



Maritime &  
Coastguard  
Agency

Consultation Document:

The Merchant Shipping (International Safety  
Management (ISM) Code) Regulations 2025

July 2025

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## **Annexes:**

**A. De Minimis Options Assessment (DMOA)**

**B. MGN 780(M)**

**C. Response form**

**D. Consultation feedback form**

## Section 1: Overview of this consultation

### Aim

- 1.1 This consultation seeks your views on the policy of a proposed new Statutory Instrument (SI), the Merchant Shipping (International Safety Management (ISM) Code) Regulations 202[5], which will revoke UK assimilated version of Regulation (EC) 336/2006 on the implementation of the International Safety Management Code within the Community (the “2006 EC Regulation”) and the Merchant Shipping (International Safety Management (ISM) Code) Regulations 2014 (the “2014 Regulations”), and replace these two instruments with a new set of Regulations requiring compliance with the International Safety Management Code (“ISM Code”). The new SI will be accompanied by a new Marine Guidance Note (“MGN”), **but the SI is not enclosed with this consultation as it is still undergoing internal checks. However, the policy approach taken in the SI is explained in this document and consultation is being carried out on this approach.**
- 1.2 The purpose of this new SI is to clarify the legislation which currently gives effect to the ISM Code in the UK by bringing it together into a single set of Regulations, update the procedural and enforcement provisions to bring them into line with other recent merchant shipping safety legislation and remove gaps in the current legislation that have arisen as a result of the UK leaving the EU. The new SI will continue to implement the UK’s obligations under Chapter IX of the International Convention on the Safety of Life at Sea 1974 (“SOLAS”) and extend those obligations in line with the original purpose of the 2006 EC Regulation.
- 1.3 The new SI also includes an ambulatory referencing provision, which will, in particular, make it less likely that new Regulations will be needed each time future amendments are made to the ISM Code by the International Maritime Organisation.

### Views sought

- 1.4 Your views are sought on any aspect of the proposals as described in this consultation document, and the accompanying draft MGN. A more in-depth explanation of the areas for consideration can be found in Section 2 of this document.
- 1.5 A full list of consultation questions is contained in Section 5 of this consultation document.

### Deadline for responses

- 1.6 Responses are welcomed from **17 July 2025**.



## Section 2: Areas for consideration

### Background

2.1 The ISM Code was adopted by the International Maritime Organization (IMO) in November 1993 under Resolution A741(18) and has been amended by the IMO on a number of occasions<sup>1</sup>. The ISM Code provides the international standard for the safe management and operation of ships and for pollution prevention.

2.2 Its primary objectives are:

- to ensure safety at sea;
- prevent human injury or loss of life;
- avoid damage to the environment, in particular the marine environment and to property.

The obligation for meeting these objectives is with the company which manages the operation of the ship.

2.3 The ISM Code was first made mandatory by the introduction of Chapter IX of the SOLAS Convention in 1994, which has also been subsequently amended. Its application was initially phased in from 1998 for different categories of ships and it now requires compliance with the ISM Code by all commercially operating passenger ships, and cargo ships of 500 gross tonnage, which are engaged on international voyages.

2.4 Prior to the UK's departure from the European Union, the ISM Code was given effect in the European Community by the 2006 EC Regulation. This 2006 EC Regulation had itself revoked and replaced an earlier Council Regulation (EC) 3051/95, which had applied the ISM Code within the European Community to all roll-on/roll-off ("ro-ro") passenger ferries operating from European ports. The 2006 EC Regulation implemented the new SOLAS requirements more generally within the European Community, and extended the application of the ISM Code to a wider variety of vessels operating domestically in sea areas of EU Member States. It was given further effect in the UK's domestic law by the 2014 Regulations, which also implemented SOLAS requirements outside the scope of the 2006 EC Regulation. The 2006 EC Regulation was retained in domestic law by the European Union (Withdrawal) Act 2018 and as a result of the Retained EU Law Act 2023 is now assimilated law.

2.5 After the UK left the EU, minor amendments were made to the 2014 Regulations by the Merchant Shipping (Miscellaneous Provisions) (Amendments etc.) (EU Exit) Regulations, to amend the definition of "Certifying Authority" in regulation 2, and the definition of "high speed craft" has been amended by the Merchant Shipping (High Speed Craft) Regulations 2022. However, no other amendments were made to the 2014 Regulations, nor any amendments to the retained 2006 EC Regulation, to deal with deficiencies arising from EU Exit, such as the references to "Member State" throughout the 2006 EC Regulation, which are no longer interpreted as including the UK.

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<sup>1</sup> Amended by IMO Resolutions MSC.104(73), MSC.179(79), MSC.195(80), MSC.273(85) and MSC.353(92). Copies of the ISM Code are available from IMO Publishing at 4 Albert Embankment, London SE1 7SR, [www.imo.org.publications](http://www.imo.org.publications), email: [sales@imo.org](mailto:sales@imo.org); telephone 0207 735 7611. IMO Resolutions are available at <https://www.imo.org/en/KnowledgeCentre/IndexofIMOResolutions/Pages/>

- 2.6 The Merchant Shipping (Domestic Passenger Ships) (Safety Management Code) Regulations 2001 apply the separate UK Domestic Safety Management Code (DSM Code) to certain UK domestic passenger ships. The application of the ISM and DSM Codes is mutually exclusive.

## Proposed Changes

- 2.7 The main aims of the new SI are as follows.

**Scope:** the policy objective is that the new SI should apply the ISM Code to the same categories of vessels to which the 2006 EC Regulation and 2014 Regulations originally applied prior to EU Exit, although the new SI no longer uses the concept of a “regular shipping service” but applies generally to any service. In addition, the new SI will extend the current ISM Code obligations to ro-ro-passenger ferries and high-speed craft operating in UK categorised waters as per [Merchant Shipping Note \(MSN\) 1837\(M\) Amendment 3](#). This is to fix a perceived omission from the 2014 Regulations, but has no impact as in practice as all such vessels are already compliant with ISM. For other types of passenger ships, the obligations continue only to apply domestically when those vessels are engaged on voyages in sea areas A and B. The obligations will continue to apply domestically to cargo ships of 500 gross tonnes or more operating in all sea areas (but not if operating exclusively in categorised waters). The new SI also provides that the obligations will apply to UK flagged ships engaged only in domestic voyages within the territorial waters of other countries, although it may be possible for such ships to obtain an exemption if the MCA is satisfied that is appropriate in the circumstances.

**Single set of Regulations:** the new SI will clarify the current legislation by replacing the two existing instruments with a single set of Regulations which removes the complex cross references between the existing instruments and the need to refer to EU legislation.

**Updated procedural and enforcement provisions:** the new SI will update the provisions of the existing legislation on the procedures for obtaining Documents of Compliance and Safety Management Certificates and exemptions, to bring them into line with the approach in more recent legislation implementing other certification and survey requirements under SOLAS. The new SI will continue to provide for criminal offences for breaches of ISM Code requirements but the drafting of the criminal offence provisions has been clarified. In addition, and in line with other recent SOLAS implementing legislation, the new SI includes new criminal offences in relation to falsification of documents or information. The coming into force of the new SI will not prematurely invalidate certificates already issued pursuant to the 2014 Regulations.

**Removal of gaps arising from EU Exit:** the new SI will remove gaps which have arisen in the current legislation because of the UK’s departure from the EU, as a result of which references in the assimilated 2006 EC Regulations to “member state” no longer include the UK. This has mainly affected the application of the current legislation to domestic ships. Those provisions in the assimilated 2006 EC Regulation which impose obligations on “member states” are inoperable and will be revoked using powers in the Retained EU Law (Revocation and Reform) Act 2023.

**Ambulatory reference provision:** the new SI will include an ambulatory reference provision, using the powers in s306A of the Merchant Shipping Act. This will mean that references to the ISM Code and references to certain technical provisions of SOLAS and the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW Convention), can be interpreted as references to the most up to date version of those instruments, including any amendments which take effect after the new SI has come into force. This reduces the need to make amending legislation each time the ISM Code or the relevant provisions of these two Conventions are amended, unless the UK objects to any such amendments taking effect.

## Summary of Options and Recommendations

2.8 This is a simplified, high-level summary, of the Options considered.

**Option 0 – Do nothing** Doing nothing would not achieve the legislative objectives.

**Option 1 – Publish M Notice/advice to industry (non-regulatory)** This is not a considered a suitable option, as guidance would not achieve the legislative change required.

**Option 2 – amend the current legislation (Regulatory)** To de-couple it from EU legislation (referring the international ISM Code directly instead of an EU Regulation), update procedural and enforcement provisions, remove gaps created by EU Exit and omission in the 2014 Regulations and introduce an ambulatory reference to minimise the need to future amendment,

**Option 3 – As for Option 2 but with the scope pared back to the International requirements rather than the EU requirements.** This is not considered a viable Option as it would reduce safety standards which goes against government policy.

2.9 The government's preferred option is Option 2 because it makes the required changes to the current legislation.

## **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. We will be particularly interested to hear from operators of ships affected by the Regulations.

### **Duration**

- 3.3.    This consultation is open for 4 weeks from **17 July 2025**. The deadline for responses is **13 August 2025**.

### **Submitting your response**

- 3.4.    The preference is for consultation responses to be emailed to HQ\_ISMISO@mcga.gov.uk. Any questions should also be sent to this email address. You can also send in your response by post to: Maritime and Coastguard Agency, Spring Place, (Maritime Safety Management Operations Team, Bay 2/20), 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.

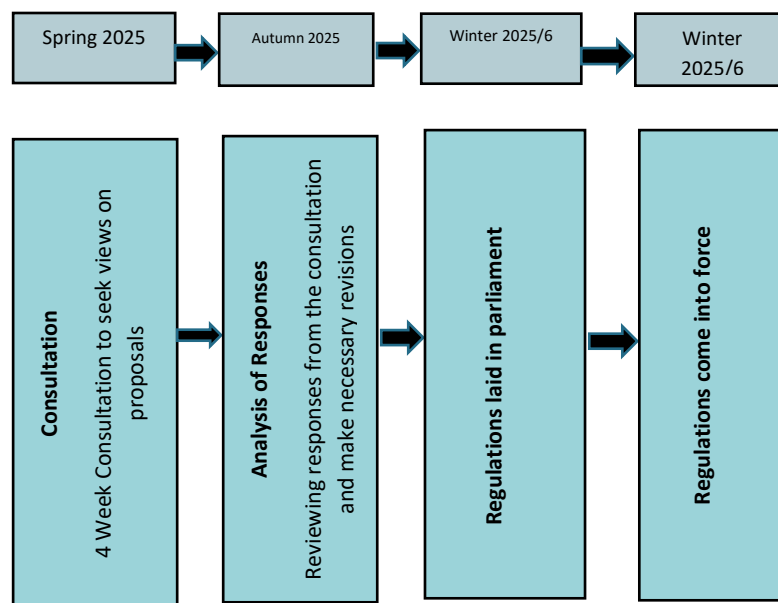


## Data Protection

- 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\_ISMISO@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 2025. 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](http://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 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 early 2026. The Regulations will be published on [www.legislation.gov.uk](http://www.legislation.gov.uk)
- 4.5. An overview timetable is below for reference:



## Section 5: Response form – Merchant Shipping (International Safety Management (ISM) Code) 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 policy approach outlined in the Consultation document?

☐ Yes

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

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2. Do you agree that the MGN is clear and free of typographical errors?

☐ Yes

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

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3. Do you have any comments on costs or impacts in the DMOA, and do you believe there are any potential unintended consequences?

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

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☐ No

4. In respect of UK ships operating domestically in other countries. Do you

a) Do you agree that they should be included in the scope of the new ISM Regulations?

☐ Yes, I agree

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

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b) Are you aware of any such ships operating in this way at the present time? (If so, please give details.)

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

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☐ No, I am not aware of any.

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 ISMISO@mcga.gov.uk](mailto:HQ_ISMISO@mcga.gov.uk) or by post to:

The Maritime and Coastguard Agency (MCA), Bay 2/20, (Attention: James Naidoo,  
(Maritime Safety Management Operations Team), UK Technical Maritime Services,  
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](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](mailto: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:

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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 3/26, 105 Commercial Road  
Southampton SO15 1EG  
Or e-mail it to: [consultation.coordinator@mcga.gov.uk](mailto: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.**