



Maritime &
Coastguard
Agency

Consultation Document:
Draft Merchant Shipping (Port State Control)
Regulations 2025

July 2025

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Annexes:

A. Draft Regulations

B. Draft MSN 1832 (M) Amendment 2

C. De Minimis Options Assessment (DMOA)

Section 1: Overview of this consultation

Aim

- 1.1 This consultation seeks your views on changes to UK secondary legislation. The proposed Statutory Instrument is the Merchant Shipping (Port State Control) Regulations 2025. The proposed 2025 Regulations will revoke the Merchant Shipping (Port State Control) Regulations 2011 (SI 2011/2601) (“the 2011 Regulations”) and introduce new regulations that reflect updates to the text of the Paris Memorandum of Understanding (Paris MoU), which now references additional International Conventions to those already stipulated. The proposed 2025 Regulations will also remove references to EU legislation and introduce wording directly from the Paris MoU to ensure there is no impact on the Port State Control (PSC) regime in the UK.

Views sought

- 1.2 Your views are sought in respect of the following areas:
- the regulatory proposals, the effect of which keeps burdens the same; and
 - the clarity and effectiveness of the draft documents to implement the changes introduced by the Merchant Shipping (Port State Control) Regulations 2025.
- 1.3. A full list of consultation questions is contained in Section 5 of this consultation document.

Deadline for responses

- 1.4. Responses are welcomed from **4th July 2025**.
- 1.5 Following the conclusion of this consultation and consideration of the feedback, the new Regulations and associated documents in this package will be finalised, including any revisions made as a result of this consultation.

Section 2: Areas for consideration

Background

- 2.1 The Merchant Shipping (Port State Control) Regulations 2011 (SI 2011/2601) (“the 2011 Regulations”) came into force on 24 November 2011, implementing Directive 2009/16/EC (“the 2009 Directive”) and replacing the Merchant Shipping (Port State Control) Regulations 1995 (SI 1995/3128) (as amended).
- 2.2 The 2011 Regulations deal with the Paris Memorandum of Understanding (Paris MoU) on Port State Control (PSC) which is a well-established regime of ship inspection of foreign flagged ships to check compliance with international safety standards that reduces the risk they pose to health, safety and the environment. The Paris MoU uses a risk-based scheme of inspection and includes powers to exclude from ports ships which are persistently substandard. The participation in the PSC regime is an obligation of the UK under the Paris MoU. The UK has been a signatory to that agreement since January 1982.

Proposed Changes

- 2.3 The proposed 2025 Regulations introduce changes in two areas. They update references to International Conventions and remove references to EU legislation while incorporating text directly from the Paris MoU.
- 2.4 UK merchant shipping legislation needs to be updated to reflect updates to the text of the Paris MoU that now references additional International Conventions to those already stipulated. The 2025 Regulations will include the following International Conventions which are in the Paris MoU but were not in the 2011 Regulations : The Nairobi International Convention on the Removal of Wrecks (Nairobi WRC 2007): the International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001, the International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001, the International Convention for the Control and Management of Ships’ Ballast Water Management and Sediment, 2004 (BWM) and the Maritime Labour Convention (MLC) 2006. These Conventions have already been implemented through other Regulations so there is no change in applicable law in practice.
- 2.5 The proposed Statutory Instrument will remove references to EU legislation and authorities, add UK legislation and authorities where indicated and directly incorporate references to the Paris MoU while maintaining the same effect, as follows:
 - 2.5.1 Preamble: Remove the use of section 2(2) of the European Communities Act (1972) which is no longer available to the Secretary of State and refer instead to the Retained EU Law (Revoke and Reform) Act 2023 powers in conjunction with sections 85 and 86 of the Merchant Shipping Act (1995) (as amended).
 - 2.5.2 Interpretation: Define the term “member states” (referring to European Union member states) as a state who is a signatory to the Paris MoU. Add definitions for the terms which had been previously referenced in the 2011 Regulations but only defined in the EU legislation.

- 2.5.3 General: Throughout the proposed Statutory Instrument where applicable, amend the wording to reflect UK legislation and authority rather than EU legislation and authority. The wording has also been amended to refer directly to the Paris MoU in place of EU legislation.
- 2.5.4 Procedures: The proposed changes incorporate inspection, refusal of access, detention and related procedures directly from the Paris MoU that had previously been embedded in EU legislation. Schedules 1, 2 and 3 contain wording specifying minimum requirements for inspectors, content of inspection reports and criteria for detention from the Paris MoU which previously had been incorporated into UK law by way of reference to the 2009 Directive.
- 2.5.6 Complaints: The regulation prescribing a process for complaints has been removed from the 2025 Regulations as it was not specified by the Paris MoU but rather the 2009 Directive. A complaint remains defined in the Interpretation section and more substantively covered in other legal instruments (e.g., Merchant Shipping (Maritime Labour Convention) (Survey and Certification) Regulations 2013 (SI 2013/1785).
- 2.6 The proposed changes are not intended to change the operation of the PSC regime in the UK and therefore the entities and individuals who interact with the PSC regime in the UK will not experience an impact.

Summary of Options and Recommendations

- 2.7 “Do nothing” is the baseline against which Options 1 and 2 are assessed. As the problem under consideration is the maintaining of UK support for, and compliance with, an international agreement, the Paris MoU, there is no viable option other than regulation. As such, no non-regulatory measures have been considered.
- **Option 0 - “Do nothing”** – The changes must be actioned to reflect the International Conventions incorporated in the Paris MoU. Doing nothing would damage the UK Maritime Authority’s reputation and standing as a member of the Paris MoU.
 - **Option 1** – Amend the legislation to bring the list of International Conventions up to date in domestic legislation, referring directly to provisions in the Paris MoU text instead of EU instruments but incorporating some of the detail from those instruments where this is helpful, while making no difference to the impact of the obligations on shipowners.
 - **Option 2** – Update the list of International Conventions and remove all references to the EU Directives and incorporate the actual wording of the Paris MoU text directly into UK law. This option would be insufficient to ensure clarity and compliance and thus not the preferred method.
- 2.8 **The government’s preferred option is Option 1** because it brings the domestic legislation up to date in a clear way and removes redundant references to EU legislation.

Supporting Information

- 2.9 As the costs and impacts are expected to be low, no formal Impact Assessment has been carried out although a De Minimis Options Assessment (DMOA) has been completed and is included at Annex C. This has been agreed to as the most appropriate assessment process given that the DMA threshold of +/- £10m Equivalent Annual Net Direct Cost to Business (EANDCB) is not expected to be exceeded.
- 2.10 There has been no significant change to offences and penalties.
- 2.11 The proposed Regulations are set out in Annex A.
- 2.12 The proposed MSN 1832 (M) is set out in Annex B.

Section 3: Responding to this consultation

- 3.1. There are specific questions highlighted in section 5 of this document and information on how to respond to this consultation document.

Consultees

- 3.2. Anyone may respond to this consultation and consideration will be given to all responses.

Duration

- 3.3. This consultation is open for 4 weeks from **4th July 2025**. The deadline for responses is **31st July 2025**.

Submitting your response

- 3.4. The preference is for consultation responses to be emailed to HQ_inspectionops@mcga.gov.uk. Any questions on the subject matter of the consultation should also be sent to this email address. You can also send in your response by post to: Maritime and Coastguard Agency, Spring Place, (Attn: Suzanne Capper, Inspection Operations Branch), 105 Commercial Road, Southampton SO15 1EG.
- 3.5. When responding, representative groups are asked to give a summary of the people and organisations they represent, and where relevant who else they have consulted in reaching their conclusions.

Freedom of Information

- 3.6. Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the Freedom of Information Act 2000 (FOIA) or the Environmental Information Regulations 2004.
- 3.7. If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.
- 3.8. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information, we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department/MCA.

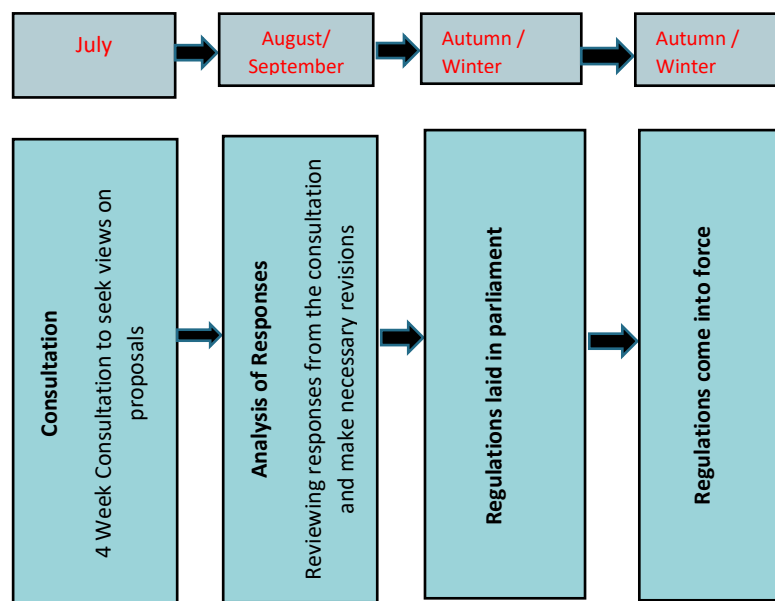
- 3.9. The MCA will process your personal data in accordance with the data protection framework and, in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

Data Protection

- 3.10. The MCA is carrying out this consultation to gather evidence to inform the development and implementation of policy and legislation (in accordance with section 86(4) of the Merchant Shipping Act 1995). This consultation and the processing of personal data that it entails is necessary for the exercise of our functions as a government department. If your answers contain information that allows you to be identified, under data protection law, the MCA, as an Executive Agency of the Department for Transport, will be the Controller for this information.
- 3.11. The MCA will use your contact details to send you information about the consultation, for example if we need to ask follow-up questions. You do not have to give us this personal information but if you do choose to provide it, it will not be used for any other purpose without your permission.
- 3.12. Details about how the MCA looks after personal data, your rights, how to complain, and how to contact our Data Protection Manager can be found on gov.uk at:
<https://www.gov.uk/government/organisations/maritime-and-coastguard-agency/about/personal-information-charter>
- 3.13. Your information will be kept securely on the MCA's IT system and any written responses will be held in a secure file and cabinet and kept for up to five years, until a post-implementation review has been completed.
- 3.14. If you do not wish to remain on this list, please let us know at HQ_inspectionops@mcga.gov.uk

Section 4: Outline of plans beyond this consultation

- 4.1. Once this consultation closes, we will review all responses. In considering the responses we will apply appropriate weight to those from organisations and individuals with specialist knowledge of the subject area.
- 4.2. We will be analysing the responses during **August/September**. Our aim is to publish an overview of the responses and the MCA's comments within at most 3 months of the end of the consultation, which will be made available on www.gov.uk on the same page as the consultation documents. To be notified of changes to this page, subscribe [here](#) free of charge.
- 4.3. Where appropriate the draft Regulations, accompanying guidance and De Minimis Assessment will be revised to take into account the consultation responses.
- 4.4. Our aim is for the new Regulations to come into force in the **autumn of 2025 or winter of 2026**. The Regulations will be published on www.legislation.gov.uk
- 4.5. An overview timetable is below for reference:



Section 5: Response form – Merchant Shipping (Port State Control) Regulations 2025

What is your name? _____

What is your email address? _____

What is your job title? _____

When responding please state whether you are responding as an individual or representing the views of an organisation:

- ☐ I am responding as an individual
☐ I am responding on behalf of an organisation

(name of organisation) _____

Please check the box that best describes you as a respondent and the size of your organisation:

Respondent Type

- ☐ Classification Society
☐ Government Agency/Department
☐ Individual
☐ Legal representative
☐ Protection & Indemnity
☐ Seafarer
☐ Ship Operator
☐ Ship Owner
☐ Trade Union
☐ Other

(please describe) _____

Size of Organisation

- ☐ Large business (over 250 staff)
☐ Medium business (50 to 250 staff)
☐ Micro business (up to 9 staff)
☐ Small business (10 to 49 staff)

1. Do you agree with the updating of the Regulations to include references to the current list of international agreements identified by the Paris Memorandum of Agreement and to which the UK is a signature?

☐ Yes

☐ No (if you tick this, please provide detail in the space below, continuing on a separate sheet if necessary)

2. Do you agree with the approach of referring directly to the Paris MOU rather than continuing to refer to the EU legislation or incorporating more of the wording from the Paris MOU

☐ Yes

☐ No (if you tick this, please provide detail in the space below, continuing on a separate sheet if necessary)

3. Do you believe there will be any positive or negative impacts to businesses as a result of this measure?

☐ Yes, I agree (if you tick this, please provide detail in the space below, continuing on a separate sheet if necessary)

☐ No, I disagree

4. Do you believe there will be any impacts on small or micro businesses?

☐ Yes, I agree (if you tick this, please provide detail in the space below, continuing on a separate sheet if necessary)

☐ No, I disagree

5. Is the draft Regulation amendment accurate and free of errors?

☐ Yes, I agree

☐ No, I disagree (if you tick this, please provide detail in the space below, continuing on a separate sheet if necessary)

6. Do you have any additional comments to add to the response?

Return a scanned copy of the completed version of this form to
HQ_inspectionops@mcga.gov.uk or by post to:

The Maritime and Coastguard Agency (MCA), Bay 2/20, (Attention: Suzanne Capper
(Inspection Operations), 105 Commercial Road, Southampton SO15 1EG

Section 6: Conduct of this consultation

- 6.1. This consultation has been conducted in accordance with the Cabinet Office Consultation Principles.

Consultation principles

- 6.2. The Cabinet Office Consultation Principles can be found at Consultation Principles 2018:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/691383/Consultation_Principles_1.pdf .

Feedback on conduct of consultation

- 6.3. If you have any comments regarding the conduct of this consultation, please contact the Consultation Co-ordinator at consultation.coordinator@mcga.gov.uk.
- 6.4. We are continually trying to improve the way in which we conduct consultations and appreciate your views. We would be grateful if you could complete and return the attached feedback form. These should be submitted to the Consultation Co-ordinator and are not affected by the deadline for this consultation.
- 6.5. If you require this consultation in an alternative format, please contact either the Consultation Co-ordinator or the named official conducting this consultation.

MCA CONSULTATION FEEDBACK FORM

1. Please indicate on which Consultation you are providing feedback:

.....

2a. Please indicate whether you are responding on behalf of:

- ☐ Yourself as an Individual
 - ☐ A Trade Association
 - ☐ A Company
 - ☐ A Government Organisation
 - ☐ A Trade Union
 - ☐ Other
- (please specify) _____

2b. If you are representing a company, please indicate the size of your company:

- ☐ Micro (1-9 employees)
- ☐ Small (10-49 employees)
- ☐ Medium (50-249 employees)
- ☐ Large (250+ employees)

2c. Please indicate whether you accessed this consultation package through:

- ☐ Post
- ☐ email
- ☐ Website

3. Please rate the quality of this consultation regarding accuracy, good English and spelling:

- ☐ Very good
- ☐ Good
- ☐ Average
- ☐ Poor
- ☐ Very Poor

4. Please rate the format of the consultation presentation (layout, Annexes etc.):

- ☐ Very good
- ☐ Good
- ☐ Average
- ☐ Poor
- ☐ Very Poor

5. Please rate the consultation in terms of how clear and concise you felt it was:

- ☐ Very good
- ☐ Good
- ☐ Average
- ☐ Poor
- ☐ Very Poor

6. Did you feel that the consultation was conducted over a sufficient period of time?

- ☐ Yes
- ☐ No

7. Were any representative groups, organisations or companies not consulted who you felt should have been?

- ☐ Yes
- ☐ No

If yes, who? _____

8. Please let us have any suggestions for improvement or other comments you wish to make about this consultation below:

Thank you for your time. Please return this form to:

Consultation Co-ordinator,
Maritime and Coastguard Agency,
Spring Place, Bay 3/14, 105 Commercial Road
Southampton SO15 1EG
Or e-mail it to: consultation.coordinator@mcga.gov.uk

If you are happy to supply your name in case we need to contact you to discuss your views further, please enter it below (this is optional, and your feedback will still be taken into account if you wish to remain anonymous):

Name _____

Tel. No. _____

Please note that the deadline for responses to the Consultation itself does not apply to the return of this form.