



Maritime &
Coastguard
Agency

Consultation Report: The Merchant Shipping (Port State Control) Regulations 2026

November 2025

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Section 1: Introduction

- 1.1 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).
- 1.2 The 2011 Regulations deal with the Paris Memorandum of Understanding (Paris MoU) on Port State Control (PSC) which is a well-established international regime for the inspection of foreign flagged vessels to check compliance with international standards that reduces the risk they pose to health, safety and the environment. The UK has been a signatory to the agreement since January 1982.
- 1.3 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.
- 1.4 The proposed 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.
- 1.5 The UK Port State Control legislation needs to be updated to reflect updates to the text of the Paris MoU that now reference additional International Conventions to those originally stipulated. The proposed 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 are implemented in UK law through other Merchant Shipping Regulations and therefore are already liable to be inspected, so there is no change to onboard inspection practice.
- 1.6 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:
 - 1.6.1 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 (Revocation and Reform) Act 2023 powers in conjunction with sections 85 and 86 of the Merchant Shipping Act (1995) (as amended).
 - 1.6.2 Interpretation: Define the term "member states" (referring in the 2011 Regulations 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.
 - 1.6.3 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.

1.6.4 Procedures: The proposed referencing updates 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.

1.7 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.

1.8 The MCA would like to thank all those who responded.

Section 2: Key Findings

- 2.1 The majority of responses were in agreement or in a neutral position. A couple of suggestions have been taken into consideration which are detailed in this section below.
- 2.2 It was noted that in regulation 23(5)(a) of the draft Regulations there is a requirement for the electronic submission of a call sign. The respondent considered this to be in surplus of normal port communications as on electronic submission a call sign is not easily identified if there was an error in entry. This comment came from an industry association where the relevant procedures are frequently used and it was therefore considered advisable to take note of the comment.
- 2.3 It was noted that the draft Regulations do not refer to MSN 1832(M). A Merchant Shipping Notice (MSN) would usually state mandatory requirements not mentioned in the parent Regulations and the MSN would be required to be underpinned by the Regulations.
- 2.4 The government accepts this comment. The draft MSN 1832(M) published with the consultation does not itself impose any mandatory requirements therefore, it can be converted to a Marine Guidance Note (MGN). There is no requirement for an MGN to be underpinned by the Regulations as MGNs do not impose mandatory requirements.
- 2.5 It was also noted that the draft Regulations do not include Paris MOU instructions in relation to inspections unlike the equivalent EU Directive.
- 2.6 A section has been added to the Marine Guidance Notice about this. It has been noted that the government is restricted in its ability to provide all of these instructions by the Paris MoU confidentiality requirements.

Section 3: Summary of Responses

3.1 Please see below the questions posed and summary of responses.

Question 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?

Responses- all responses confirmed they agree with the proposal.

Government Comments- The government welcomes unanimous support for this measure.

Question 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?

Responses- all responses confirmed they agree with the approach with one caveating that agreement to say only if all requirements affecting a PSC inspection are fully incorporated into UK law.

Government Comments- The government appreciates the support for this measure.

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

Responses- there were a mix of responses possibly as a result of the wording of the question. The respondents either did not think there would be a positive or negative impact, had no comment/neutral position, one agreed as it was in alignment with Paris MoU on PSC text and one believed it would be negative if PSC legislation in the UK would be different from other Paris MoU members.

Government Comments- The government appreciates the responses to the question which seem to confirm that there will not be any negative impacts by omission and the agreement that the proposed Regulations align with the Paris MoU. In response to the caution around negative impact if the UK transposition of the updates will differ from the other Paris MoU members, the Government notes that the changes bring the position in the UK in alignment with the latest updates to the Paris MoU, without exceeding it.

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

Responses- most agreed there would be no impact on small or micro businesses or had a neutral/no comment position. One referred to their response to question 2 referring to only if all requirements affecting a PSC inspection are fully incorporated into UK law.

Government Comments- The government appreciate the responses received and does not believe that any of these responses have highlighted any impacts on small or micro businesses.

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

Responses- all who expressed an opinion agreed.

Government Comments- The government appreciates the positive feedback on this.

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

Responses- One respondent left this blank, but the others had comments.

A respondent mentions that they found the draft Regulations fundamentally sound.

A respondent noted that the draft Regulations exclude pleasure craft not involved in trade and believe it may be beneficial for PSC to have the ability to confirm that pleasure craft, including superyachts, meet applicable minimum standards.

A respondent noted that regulation 23(5)(a) of the draft Regulations requires the electronic submission of a call sign. They considered this to be surplus of normal port communications as an electronic submission a call sign, by nature, is not easily identified if there was an error in entry.

A respondent made two additional comments. One was noting that MSN 1832(M) does not seem to match the definition for an MSN provided in the Code of Safe Working Practices (COSWOP) and is not incorporated into any legislative instrument therefore, lacking mandatory effect.

The other was in relation to the Paris MoU instructions in relation to inspections, the respondent wished the Regulations to include the instructions in relation to inspections and reference the equivalent EU Directive.

Government Comments-

The government appreciates the comment in relation to the draft Regulations being fundamentally sound.

The government notes the comments in relation to the exclusion of pleasure craft not involved in trade. This UK legislation is designed to reflect only the Paris MOU requirements and applicability and not to go beyond them. The vessels mentioned in the respondent's comments fall outside the Paris MoU Port State Control Regime. Under the Merchant Shipping Act 1995, British and foreign pleasure craft are still liable for inspection, however not under the Paris MOU Port State Control Regime, hence their exclusion from the proposed regulations. The applicability of Port State Control has been agreed as part of the Paris MOU.

The government appreciates the comment made in relation to regulation 23(5)(a) and will remove the reference to call sign in the context of pilots reporting anomalies. (It is, however, required for arrival messages from the ships and harbourmasters, and will still be reported by inspectors).

The government thanks the respondent who made the last two comments. In relation to MSN 1832(M), the comments have been acknowledged and the government on the whole agrees. The intention is to convert MSN 1832(M) to a Marine Guidance Note (MGN).

In relation to Paris MoU instructions, a section has been added to the Marine Guidance Notice to reflect the status of these instructions and noting that many of these are available through the Paris MoU, although not all are due to Paris MoU confidentiality restrictions.

Section 4: MCA Response

- 4.1 The government welcomes the comments provided by respondents and believes that for the most part the approach of the new Regulations is robust.
- 4.2 However, changes will be made in that the reference to electronic reporting of call signs in regulation 23(5) which deals with the content of information pilots are required to provide when reporting anomalies will be revised.
- 4.3 In response to the comments in relation to MSN 1832(M), a notice issued by the MCA only needs to be underpinned by an SI when it includes something that is mandatory which is not included in the SI. If the notice does not include anything mandatory, which is not also referenced in the SI, it does not need to be an MSN, it can be an MGN. There is nothing mandatory in MSN 1832(M) so therefore it can be converted into an MGN.
- 4.4 In response to the comments on the lack of instructions for inspections the government will provide some detail in the MGN, noting that the government are unable to publish all the instructions as this goes against Paris MoU confidentiality requirements and a number are publicly available via the Paris MoU. Consideration will be given to publishing a list of the instructions, but the benefit of this is limited as it will not be possible to make the content of some available.
- 4.5 The government will finalise the Regulations with a view to bringing them into force during 2026.

Section 5: Who Responded

5.1 The consultation was carried out between 04 July and 1 August 2025. It was posted on GOV.UK, notified to stakeholders comprising government and industry representatives, including representative groups, and industry stakeholders.

5.2 A total of 5 consultation responses were received:

- Ship Owner
- Industry Association
- Individual with connections to industry
- International Industry Organisation
- International Industry Association