Reform of Statutory Instrument 2012 No. 1743, The Merchant Shipping (Accident Reporting and Investigation) Regulations: Consultation Document

Executive summary

The Merchant Shipping (Accident Reporting and Investigation) Regulations 2012 (SI 2012 No.1743) (the 2012 Regulations) enable the work of the Marine Accident Investigation Branch (MAIB). The MAIB was formed in 1989, and the secondary legislation enabling the work of the MAIB was subsequently updated in 1994, 1999, 2005 and 2012 to reflect changing international and national requirements and obligations, and to reflect lessons from operational experience.

The purpose of this instrument is to revoke and replace the existing legislation, refreshing it having reflected on operational practice, and how the United Kingdom (UK) is no longer bound by Directive 2009/18/EC of the European Parliament and of the Council (the Directive). These updated regulations will continue to reflect the UK's obligations under the International Convention for the Safety of Life at Sea (SOLAS), 1974, as amended, to comply with the Code of the International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident[1] (the IMO Code)[2]. The new regulations intend to:

- improve compliance with the UK's treaty obligations and align more fully with the international expectations and obligations contained in the IMO Code
- simplify and clarify the 2012 Regulations to improve understanding and compliance
- reflect policy development arising from operational experience
- remove some requirements that arose from implementation of the Directive, and revoke EU Regulation 1286/2011 (the Common Methodology)
- add criminal offences and penalties to existing requirements

Context

The 2012 Regulations will be revoked and replaced using the powers in Sections 267 and 306A of the Merchant Shipping Act 1995 (the Act).

[1] Adopted by the International Maritime Organization by Resolution MSC.255(84) on 16 May 2008.

[2] Read the IMO Code.

Alignment with the IMO Casualty Investigation Code

The IMO Casualty Investigation Code, Part II – Mandatory Standards, sets out requirements that, as a signatory to SOLAS, the UK is bound to follow. Those standards are enshrined in UK law through the 2012 Regulations and will continue under the replacement (equivalent) provisions in these regulations. The broader investigation obligations of the EU Directive, which included and added to the obligations in the IMO Code, will no longer apply.

The EU Common Methodology for investigating marine accidents, Regulation EU 1286/2011[3], is no longer operative and is revoked under these regulations. In lieu, we propose that the IMO Casualty Investigation Code, Part III – Recommended Practices and the Guidelines to Assist Investigators in the Implementation of the Casualty Investigation Code, contained in IMO Assembly Resolution A.1075(28) are reflected in the updated regulations where it makes sense to do.

Watercraft

The Merchant Shipping (Watercraft) Order 2023 (SI 2023 No.35) (the Watercraft Order) brought watercraft within the scope of much of the provisions of the Act and instruments made, or treated as made, under the Act. The Watercraft Order provides for certain provisions of the Act which apply to craft or boats to apply, in some cases with modifications, in relation to watercraft (as defined in the Order). The Watercraft Order, however, did not apply section 267 of the Act, which is the accident investigation power.

To clarify that accidents involving watercraft can be investigated by the MAIB, an amendment to the Watercraft Order is proposed by way of separate statutory instrument that will modify the provisions of section 267 of the Act so that the provisions apply to accidents involving watercraft as they do to accidents involving ships. It has been assumed for illustrative purposes that the changes in the separate instrument have been made, but this will be revisited once the Watercraft Order amendment consultation process is complete. Regulation 4 will be amended so that watercraft are covered by the updated regulations.

Consultation guidance

The objective of this consultation is to ensure that the revisions to the regulations are appropriate and proportionate to the matters under consideration. All comments will be considered and consolidated responses published.

[3] Commission Regulation (EU) No 1286/2011 of 9 December 2011 adopting a common methodology for investigating marine casualties and incidents developed pursuant to Article 5(4) of Directive 2009/18/EC of the European Parliament and of the Council.

Responding to the consultation

This document sets out the scope of the revised regulations, explains the intended changes, and poses several questions for respondents to answer. The questions, in short form, are contained in this document, which also provides the opportunity for narrative answers where appropriate. A draft copy of the revised regulations is attached (**Annex A**). As the overall policy is substantially settled, we are specifically interested in technical drafting changes and/or issues relating to the operability of the regulations. Any drafting changes will be to ensure the regulations are well understood.

We recommend that you:

- read this consultation document
- focus on the questions that cover the areas you have the most experience of or have a particular interest in
- consider skipping questions if they are not relevant to you, or you do not have a view on them
- refer to the relevant part of the regulations referenced in the question
- respond to the questions using the consultation response form and email or post it to us

Email: business.support@maib.gov.uk

Postal address: Business Support, Marine Accident Investigation Branch, First Floor, Spring Place, 105 Commercial Road, Southampton, SO15 1GH, United Kingdom

Duration

This consultation will run for six weeks from **6 August to 17 September 2025**.

Enquiries

For any enquiries about responding to the consultation please contact: business.support@maib.gov.uk referring to the name of the consultation.

Data privacy

When responding to questions, please avoid including information that will identify you, such as your last name. Responses that include information that could be used to identify you should be avoided. If you do include information that could be used to

identify you, your response will be anonymised during analysis. No identifiable information will be included in any reporting.

Freedom of information

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.

If you want 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, among other things, with obligations of confidence.

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 MAIB.

The MAIB will process your personal data in accordance with the Data Protection Act and, in most circumstances, this will mean that your personal data will not be disclosed to third parties.

Data protection

The MAIB is carrying out this consultation to seek views on the revocation and replacement of the 2012 Regulations by the draft Merchant Shipping (Accident Reporting and Investigation) Regulations 2025 (at **Annex A**). 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 any information that allows you to be identified the MAIB will, under data protection law, be the Controller for this information.

As part of this consultation, we are asking for your name and email address. This is in case we need to ask you follow-up questions about any of your responses. You do not have to give us this personal information. If you do provide it, we will use it only for the purpose of asking follow-up questions.

The MAIB's personal information charter has more information about your rights in relation to your personal data, how to complain and how to contact the Data Protection Officer.

Your information will be kept securely on a secure IT system within the MAIB and destroyed within 12 months after the consultation has been completed.

Impact assessment

A De Minimis Assessment has been prepared for these proposed amendments as the equivalent annual net direct cost to business (EANDCB) is £3,847, within the +/- £5 million de minimis criteria. The measure is not controversial and is not anticipated to have a disproportionate impact on small, micro or medium businesses. Therefore, no Impact Assessment has been drafted.

Intended updates to the Merchant Shipping (Accident Reporting and Investigation) Regulations 2012, as amended

The following paragraphs set out the proposed revisions to the regulations, along with the consultation questions so that both can be seen in context.

General/overarching changes

Where the 2012 Regulations refer to time obligations these have been reviewed for consistency and this streamlining has resulted in amendments where necessary. Matters of urgency, such as notification obligations and other obligations on owners or masters etc, have the time obligation ‘as soon as possible’; other matters and obligations on the Chief Inspector have the time obligation ‘as soon as is reasonably practicable’.

Similarly, where the regulations refer to ‘publish’, ‘publication’, ‘notice’ and ‘notify’ these terms have been reviewed for consistency and amended where necessary.

PART 1 – Introductory provisions

Interpretation – Regulation 2

The definitions in this regulation have been amended to mirror those in the IMO Code and to remove legacy definitions from the Directive. For example, since the UK ceased reporting its marine casualty data to the EU, the category of Serious Marine Casualty, which was dropped by the IMO in 2008, has become superfluous. This has therefore been removed from the regulations.

Other changes have been made for streamlining and to reflect better placement within the regulations.

The definition of a marine casualty has been updated to exclude suicide or injury due to attempted suicide.

The definition of serious injury has been simplified to reflect the definition in the IMO Casualty Investigation Code as far as possible. However, it has been amended, in

part, to reflect a subjective interpretation of “to function normally” that better supports an individual assessment of range of activities.

The definition of severe pollution has been updated to use the terminology and the meaning in the IMO Code (of severe damage to the environment).

The definition of a Very Serious Marine Casualty (VSMC) has been amended to reflect the definition in the IMO Code and it has been moved into Interpretation, Regulation 2.

Regulation 2(2) has been amended to clarify that the loss of a ship does not automatically trigger a mandatory investigation by automatically classifying the event as a VSMC.

A definition of causal factors, present in the IMO Code, has been added to reflect the updates made to Regulation 11(1) and Schedule 2, where the content of the report to be provided has been streamlined to align better with the IMO Code.

The definition of judicial proceedings has been moved to Regulation 2 and, following the *Ocean Prefect*[4] ruling, now extends to include tribunals.

1. Since the UK has left the EU, do you agree that the UK should align its definitions and the categorisation of marine casualties and marine incidents with the IMO Code?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don’t know

2. Do you agree that the UK should simplify its reporting requirements for injuries by adopting a revised version of the IMO Code’s definition of Serious Injury?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don’t know

[4] Ocean Prefect Shipping Limited v Dampskibsselskabet Norden AS [2019] EWHC 3368 (Comm).

Meaning of an accident – Regulation 3

This regulation has been simplified by moving the detailed definitions into Regulation 2.

Application – Regulation 4

This regulation has been simplified by moving the exemption to reporting duties into a new regulation (Regulation 7). The obligations to report are retained in Regulation 6. Watercraft are brought in scope by amendments to this regulation.

PART 2 – Duty to report

Duty to report accidents – Regulation 6

The duties to report have been extended to include watercraft.

Commercial craft under 8 metres length overall operating in a harbour or on inland waterways now fall within this reporting duty, as this exemption from reporting in the 2012 Regulations (Regulation 4(a)(iii)) has been removed.

3. Do you agree that the accident involving commercial craft less than 8m in length operating in harbour areas or inland waterways should be reported?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don’t know

In other respects, the duty to report remains largely unchanged, with the exemptions from the duty to report relocated from Regulation 4 to a new regulation.

The requirement at Regulation 6(5), (Regulation 6(4) of the 2012 Regulations), has been rewritten to better articulate its two separate components: ensuring the circumstances of the accident are examined; and, providing a report of the findings of that examination to the Chief Inspector.

Under the 2012 Regulations, noncompliance with the requirements of Regulation 6(4) were not criminal offences. This has been clarified by adding noncompliance with the two requirements now present in Regulation 6(5) as criminal offences, at Regulation 25(1)(d).

Exemption from reporting duties – new Regulation 7

The exemptions from reporting duties (previously present in Regulation 4 and Regulation 10) have been consolidated in this new regulation.

The definition of 'pleasure vessel' is retained from the 2012 Regulations, and definitions of 'intended pleasure vessel' (which reflects that in the IPV Code) and 'recreational craft' have now been included in this regulation. The definition of 'recreational craft' closely reflects that in the 2017 Recreational Craft Regulations, but omits the exclusion of watercraft, given the scope of these regulations has been extended to watercraft.

An express exemption has been added at Regulation 7(1)(c) to clarify the exemption from the reporting duty for an accident on a ship where the UK could be a substantially interested state. Given this is subject to the Chief Inspector's determination, and the MAIB's jurisdiction does not extend to non-UK ships outside of UK waters, the reporting duty cannot be automatic.

PART 3 – Ordering a safety investigation and preservation of evidence

Ordering and discontinuing of a safety investigation – Regulation 8

Provisions previously present in Regulation 12 of the 2012 Regulations have been included in this regulation to improve readability.

This proposed regulation removes references to obligations derived from the Directive but retains the UK obligations under SOLAS to comply with the IMO Code requirements. This has the effect of retaining the mandatory requirement for the UK to investigate very serious marine casualties[5] involving UK passenger vessels and cargo vessels greater than 500 gross tonnage that are internationally trading. Accidents involving smaller vessels and those not internationally trading remain in scope for discretionary investigation should the circumstances of the event warrant it.

While some accidents have catastrophic outcomes for the individuals involved, there is little new to learn about the activity that will improve safety. By reducing the range of mandatory investigations the MAIB is required to carry out to the level required by the IMO, resources can be released to focus on investigations with the greatest potential for safety learning.

[5] In the IMO Casualty Investigation Code, *a very serious marine casualty means a marine casualty involving the total loss of the ship or a death or severe damage to the environment,* where a marine casualty is an *event or sequence of events…which has occurred directly in connection with the operations of a ship*.

4. To what extent do you agree that the MAIB should have increased discretion to focus its resources on those cases with the greatest potential for safety learning?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don't know

The requirement (Regulation 7 of the 2012 Regulations) to carry out a Preliminary Assessment into every serious marine casualty has been removed as this category of casualty has been dropped by the IMO. However, the fact that an inspector's powers are engaged for the purposes of gathering evidence prior to taking the decision to investigate has been made explicit in proposed Regulation 8(2).

The requirement to commence a safety investigation *as soon as reasonably practicable* has been retained. However, the requirement to commence an investigation within 2 months of receiving notification (a legacy requirement that was imposed by the Directive) has been removed.

The 2012 Regulations (Regulation 8(5)), required the Chief Inspector to publish details of the decisions not to carry out an investigation. However, the restrictions on disclosure meant that this could only be reported in anonymised form, and therefore served little purpose. The revised regulations require only that the reasons for deciding not to investigate be recorded.

The requirement at Regulation 8(7) of the 2012 Regulations – *to provide such information to the best of their ability and knowledge* – has been removed as it had no associated penalty and it is considered impracticable to impose one.

The regulations for discontinuing an investigation are now present in this Regulation 8. Taken together with the amendment to the definition of "marine casualty", regulations 8(7) and (8) now make it clearer that, where it becomes apparent that a death occurred as a result of suicide, the Chief Inspector can exercise discretion (Regulation 8(7)) to cease the investigation, without being required by Regulation 8(8) to continue it.

Preservation of evidence – Regulation 10

There are no new requirements in this regulation, but the text has been updated to better reflect modern recording systems and to improve readability. The regulation also incorporates old Regulation 11(7) to ensure similar provisions are placed together.

A criminal offence has been added in Regulation 25(2) for failing to comply with the requirement at Regulation 10(4) (previously 10(5) under the 2012 Regulations). Its omission from the 2012 Regulations was a drafting oversight.

PART 4 – Conduct of a safety investigation

Content of a safety investigation – Regulation 11

This is a new regulation that brings together the text from regulations 8(3) and 11(3) of the 2012 Regulations.

Where appropriate standardised wording of “the Chief Inspector considers” has been included.

Conduct of a safety investigation – Regulation 12

This regulation amends Regulation 11 of the 2012 Regulations, to aid clarity and to remove requirements and terminology of the Directive.

Provisions related to discontinuing investigations have been moved to Regulation 8 to resolve any ambiguity and to have all similar provisions in one place.

The wording of regulations 12(5), 12(6), 12(7) and 12(8), pertaining to persons accompanying a witness, has been amended to improve readability, though the substance and intent of the regulations is unchanged.

Release of evidence to owner – Regulation 13

This is a new regulation that has been added to bring the regulations in line with current practice, which clarifies the balance of responsibilities between the Chief Inspector and the owner for the return and/or disposal of evidence.

5. To what extent do you agree that the costs of disposing of uncollected evidence should be recoverable from the owner?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don’t know

Co-operation with other States – Regulation 14 (formerly Regulation 12)

This regulation has been updated to remove specific obligations on EU member states (which were contained in the Directive) and to better reflect the standards and

recommended practices in the IMO Code (chapters 7, 9 and 10). The intention is to recognise better how and on whom the obligations rest.

Disclosure of information etc. – Regulation 15 (formerly Disclosure of records – Regulation 13)

A number of changes have been made to improve the clarity and operation of the regulations preventing the disclosure of information, while specific powers to disclose have been moved into a new regulation (Regulation 16).

Regulation 15(2) has been amended to also protect the information contained in the documents, data and recordings from disclosure, not just the items themselves. Further, in order to counter a reluctance for parties to share information, the restriction on disclosing correspondence has been broadened from 'between the Chief Inspector and parties involved in a safety investigation' to encompass 'correspondence between an inspector and parties involved in a safety investigation'.

Regulation 15(3) has been amended by adding to the balancing test "the administration of justice" to reflect the working of the IMO Code.

A new Regulation 15(3)(a) provides that marine safety records (as defined by the IMO Code) provided by other States may not be disclosed without that State's consent. This reflects the recommended practice in Chapter 23 of the IMO Code that States should obtain the permission of the providing State before that marine safety record is disclosed. A new Regulation 15(3)(b) is a provision that adds to what the Court must be satisfied of before ordering the disclosure of any information listed at Regulation 15(2).

Regulation 15(4) provides that for the purposes of Regulation 15(3), "marine safety record" reflects the same as in Chapter 2 of the IMO Code.

For Regulation 15(5), Independent Technical Analyses commissioned by the Chief Inspector form part of the Marine Safety Record, as defined by the IMO Code, so these have been added to the list of materials not to be disclosed. The regulations, however, retain provision for the Chief Inspector to make such analyses publicly available if the Chief Inspector considers it appropriate to do so.

Regulation 15(6) has been added to allow the Chief Inspector to publish anonymised statistical data drawn from otherwise protected sources.

6. To what extent do you agree that the modifications proposed in this regulation on disclosure of information etc., provided to the MAIB should be made?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree

- Strongly disagree
- Don’t know

7. What impacts, if any, would you anticipate the revised regulations governing disclosure might have?

Regulation 13(3) of the 2012 Regulations allowed a witness to share a declaration or statement they had given to an inspector as they saw fit. There is evidence from operational experience that witnesses have been pressured to provide the statements or declarations they have made to inspectors for the purposes of a safety investigation to third parties so they can be used in blame-focused proceedings. This runs contrary to the spirit of confidentiality that underpins testimony provided to safety investigations. To avoid inappropriate pressure on witnesses, provision to a witness of their statement is being restricted to the purposes of responding to circulation of the draft investigation report, which is now covered in Regulation 17(4).

8. To what extent do you agree that the protection afforded to witness testimony should be strengthened in order to prevent its misuse by third parties?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don’t know

Chief Inspector’s power to disclose evidence to another investigating authority – Regulation 16

Operational experience indicates a need to clarify in regulations the evidence that a safety investigation can share with other investigating authorities. This is to overcome a perception that any evidence obtained by the MAIB cannot be shared

with other authorities. In overview, the provisions on sharing are limited to: physical evidence, i.e. that which can only exist in one place at any time (the IMO Code and the Merchant Shipping Act refer to these as “articles and substances”); data obtained from recording systems; photographs or images from the scene; and, independent technical analysis, usually of the type that would alter the state of the items being analysed. Such material can only be shared with investigating authorities that have a statutory power (where verifiable) or, in Scotland, a common law power to collect that evidence, but were unable to do so because it had already been collected by the MAIB.

The regulations expressly provide the Chief Inspector with the discretion to decide whether sharing of evidence is appropriate, to avoid prejudicing parallel investigations, or inappropriate, to avoid both the misuse of shared evidence and other investigating bodies presuming that the MAIB will always provide.

9. To what extent do you agree that certain, generally unique, items of evidence can be shared between parallel investigations in order to avoid prejudicing either the interests of future safety or the interests of justice?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don’t know

Reports of safety investigation – Regulation 17

Regulation 17(1)(a) provides the time obligation on the Chief Inspector that tracks the wording of the IMO Code.

Regulation 17(1)(c) clarifies the Chief Inspector’s ability to publish urgent notifications in connection with, and for the purposes of an ongoing investigation. This has been done in line with operational experience and is aimed to cement how such urgent notices assist the Chief Inspector in his obligations under legislation to undertake these investigations and share safety learnings.

In addition, express references to simplified reports have been removed from this regulation as they are a legacy from the Directive. However, the scope of this regulation does apply to simplified reports (Regulation 17(1)) as they are no longer a separate category of reports.

For Regulation 17(3); with respect to circulating the draft investigation report for comment, operational experience has shown that the term “*adversely affected by the report*…” is open to wide interpretation. This regulation ensures that the Chief Inspector, who has full knowledge of the facts of the accident, has discretion to determine who could be adversely affected by the report.

Further provisions on disclosure in connection with reports under Regulation 17 – Regulation 18

Regulation 18 clarifies in one place the limitations on disclosure applicable to persons other than the Chief Inspector. It includes provisions currently in regulation 14 of the 2012 Regulations and updates these provisions for improved understanding.

Admissibility of publications etc. in judicial proceedings etc. – Regulation 19

This regulation collates the relevant text in relation to judicial proceedings into a dedicated regulation. It includes provisions previously in Regulation 14 of the 2012 Regulations.

In addition, operational experience has shown that attempting to isolate sections of an investigation report that were not obtained using inspector's powers so they could be used in court is impractical. Consequently, these updated regulations revert to the position adopted previously in the 2005 Regulations, whereby if any material was obtained using inspector's powers, the whole report was inadmissible in any judicial proceedings, unless a Court ordered otherwise.

Publications other than reports of safety investigations – Regulation 20

The 2012 Regulations were largely silent on the status of publications and other messaging designed to improve future safety. The purpose of the refresh of this regulation is to acknowledge the utility of such publications and to clarify the basis for their publication.

Regulation 20(3) is a new category of publication that will allow the Chief Inspector to share safety lessons and publish bulletins outside of the existing report and recommendation powers. This will allow for the publication of general and collated safety information outside of the conduct of an investigation.

Recommendations – Regulation 21

The regulation about recommendations has been amended in the light of operational experience to aid understanding. Specifically, the regulations differentiate between general and specific recommendations e.g. those made to a category of owners or those targeted to individuals.

Changes also reflect the publication schedule of the report of recommendations that the Chief Inspector is obliged to publish in each calendar year.

The 2012 Regulations included a requirement for recipients of recommendations to respond to the Chief Inspector with their intentions, or otherwise, for discharging a recommendation, however no penalty was attached to this requirement. This has now been rectified. A new offence (at Regulation 24(4)) is attached to the requirement at Regulation 21(4), with the sanction at Regulation 24(5).

Regulation 21(8) has been clarified to better set out who the Chief Inspector may inform who must take urgent action to prevent future accidents and the actions to be taken.

PART 5 – Offences and penalties

Regulation 24

Offences that did not merit penalties have been removed. Additionally, penalties have been included for those offences that need to be retained. In summary, this regulation has been updated to:

- add a sanction to the obligation in new Regulation 6(5), previously 6(4), for masters/owners to examine the circumstances of every accident, and, to provide a report of their finding to the Chief Inspector, which was absent from the 2012 Regulations

- remove the obligation at Regulation 8(7) of the 2012 Regulations

- add a sanction for breach of the existing obligation in Regulation 10(4), previously Regulation 10(5), to preserve evidence

- add a sanction for breach of the obligation in Regulation 21(4), previously Regulation 16(4)(b), to take a recommendation from the Chief Inspector into consideration and to respond within 30 days of such a recommendation

10. Do you agree that it is appropriate to create the new offence to improve compliance?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don’t know

Review – Regulation 26 of the 2012 Regulations – proposed removal

These regulations reflect the UK's international obligations to carry out safety investigations into marine accidents. Since the MAIB's inception in 1989 they have been amended in 1994, 1999, 2005 and 2012 to reflect the latest changes to those obligations and lessons from operational experience. The 2012 Regulations included a requirement to additionally review the regulations every 5 years.

The proposed regulations do not include a statutory review clause. It would not be appropriate to make provision for review in these regulations, because it would be disproportionate, taking into account the expected economic impact of the legislation.

11. To what extent do you agree that, in the case of these regulations, the requirement for a formal 5-yearly review is not appropriate?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don't know

PART 6 – Revocation

The revised regulations will revoke the existing 2012 Regulations, the amending regulations (SI 2013/2882) and Commission Regulation (EU) No 1286/2011 (adopting a common methodology for investigating marine casualties and incidents developed pursuant to Article 5(4) of Directive 2009/18/EC of the European Parliament and of the Council), which is no longer applicable in the UK.

Schedule 2 – information to be included in reports in relation to an accident

Schedule 2 was added to the 2012 Regulations by The Merchant Shipping (Accident Reporting and Investigation and the Railways (Accident Investigation and Reporting) (Amendment) (EU Exit) Regulations 2008 (SI 2018/1400), which reflected the reporting requirement in the Directive. The refreshed Schedule 2 has been simplified to reflect the requirements in the IMO Code regarding the contents of an investigation report.

12. Are you responding on behalf of:

- Micro business (<10 employees)
- Small business (10-49 employees)
- Medium business (50-499 employees)
- Large business (500+ employees)
- An individual
- Prefer not to say

13. To what extent are small and micro businesses likely to be disproportionately impacted by this legislation?

- Very likely
- Likely
- Neither likely nor unlikely
- Unlikely
- Very unlikely
- Don’t know

14. Do you think that the updated regulations will have a positive, negative, or neutral impact on industry?

- Positive
- Neutral
- Negative
- Don’t know

15. Please explain your answer.

16. What impacts, if any, would you anticipate the revised regulations having?

17. Please detail any additional comments on the costs, benefits or impacts of this policy.