations if it would not have been in a United Kingdom port but for stress of weather or any other circumstances which the master, owner or charterer could not have prevented.

(4) Where persons are on board a ship as a consequence of—

- (a) the circumstances described in paragraph (4); or
- (b) an obligation laid upon the master to carry shipwrecked or other persons⁽¹¹⁾,

those persons are not to be taken into account for the purpose of determining the application to that ship of any provision of these Regulations.

Ambulatory reference

5.—(1) In these Regulations, any reference to Chapter XIV or the Polar Code is to be construed—

- (a) as a reference to Chapter XIV or the Polar Code as modified from time to time; and
- (b) as, if Chapter XIV or the Polar Code is replaced, a reference to the replacement.

(2) For the purposes of paragraph (1), Chapter XIV or the Polar Code are modified or replaced if the modification or replacement takes effect in accordance with Article VIII of the Convention.

(3) A modification or replacement of Chapter XIV or the Polar Code has effect at the time such modification or replacement comes into force in accordance with Article VIII of the Convention.

Exemptions

6.—(1) Subject to paragraph (2), the Secretary of State may exempt a ship to which these Regulations apply from any provision of—

- (a) these Regulations; or
- (b) part 1-A of the Polar Code referred to in these Regulations,

if satisfied that compliance with such provision is either impracticable or unreasonable in the case of that ship or class of ship.

(2) An exemption under paragraph (1) may be granted only where it is compatible with the requirements of part 1-A of the Polar Code.

(3) The Secretary of State may exempt a ship which does not normally engage on international voyages but is, in exceptional circumstances, required to undertake a single international voyage which includes, as part of that voyage, entering polar waters, from any provision of—

- (a) these Regulations; or
- (b) part 1-A of the Polar Code referred to in these Regulations.

(4) An exemption under paragraph (1) or (3) may be granted subject to such safety requirements as the Secretary of State thinks fit to ensure the overall safety of the ship.

⁽¹¹⁾ Regulation 33 in Chapter V of the Convention (safety of navigation) places an obligation on the master to provide assistance to persons in distress at sea and this obligation is implemented in the Merchant Shipping (Safety of Navigation) Regulations 2020 (S.I. 2020/673), amended by S.I. 2022/1219 and S.I. 2025/134.

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

(6) Where an exemption under paragraph (1) or (3) is granted subject to safety requirements under paragraph (4), the exemption ceases to have effect if those requirements are not complied with.

(7) An exemption granted under paragraph (1) or (3), or an alteration or cancellation under paragraph (5), 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.

(8) The requirement that an exemption granted under paragraph (1) or (3), or an alteration or cancellation under paragraph (5), 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.

(9) The period of validity of an exemption granted under paragraph (1) or (3), or an alteration under paragraph (5), must not be longer than the period of validity of the Polar Ship Certificate issued in respect of that ship.

(10) For the purposes of paragraph (3)—

“international voyage” means a voyage between—

- (a) a port in the United Kingdom and a port outside the United Kingdom; or
- (b) a port in a Convention country other than the United Kingdom and a port in any other country or territory, whether a Convention country or not, which is outside the United Kingdom.

Equivalents

7.—(1) Where these Regulations or the Polar Code 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 ship;
- (b) a particular arrangement be made on, or in relation to, a ship; or
- (c) any particular provision be made in relation to a ship,

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 Polar Code, 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.

Alternative design and arrangements

8.—(1) Structural arrangements, machinery and electrical installations, fire safety design and arrangement measures, and life-saving appliances and arrangements for ships to which these Regulations apply, may deviate from the requirements of chapters 3, 6, 7 and 8 of part 1-A of the Polar Code (“the relevant chapters”), provided that any alternative design or arrangement—

- (a) meets the intent of the goal and functional requirements of the relevant chapters; and
- (b) provides an equivalent level of safety to the requirements in those chapters.

(2) In relation to a ship to which paragraph (1) applies—

- (a) an alternative design or arrangement must be subjected to an engineering analysis in accordance with regulation 4 of Chapter XIV (alternative design and arrangement); and
- (b) a copy of the engineering analysis must be provided by the owner to the Secretary of State.

(3) In relation to the alternative design or arrangement and the engineering analysis mentioned in paragraph (2), the Secretary of State—

- (a) must evaluate and, if satisfied that the requirements of regulation 4 of Chapter XIV are met, approve the engineering analysis; and
- (b) if satisfied that the alternative design or arrangement is at least as effective as that required by the relevant chapters, must approve the alternative design or arrangement.

(4) Where there are changes to the assumptions and operational restrictions stipulated in the alternative design or arrangement approved in accordance with paragraph (3)—

- (a) a further engineering analysis must be carried out which takes into account the changed assumptions and operational restrictions; and
- (b) where the alternative design or arrangement requires amendment, this must be evaluated and, if satisfied that such alternative design or arrangement is at least as effective as that required by the relevant chapters, approved by the Secretary of State.

(5) An approval given under paragraph (3) or (4) may, on the giving of reasonable notice, be continued, altered or cancelled.

(6) An approval given under paragraph (3) or (4), or a continuation, alteration or cancellation under paragraph (5), 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.

(7) The requirement that the approval referred to in paragraph (3) or (4), or a continuation, alteration or cancellation under paragraph (5), 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.

(8) Any alternative design or arrangement deviating from the requirements of the relevant chapters, together with the technical and operational measures and conditions for the approved deviation, must be recorded in the ship’s Polar Ship Certificate and the ship’s Polar Water Operational Manual.

Approvals

9.—(1) The Secretary of State, or any person authorised by the Secretary of State, may give an approval in relation to a United Kingdom ship—

- (a) for anything in part 1-A of the Polar Code requiring to be—
 - (i) approved by the Administration of the State whose flag the ship is entitled to fly;
 - (ii) done to the satisfaction of such Administration; or

- (iii) acceptable to that Administration⁽¹²⁾; or
 - (b) for the purposes of the equipment required by paragraph 4.3.1.2.2 in chapter 4 of part I-A of the Polar Code (means for removing ice).
- (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 2

Requirements for ships operating or intending to operate in polar waters

Requirements for passenger ships and cargo ships of 500 gross tonnage or more

- 10.**—(1) This regulation applies to—
- (a) passenger ships; and
 - (b) cargo ships of 500 gross tonnage or more.
- (2) A ship to which this regulation applies must comply with each of the following requirements in part 1-A of the Polar Code applicable to that ship—
- (a) in chapter 1 (general)—
 - (i) paragraph 1.4 (performance standards); and
 - (ii) paragraph 1.5 (operational assessment);
 - (b) chapter 2 (Polar Water Operational Manual);
 - (c) chapter 3 (ship structure);
 - (d) chapter 4 (subdivision and stability);
 - (e) chapter 5 (watertight and weathertight integrity);
 - (f) chapter 6 (machinery installations);
 - (g) chapter 7 (fire safety and fire protection);
 - (h) chapter 8 (life-saving appliances and arrangements);
 - (i) chapter 9 (safety of navigation);
 - (j) chapter 10 (communication); and
 - (k) chapter 11 (voyage planning).

⁽¹²⁾ Guidance in relation to the matters requiring the approval of the Secretary of State in the Polar Code is set out in Marine Guidance Note (MGN) 637(M). MGN 637(M) is available from the Maritime and Coastguard Agency (MCA) of Spring Place, 105 Commercial Road, Southampton SO15 1EG (telephone 020 3817 2000) and email MarineTechnology@mcga.gov.uk and on <https://www.gov.uk>.

Requirements for fishing vessels of 24 metres or over in length overall, pleasure vessels of 300 gross tonnage or more and cargo ships of 300 gross tonnage but under 500 gross tonnage

- 11.**—(1) Subject to paragraph (2), this regulation applies to—
- (a) fishing vessels of 24 metres or over in length overall;
 - (b) pleasure vessels of 300 gross tonnage or more; and
 - (c) cargo ships of at least 300 gross tonnage but under 500 gross tonnage.
- (2) This regulation does not apply to a non-United Kingdom ship described in paragraph (1) which is—
- (a) flying the flag of an Arctic coastal State; and
 - (b) operating, or intending to operate, solely in the internal waters and territorial sea of that State when in Arctic waters.
- (3) A ship to which this regulation applies must comply with each requirement of the following provisions in part 1-A of the Polar Code applicable to that ship—
- (a) chapter 9-1 (safety of navigation); and
 - (b) chapter 11-1 (voyage planning).
- (4) A ship to which this regulation applies must comply so far as practicable with each requirement of the following provisions in part 1-A of the Polar Code—
- (a) paragraph 1.4 of chapter 1 (performance standards);
 - (b) paragraph 1.5 of chapter 1 (operational assessment).
- (5) In the case of ships constructed before 1st January 2026, the requirements in paragraphs (3) and (4) apply on 1st January 2027.
- (6) In this regulation—
- “Arctic Coastal State” means a Convention country which has a coastline bordering Arctic waters;
- “baseline” means the low-water line along a Convention country’s coastline as marked on large-scale charts officially recognised by that Convention country;
- “constructed” means, with respect to a ship, that the keel is laid or is at a similar stage of construction;
- “internal waters” means the waters on the landward side of the baseline of the territorial sea;
- “nautical mile” means a distance of 1,852 metres;
- “similar stage of construction” means the stage at which—
- (a) construction identifiable with a specific ship begins; and
 - (b) assembly of that ship has commenced comprising at least 50 tons or 1% of the estimated mass of all structural material, whichever is less; and
- “territorial sea” means the area of sea which extends up to a limit not exceeding 12 nautical miles from the baseline of a Convention country at any given point.

Additional requirements relating to the Polar Water Operational Manual

- 12.**—(1) This regulation applies to—
- (a) passenger ships; and
 - (b) cargo ships of 500 gross tonnage or more.
- (2) A Company and a master must ensure that—
- (a) a ship to which this regulation applies is operated in compliance with its Polar Water Operational Manual; and
 - (b) every seafarer on a ship to which this regulation applies is made familiar with the procedures and equipment referred to in the Polar Water Operational Manual relevant to the seafarer’s assigned duties in accordance with paragraph 12.3.4 of chapter 12 of part 1-A of the Polar Code (familiarity with Polar Water Operational Manual).

(3) In this regulation, “seafarer” means any person, including a master, who is employed or engaged or works in any capacity on board a ship and whose normal place of work is on that ship.

PART 3

Enforcement

Offences and penalties

13.—(1) Any contravention of—

- (a) regulation 8(8) (recording of alternative design and arrangements);
- (b) regulation 10(2)(a) (i) (performance standards);
- (c) regulation 10(2)(a) (ii) (operational assessment);
- (d) regulation 10(2)(b) to (j) (requirement to comply with chapters 2 to 9 and 10 of part 1-A of the Polar Code: safety measures);
- (e) regulation 11(3)(a) (safety of navigation under chapter 9-1 of part 1-A of the Polar Code);
- (f) regulation 11(4)(a) (requirement to comply so far as practicable with performance standards requirements); or
- (g) regulation 11(4)(b) (requirement to comply so far as practicable with operational assessment requirements),

is an offence by the owner and master of the ship in respect of each case of non-compliance.

(2) Any contravention of—

- (a) regulation 10(2)(k) (voyage planning under chapter 11 of part 1-A of the Polar Code); or
- (b) regulation 11(3)(b) (voyage planning under chapter 11-1 of part 1-A of the Polar Code),

is an offence by the master in respect of each case of non-compliance.

(3) Any contravention of—

- (a) regulation 12(2)(a) (operation of ship in compliance with Polar Water Operational Manual); or
- (b) regulation 12(2)(b) (requirement to ensure familiarity with the Polar Water Operational Manual),

is an offence by the Company and master in respect of each case of non-compliance.

(4) An offence under paragraph (1), (2) or (3) is punishable—

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

(5) It is a defence for a person charged with an offence under this regulation to prove that the person charged took all reasonable steps to avoid the commission of the offence.

Detention

14.—(1) For the purposes of this regulation, any reference to “the Act” is a reference to the Merchant Shipping Act 1995.

(2) Where there is any contravention of the requirements of these Regulations in relation to a ship, the ship may be detained in the United Kingdom.

(3) Section 284 of the Act (enforcing detention of ship)⁽¹³⁾ applies where a ship is liable to be detained under this regulation as if—

⁽¹³⁾ 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 Act were references to detention of the ship in question under this regulation; and
 - (b) subsection (7) were omitted.
- (4) Where a ship is liable to be detained under this regulation, the person detaining the ship 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 ship is released by any person mentioned in section 284(1) of the Act.
- (5) Subject to paragraph (6), section 96 (references of detention notices to arbitration)⁽¹⁴⁾ and section 97 (compensation in connection with invalid detention of a ship) of the 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 (power to detain dangerously unsafe ship)⁽¹⁵⁾.
- (6) For the purposes of paragraph (5)—
- (a) section 96 of the 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 Act apply as if “the relevant inspector” means a person issuing the detention notice pursuant to this regulation.
- (7) Subject to paragraph (8), where a ship other than a United Kingdom ship is detained, the Secretary of State must immediately inform the ship’s flag administration in writing.
- (8) If it is not possible to inform the ship’s flag administration in accordance with paragraph (7), the Secretary of State must inform the Consul of the State of the flag administration, or in the absence of a Consul, the nearest diplomatic representative of the State of the flag administration.
- (9) For the purposes of paragraphs (7) and (8), “flag administration” in relation to a ship means the administration of the State whose flag the ship is entitled to fly.

Signed by authority of the Secretary of State for Transport

	<i>Name</i>
	Parliamentary Under Secretary of State
Date	Department for Transport

We consent to the making of these Regulations

	<i>Name</i>
	<i>Name</i>
Date	Two of the Lords Commissioners of His Majesty’s Treasury

⁽¹⁴⁾ 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).

⁽¹⁵⁾ Section 95 was amended by the Merchant Shipping and Maritime Security Act 1997 (c. 28), Schedule 1, paragraph 2.

SCHEDULE

Regulation 2

PART 1

Amendments

Merchant Shipping (Survey and Certification) Regulations 2015

1. The Merchant Shipping (Survey and Certification) Regulations 2015 are amended as follows.
2. In regulation 3 (interpretation), in paragraph (1)—
 - (a) before the definition of “the Act”, insert—

““the 2025 Regulations” means the Merchant Shipping (Polar Code) (Safety) Regulations 2025;”;
 - (b) in the definition of “Convention Certificate”, at the end, insert “other than a Polar Ship Certificate”;
 - (c) after the definition of “pleasure vessel”, insert—

““Polar Code” means the International Code for Ships Operating in Polar Waters as described in regulation 1 of Chapter XIV of the SOLAS Convention (safety measures for ships operating in polar waters);

“Polar Ship Certificate” means a certificate of that description contained in Appendix 1 to the Polar Code and which confirms that a ship complies with each requirement of part 1-A of the Polar Code (certificate and survey) applicable to it and issued in respect of—

 - (a) a United Kingdom ship pursuant to regulation 13B (issue of Polar Ship Certificate); or
 - (b) a non-United Kingdom ship flying the flag of a State which is a party to the SOLAS Convention, by that State;”;
 - (d) after paragraph (3), insert—

“(4) In these Regulations, any reference to the Polar Code is to be construed—

 - (a) as a reference to the Polar Code as modified from time to time; and
 - (b) as, if the Polar Code is replaced, a reference to the replacement.

(5) For the purposes of paragraph (4), the Polar Code is modified or replaced if the modification or replacement takes effect in accordance with Article VIII of the SOLAS Convention.

(6) A modification or replacement of the Polar Code has effect at the time such modification or replacement comes into force in accordance with Article VIII of the SOLAS Convention.”.
 3. After regulation 9A (surveys of HSOSC), insert—

“Surveys of ships operating in polar waters

9B. A United Kingdom ship which is—

 - (a) (i) a passenger ship; or
 - (ii) a cargo ship of 500 gross tonnage or more; and
 - (b) operating, or intending to operate, in polar waters,

must be subjected to the surveys specified in paragraph 1.3.2 of part 1-A of the Polar Code for the purposes of assessing compliance with the requirements of the Polar Code that apply to it.”.
 4. In regulation 11 (surveys and inspections - general), in paragraph (1), for “7 to 10” substitute “7 to 9 and 10”.
 5. After regulation 13A (issue of certificates to HSOSC), insert—

“Issue of Polar Ship Certificate

13B.—(1) Except where paragraph 1.3.3 in chapter 1 of part 1-A of the Polar Code applies, and subject to payment of any prescribed fee, when a survey has been carried out in respect of a United Kingdom ship referred to in regulation 9B (surveys of ships operating in polar waters), a Certifying Authority must, on being notified of the matters specified in paragraph (2), issue a Polar Ship Certificate in respect of that ship.

(2) The matters referred to in paragraph (1) are that the surveyor—

- (a) has carried out a survey specified in paragraph 1.3 of chapter 1 of part 1-A of the Polar Code (certificate and survey); and
- (b) is satisfied that—
 - (i) the ship complies with each requirement of the Polar Code referred to in regulation 10(2) of the 2025 Regulations (requirements for ships operating in polar waters) that applies to it; and
 - (ii) the master, chief mate and all officers of the navigational watch hold a certificate of proficiency as required by regulation 16A or 16B of the Merchant Shipping (Standards of Training, Certification and Watchkeeping) Regulations 2022 (requirements for a certificate of proficiency).

(3) Where an additional survey required by regulation 10 (responsibilities of owner and master) is carried out in respect of a United Kingdom ship, a Certifying Authority must, on being notified of the matters specified in paragraph (2)(b), and subject to payment of any prescribed fee, endorse the Polar Ship Certificate issued in respect of that ship.

(4) In this regulation—

“certificate of proficiency” means a certificate issued to a seafarer stating that the relevant requirements of training, competencies or seagoing service under the STCW Convention have been met;

“STCW Convention” means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978⁽¹⁶⁾.”.

6. After regulation 15 (duration and validity of certificates), insert—

“Duration, validity and extension of Polar Ship Certificate

15A.—(1) A Polar Ship Certificate must be issued in respect of a ship for a period of validity which is the same as a certificate or certificates issued in respect of that ship pursuant to regulation 15 (duration and validity of certificates).

(2) Where the validity of a certificate issued in respect of a ship under regulation 15 has been extended under regulation 17 (extension and other provisions), a Polar Ship Certificate may be similarly extended provided that a Certifying Authority is satisfied that the ship continues to comply with the requirements of the 2025 Regulations that apply to it.”.

7. In regulation 16(1) (issue and duration of exemption certificates), after “13A” insert “, 13B”.

8. In regulation 18 (issue and endorsement of certificates by another government), in paragraph (1), for “regulation 13”, substitute “regulations 13 and 13B”.

9. In regulation 19 (requests made by other SOLAS governments), in paragraph (2), for “regulation 13” substitute “regulations 13 and 13B”.

10. For regulation 22 (availability of certificates), substitute—

⁽¹⁶⁾ Cmdr 7543. The Annex to the STCW Convention was replaced in full in 2010 following the Manila Conference. The Convention has since been amended by IMO Resolutions MSC.396(95), MSC.416(97) and MSC.486(103). The STCW Convention and the amendments to it are available from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or found on the Foreign, Commonwealth and Development Office treaties database (<https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch>). Hard copies of the Command Papers are available for inspection free of charge but by appointment at the Parliamentary Archives, Houses of Parliament, London SW1A 0PW.

Availability of certificates

“22. The owner and master of every ship issued with—

- (a) a Convention Certificate;
- (b) an HSC Code Safety Certificate for Offshore Service Craft or equivalent certificate specified in regulation 23(5B)(b); or
- (c) a Polar Ship Certificate or equivalent certificate specified in regulation 23(5D)(b),

must ensure that the relevant certificate is readily available on board for examination at all times.”.

11. In regulation 23 (prohibition on proceeding to sea without the appropriate documentation), after paragraph (5B) insert—

“(5C) No United Kingdom ship which intends to operate in polar waters and to which regulation 10 of the 2025 Regulations applies (requirements for passenger ships and cargo ships of 500 gross tonnage or more), may proceed to sea unless there is in force a Polar Ship Certificate.

(5D) No ship which is not a United Kingdom ship which intends to commence a voyage from a port in the United Kingdom and as part of that voyage intends to operate in polar waters, may proceed to sea unless there is in force—

- (a) in the case of a ship flying the flag of a State which is a party to the SOLAS Convention, a Polar Ship Certificate; or
- (b) in the case of a ship flying the flag of a State which is not a party to the SOLAS Convention, a certificate that demonstrates compliance with each requirement of the Polar Code referred to in regulation 10(2) of the 2025 Regulations that applies to it.”.

12. In regulation 26 (penalties)—

- (a) in paragraph (1) (offence of proceeding to sea in breach of survey requirements), for “9A” substitute “9B”;
- (b) in paragraph (2) (offence related to responsibilities of owner and master etc.), for “(5B) substitute “(5D)”;
- (c) in paragraph (4), for “regulation 22” substitute “regulation 22(a), (b) or (c)”.

Merchant Shipping (Fees) Regulations 2018

13. The Merchant Shipping (Fees) Regulations 2018⁽¹⁷⁾ are amended as follows.

14. In the table in paragraph 5 (fees for inspections, etc.)—

- (a) in Section K (manning and certification), in the entry for the Merchant Shipping (Standards of Training, Certification and Watchkeeping) Regulations 2022⁽¹⁸⁾, in the third column, for “None” substitute “2025/XXXX”;
- (b) in Section L (survey and certification)—
 - (i) in the entry for the Merchant Shipping (Survey and Certification) Regulations 2015, in the third column at the end, insert “2025/XXXX”;
 - (ii) omit the entry in respect of “The Merchant Shipping (Polar Code) (Safety) Regulations 2021;
 - (iii) at the end—
 - (aa) in the first column, insert “The Merchant Shipping (Polar Code) (Safety) Regulations 2025”;
 - (bb) in the second column, insert “2025/XXXX”;
 - (cc) in the third column, insert “None”.

⁽¹⁷⁾ S.I. 2018/1104, amended by S.I. 2021/1401 and S.I. 2022/1342. There are other amendments but none is relevant.

⁽¹⁸⁾ S.I. 2022/1342, amended by these Regulations.

Merchant Shipping (Standards of Training, Certification and Watchkeeping) Regulations 2022

15. The Merchant Shipping (Standards of Training, Certification and Watchkeeping) Regulations 2022 are amended as follows.

16. In regulation 3 (interpretation)—

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

““Antarctic Area” means the sea area south of latitude 60° S;”;

(b) after the definition of “approved training provider”, insert—

““Arctic waters” means those waters which are located north of a line from the latitude 58°00′.0 N and longitude 042°00′.0 W to latitude 64°37′.0 N, longitude 035°27′.0 W and thence by a rhumb line to latitude 67°03′.9 N, longitude 026°33′.4 W and thence by a rhumb line to the latitude 70°49′.56 N and longitude 008°59′.61 W (Sørkapp, Jan Mayen) and by the southern shore of Jan Mayen to 73°31′.6 N and 019°01′.0 E by the Island of Bjørnøya, and thence by a great circle line to the latitude 68°38′.29 N and longitude 043°23′.08 E (Cap Kanin Nos) and hence by the northern shore of the Asian Continent eastward to the Bering Strait and thence from the Bering Strait westward to latitude 60° N as far as Il'pyrskiy and following the 60th North parallel eastward as far as and including Etolin Strait and thence by the northern shore of the North American continent as far south as latitude 60° N and thence eastward along parallel of latitude 60° N, to longitude 056°37′.1 W and thence to the latitude 58°00′.0 N, longitude 042°00′.0 W;

““cargo ship” means any ship which is not a passenger ship;”;

(c) after the definition of “IBC Code”, insert—

““ice free waters” means waters in which no ice is present;”;

(d) after the definition of “oil tanker”, insert—

““open waters” means a large area of freely navigable water in which sea ice is present in concentrations of less than 10 per cent and no ice of land origin is present;

““other waters” means waters other than ice free waters and open waters;”;

(e) after the definition of “pleasure vessel”, insert—

““polar waters” means Arctic waters and the Antarctic Area;”;

(f) after the definition of “safe manning document”, insert—

““sea ice” means any form of ice found at sea which has originated from the freezing of sea water.”.

17. After regulation 16 (seafarers on a ship subject to the IGF Code – advanced training), insert—

“Seafarers on a ship operating or intending to operate in polar waters – basic training

16A.—(1) This regulation applies to the seafarers specified in paragraph (2) on—

(a) a United Kingdom passenger ship; or

(b) a United Kingdom cargo ship of 500 gross tonnage or more,

operating, or intending to operate, in polar waters in the ice conditions specified in that paragraph.

(2) The seafarers and the ice conditions mentioned in paragraph (1) are—

(a) where the ship operates in open waters but not in other waters—

(i) the master;

(ii) a chief mate;

(iii) an officer in charge of a navigational watch; and

(b) where a ship operates in other waters, an officer in charge of a navigational watch.

(3) Paragraph (2)(a) does not apply to a cargo ship other than a tanker.

(4) A person to whom this regulation applies must hold a certificate of proficiency in basic training for service on ships operating in polar waters.

(5) The Secretary of State, or an approved training provider, may issue a certificate of proficiency required by paragraph (4) only to a person who meets the criteria specified in STCW Regulation V/4, paragraph 2 (basic training for seafarers on ships operating in polar waters).

Seafarers on a ship operating or intending to operate in polar waters – advanced training

16B.—(1) This regulation applies to the master and a chief mate on—

- (a) a United Kingdom passenger ship; or
- (b) a United Kingdom cargo ship of 500 gross tonnage or more,

operating, or intending to operate, in polar waters in the ice conditions specified in paragraph (2).

(2) The ice conditions specified in paragraph (1) are other waters.

(3) A person to whom this regulation applies must hold a certificate of proficiency in advanced training for service on ships operating in polar waters.

(4) The Secretary of State, or an approved training provider, may issue a certificate of proficiency required by paragraph (3) only to a person who meets the criteria specified in STCW Regulation V/4, paragraph 4 (advanced training for ships operating in polar waters).

Seafarers on a ship operating or intending to operate in polar waters – other training provision

16C.—(1) A person other than a seafarer specified in regulations 16A and 16B (training for seafarers on a ship operating or intending to operate in polar waters) may replace such seafarer on a ship to which those regulations apply, in the following circumstances—

(a) the person holds—

- (i) (aa) a certificate of competency or a certificate of equivalent competency issued in accordance with STCW Regulation II/2 (mandatory minimum requirements for certification of masters and chief mates on ships of 500 gross tonnage or more); or
- (bb) documentary evidence that the criteria in STCW Regulation II/2 have been met; and
- (ii) (aa) a certificate of proficiency issued in accordance with STCW Regulation V/4, paragraph 4 (advanced training for ships operating or intending to operate in polar waters); or
- (bb) documentary evidence that the criteria in STCW Regulation V/4, paragraph 4 have been met;

(b) while operating in polar waters, the ship is manned with an adequate number of seafarers trained in accordance with regulation 16A or 16B for the purpose of undertaking safe navigational, engineering and radio watches;

(c) the person is provided with rest periods which comply with the Merchant Shipping (Maritime Labour Convention) (Hours of Work) Regulations 2018⁽¹⁹⁾;

(d) in the case of a passenger ship or a tanker operating in waters other than open waters or bergy waters, the seafarers specified in paragraph (2) must each hold a certificate of proficiency in basic training for service on ships operating in polar waters; and

(e) in the case of a cargo ship other than a tanker operating in waters with ice concentration of more than 20 per cent, the seafarers specified in paragraph (2) must each hold a certificate of proficiency in basic training for service on ships operating in polar waters.

(2) The seafarers mentioned in paragraph (1)(d) and (e) are—

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

⁽¹⁹⁾ S.I. 2018/58, amended by S.I. 2018/242 and S.I. 2022/1219.

(3) The replacement of a seafarer in the circumstances described in paragraph (1) does not relieve the master, a chief mate or an officer of a navigational watch from their duties and obligations for the safety of the ship.

(4) For the purposes of paragraph (1)(d), “bergy waters” means an area of freely navigable water in which ice of land origin is present in concentrations of less than 10 per cent and where, if sea ice is present, the total concentration of all ice does not exceed 10 per cent.”.

18. In regulation 48 (approval of training providers), in paragraph (3)(h), for “Amendment 1”, substitute “Amendment 2”.

19. In regulation 61 (responsibilities of companies, masters and others), after paragraph (1)(b)—

(a) omit “and”; and

(b) insert—

“(ba) the conditions specified in regulation 16C(1) (seafarers on a ship operating or intending to operate in polar waters – other training provision) are complied with when a person replaces a seafarer under that regulation; and”.

PART 2

Revocations

Table

<i>Regulations revoked</i>	<i>References</i>	<i>Extent of revocation</i>
The Merchant Shipping (Polar Code) (Safety) Regulations 2021	S.I. 2021/1401	The whole Regulations
The Merchant Shipping (Standards of Training, Certification and Watchkeeping) Regulations 2022	S.I. 2022/1342	Paragraphs 12 to 17 in Part 1 of Schedule 1