Department for Transport

# Strengthening Seafarer Protections

## Government Response to Consultation



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# 1. Executive summary

## Introduction

1.1 The Strengthening Seafarer Protections Consultation sought views on proposals to regulate pay and patterns of work and rest on UK-France and UK-Channel Island services using powers under the Seafarers' (Wages and Working Conditions) Act 2023, as amended by the Employment Rights Act 2025.The proposed regulations would make access to UK ports conditional on payment of National Minimum Wage equivalent (NMWe)[1] on the whole route, and limiting the maximum period of service aboard to (in most cases) 14 days, followed by at least an equal period of rest.

1.2 This goes further than the existing Seafarers' Wages Regulations 2024, which require payment of NMWe while in UK waters on any international route where the service calls at a UK port 120 times a year. As with the existing requirements under the Seafarers' Wages Regulations 2024, the consultation proposed that harbour authorities must request that operators provide them with a declaration confirming that they are complying with the remuneration and period of service requirements. If a declaration is not provided, the harbour authority must impose a surcharge on the operator in respect of each time a vessel providing the service calls at the port. If the surcharge is not paid, the harbour authority must refuse access to the operator. The proposals target the most frequent services to the UK because of their close connection to the UK, and so mainly cover ferry services.

1.3 The consultation sought views on the scope of the measures, how they should operate in practice and the compliance mechanism.

## Who was consulted

1.4 The consultation was open to the public to respond. We particularly encouraged responses from industry, including ferry and shipping operators, harbour authorities, seafarer representatives and trade unions.

[1] The Act does not give seafarers any entitlement as an individual to the National Minimum Wage under the National Minimum Wage Act. Instead it requires that they are paid an equivalent rate to the National Minimum Wage as a condition of port access.

## Consultation period

1.5 The Strengthening Seafarer Protections Consultation ran for six weeks, from 5 June to 17 July 2026. The Department invited responses to be submitted through the Government's online consultation survey, by email or post.

## Summary of activity during consultation period

1.6 The consultation sought views from a broad range of stakeholders across the maritime sector to inform the development of future policy proposals.

1.7 Prior to the launch of the consultation, officials undertook targeted engagement with representative organisations, including trade unions and industry trade bodies, to help shape the consultation proposals and ensure that the issues under consideration reflected stakeholder priorities and operational realities.

1.8 During the consultation period, the Department supplemented the written consultation with a programme of stakeholder engagement activities. This included dedicated workshops with ferry and shipping operators, trade unions, and harbour authorities, providing stakeholders with the opportunity to discuss the proposals in greater detail, raise queries, and share evidence on the potential impacts of the measures.

1.9 These engagement activities supported the formal consultation process by facilitating constructive dialogue between government and key maritime stakeholders and helped to ensure that a full range of perspectives was captured alongside the written consultation responses.

## Methodology

1.10 The consultation sought views on policy proposals for regulations under the new powers in the Seafarers' (Wages and Working Conditions) Act 2023.

1.11 The consultation asked a total of 12 questions. The questions covered four areas: scope, remuneration, safe working, and declarations, surcharges and refusal of access.

1.12 Respondents were invited to answer whether or not they agreed with the proposals, and to provide further comments in free text elaborating on their response.

## Summary of responses

1.13 A total of **119 responses** were received from trade associations, operators, unions, academics, a port authority, individual seafarers and members of the public. Twenty-four of these were received by email and 95 were received through the online survey.

1.14 The table below sets out the types of respondents:

| Types of respondent | Number of responses |
|---|---|
| **Individuals** | 104 |
| **Operators** | 6 |
| **Trade unions** | 3 |
| **Trade associations** | 3 |
| **Academics** | 2 |
| **Harbour authorities** | 1 |

1.15 Many respondents who responded by email did not express their views on a question-by-question basis, providing written responses that focused on areas of specific interest to them or areas where they had strong views. Similarly, many of the online responses answered “don’t know” for the majority of the questions.

1.16 Overall, respondents broadly supported the objective of improving protections for seafarers and promoting fair competition in the ferry sector. However, views differed on the appropriate extent of regulation, whether the specific measures were appropriate and how the measures should be implemented.

1.17 On the scope of the measures, many responses were supportive and considered that the services covered by the proposals have a sufficient link to the UK labour market that they should be covered by the proposed protections. Some argued that the proposals should go further and cover a wider range of routes, as well as services calling less frequently at UK ports. There were also calls to regulate roster patterns on domestic services, which are not in scope of this legislation. Others that opposed the proposals raised concerns about the UK regulating employment matters on international voyages outside of UK territorial waters, citing jurisdictional issues and regulatory overreach.

1.18 On the proposed remuneration regulations, many responses were supportive of requiring National Minimum Wage equivalent to be paid on the whole route on UK-France and UK-Channel Island services. Those that disagreed with the scope of the regulations re-emphasised here that they did not believe that the UK should regulate employment conditions beyond UK territorial waters. There was some support for it to be expanded to cover other types of remuneration, including holiday pay, sick pay, pensions, maternity/paternity pay and leave. Most responses did not call for any changes to how NMWe is calculated, but some called for clearer pay calculations. There were also mixed views around the application of an accommodation offset for seafarers.

1.19 Responses to the safe working proposals were mixed. The proposal to limit periods of service on board to 14 days followed by an equal period of leave received significant opposition, primarily from individual seafarers who favoured greater flexibility to manage family and personal commitments. However, trade unions,

academics and some operators considered the proposal an important measure to reduce fatigue and support safety. There were also mixed views on the 21 day limit for those training to qualify as an officer or rating, with some respondents agreeing that 21 days struck the correct balance between the wellbeing and safety of trainees and allowing them to complete their qualifications, while others said that 21 days is too restrictive and will make it difficult for trainees to achieve enough sea-time to qualify. Respondents generally recognised the importance of fatigue management, although opinions differed on whether further regulatory requirements would provide benefits beyond existing maritime safety frameworks.

1.20 Responses on the compliance framework showed broad support for maintaining alignment with the existing processes for requesting declarations, imposing and paying surcharges and refusing access under the Seafarers Wages Regulations 2024 in order to minimise complexity and administrative burdens. However, views were more divided on the proposed enforcement measures. While most respondents agreed that the proposed surcharge tariffs would provide a meaningful incentive to comply with the regulations, others questioned their proportionality and sought stronger safeguards around the refusal of access process. Port representatives also reiterated concerns about the administrative responsibilities placed on harbour authorities and their role in enforcing employment-related requirements.

## Summary of government's conclusions

1.21 The consultation demonstrated broad support for the government's objective of strengthening protections for seafarers operating on regular services with close links to the UK. While views differed on the appropriate scope of regulation and on some of the detailed proposals, the Government remains of the view that action is necessary to support fair competition and to protect seafarers working on these routes.

1.22 The government will proceed with regulations applying to services operating between the UK and France and between the UK and the Channel Islands that call at a UK port at least 120 times per year. The Government considers that these routes have sufficiently close links to the UK and notes that agreement has been reached with the relevant jurisdictions to regulate beyond UK waters.

1.23 The government will proceed with regulations requiring payment of NMWe for the entirety of journeys on services within scope. The regulations will not include an accommodation offset, consistent with the approach taken in the Seafarers' Wages Regulations 2024. The NMWe will continue to align with the UK NMW. The French legislation will require operators to comply with its minimum wage. Where the two rates differ, each country will be responsible for enforcing its own legislation. Operators will have to assure themselves that they are compliant with both to avoid any enforcement action.

1.24 When considering the mixed response to the proposed limitations on time spent on board, and the calls for flexibility, the government must prioritise the safety of passengers and crew. It has concluded that maintaining alignment with the French regime remains the most effective and enforceable approach. The regulations will therefore limit time spent on board to 14 days for seafarers and 21 days for those

undertaking training to qualify as an officer or rating, and will require an equal period of time ashore to rest.

1.25 Respondents generally supported maintaining alignment with the existing Seafarers' Wages regime for declarations and enforcement processes. While some stakeholders raised concerns about surcharge levels and the role of harbour authorities, the Government considers that the proposed compliance framework strikes an appropriate balance between minimising administrative burdens and ensuring effective enforcement.

# 2. Scope

## Proposals

2.1 The consultation document set out that these regulations are proposed to apply only to services between the UK and France and the Channel Islands. This will cover the most intensive international ferry routes to the UK. The proposals are limited in such a way because at present, France is our only neighbouring country with whom we have reached an agreement to legislate on services to, beyond UK waters. We have also chosen to replicate the French legislation which covers services to the Channel Islands as well as the UK to ensure consistency on Channel Island services.

2.2 The document also proposed that these regulations would apply to services calling at any UK port at least 120 times per year, as with the existing Seafarers' Wages Act and the French regulations. We do have a power to require a higher frequency requirement in regulations. This frequency requirement will bring into scope all passenger ferry services.

## Feedback

2.3 The consultation asked, "Do you agree or disagree that the safe working and remuneration declarations should apply to all sea services between the UK and France and Channel Islands, that visit a UK port at least 120 times a year?".

2.4 Out of the 106 who responded to this question, 51% agreed with this statement, while 30% disagreed and 19% did not know or gave a mixed response. The remaining responses did not answer this question.

2.5 Respondents who agreed generally cited the strong connection between the proposed routes and the UK labour market as justification for extending these protections. Those who disagreed raised concerns about the UK regulating employment matters on international voyages outside of UK territorial waters, citing jurisdictional issues and regulatory overreach.

2.6 Some respondents who gave mixed responses agreed that these services should be included but argued that the requirements should also be extended to routes serving other countries. One respondent noted that domestic services are excluded from the

regulations despite operating with similar frequency and intensity to routes between the UK, France and the Channel Islands. Some respondents also called for the frequency threshold to be lowered to bring a greater number of services within scope.

## Government response

2.7 The proposals are intended to protect seafarers who have a close connection to the UK through their work on services that call at UK ports multiple times each week. The Government's position is that these seafarers have sufficiently close ties to the UK to justify measures that protect their employment conditions and ensure safe working practices.

2.8 The requirements will apply only as a condition of entry to UK ports, over which the UK has jurisdiction in relation to visiting ships. The powers available under the Act are targeted at a narrow subset of operations with close links to the UK: regular services meeting clear and objective criteria. Specifically, the measures apply to services for the carriage of passengers or goods by ship between a place outside the UK and a place within the UK that have called at a UK harbour at least 120 times within a year.

2.9 The threshold of 120 annual port calls was established through consultation during the development of the Seafarers' Wages Act 2023, which captures ferry services. The French legislation applies the same threshold. The Government remains of the view that this frequency requirement appropriately targets protections at seafarers with the closest links to the UK while also maintaining alignment with the French approach.

2.10 These regulations will apply only to services operating between the UK and France or between the UK and the Channel Islands, where agreement has been reached to regulate beyond UK waters. The Government would welcome extending similar protections to international services operating to other countries in the future. However, before taking such steps it would seek the agreement of the state at the other end of the route. The Government will continue to engage with international partners on seafarer protections through both bilateral and multilateral forums.

2.11 Domestic services are already covered by National Minimum Wage requirements under the National Minimum Wage Act 1998. However, because they are not covered by these proposals, they will not be subject to the requirements relating to tours of duty. These regulations are made using powers in the Seafarers' (Wages and Working Conditions) Act 2023, which were specifically designed for international services and operate by making compliance a condition of access to UK ports. As a result, these powers cannot be used to regulate domestic services. Government will keep under review whether a different legislative mechanism could be used to introduce similar requirements for domestic services.

# 3. Remuneration

## Proposals

3.1 The government proposes that regulations will require payment of the UK national minimum wage equivalent on services in scope of the regulations for the entire journey, and not just UK territorial waters as is currently required by the existing Seafarers' Wages Regulations. The consultation document explained that this would mean replicating the existing Seafarers' Wages Regulations 2024, except it will not include the calculation in those regulations which allows for UK NMWe to be paid only in UK waters. As with the existing regulations, the rate would mirror the National Minimum Wage Regulations and will be uprated annually, following recommendations from the Low Pay Commission.

3.2 It was also proposed that the same approach to deductions would also be taken, minus adjustments for the UK additional rate. This means that as with the Seafarers' Wages Regulations, the accommodation offset that applies to the NMW, allowing deductions to be made for accommodation without reducing pay for the purposes of calculation NMW, would not apply.

## Feedback

3.3 The consultation asked three questions on the proposed remuneration regulations.

3.4 The first was, "Do you agree with the use of the remuneration regulations to require payment of the equivalent of national minimum wage for the entirety of cross-Channel routes?".

3.5 Out of the 105 who answered this question, 83% agreed with the proposal, with 7% disagreeing and 10% answering that they do not know or giving a mixed response. The remaining responses did not answer this question.

3.6 Those that agreed with this question generally argued that this proposal would protect seafarers from being underpaid and would create a level playing field by preventing competing operators from undercutting each other on wages.

3.7 As with the question on scope, those that opposed the proposal argued that the UK should not regulate employment conditions beyond UK territorial waters.

3.8 The second question asked, “What, if any, other types of remuneration do you think these powers should be used to regulate?”. Thirty-eight respondents answered this question. Suggestions included holiday pay, sick pay, pensions, maternity and paternity leave.

3.9 The third question asked, “Are there any parts of the existing seafarers’ wages regulations that ought to be adapted for in their application in remuneration regulations to the whole of the journey between UK and France?”. Twenty-nine respondents provided an answer to this question. Many said that there were no changes that they would ask for. In particular, some of those responses asked that the new regulations maintain the lack of accommodation offset for seafarers, meaning that operators cannot charge for accommodation without it reducing the seafarers’ pay for the purposes of calculating whether they are being paid NMWe. However, some responses from industry asked that the accommodation offset should be included, since the National Minimum Wage regulations do not currently exempt seafarers on domestic services that are entitled to NMW from the offset. Others asked for clearer pay calculations, greater transparency over hourly rates and rules on currency conversion.

## Government’s response

3.10 Seafarers working on services in scope of these proposals have such a close working connection to the UK by virtue of how often they work in the UK and its waters that the government considers that it is right that their pay should be comparable to those working shore side in the UK. These proposals will build on the existing requirements imposed by the Seafarers’ Wages Act and Regulations by ensuring that seafarers must be paid NMWe for the whole journey, and not just in UK waters. This will remove any risk that operators may pay less outside UK waters in order to reduce overall wage costs and will simplify enforcement of the legislation since one rate will apply to the whole journey.

3.11 The accommodation offset will not be included in these regulations. In 2022, the Low Pay Commission recommended that the accommodation offset in the National Minimum Wage Regulations should be removed for seafarers since they do not have the option of finding alternative accommodation and must sleep on board the ship.[2] In light of this recommendation, The Department for Transport did not include an accommodation offset in the Seafarers’ Wages Regulations 2024. The Department for Business, Innovation, Science and Trade will respond in due course to the Low Pay Commission’s recommendation in respect of the National Minimum Wage Regulations and how they apply to qualifying seafarers.

3.12 We recognise the calls from some stakeholders to regulate other areas of seafarer remuneration. We are only using the powers in the Act to regulate outside UK waters where we have agreement to do so with the country at the other end of the journey.

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[2]https://assets.publishing.service.gov.uk/media/63c7ed5bd3bf7f6bece2bfed/Low_Pay_Commission_Report_2022.pdf

Currently, we only have agreement with France to regulate pay and roster patterns and so we will not be regulating other matters at this time. However, we will keep this under review with our international partners.

# 4. Safe working

## Proposals

4.1 We consulted on the proposal to require that seafarers working on services in scope of the legislation must have a maximum period of service aboard of no more than 14 days, followed by an equal period of leave, or 21 days for those in training.

## Feedback

4.2 The consultation asked four questions relating to safe working regulations.

4.3 The first question was, “Do you agree with a maximum period of service aboard of no more than 14 days, followed by an equal period of leave?”.

4.4 Out of the 115 who answered this question, 17% agreed with this proposal, while 81% disagreed and 2% did not know. The remainder of respondents did not answer this question.

4.5 The majority of respondents that disagreed with this question were individual seafarers. They said that while they did not disagree with two weeks on, two weeks off being the usual working pattern, they would appreciate greater flexibility to occasionally spend up to three weeks onboard to allow them to swap shifts with colleagues to enable them to attend family events or to enable them to have three weeks off for childcare purposes or to be able to go on extended holidays without losing any pay. They told us that before the French legislation came into force, which already limits time on board to two weeks, they were able to amend their working patterns in this way but now this is not possible and it has impacted their family life. Some operators and industry representatives also disagreed with the proposal, as they opposed the UK government seeking to regulate beyond its waters and consider that fatigue is already sufficiently managed by existing international and flag state requirements. Operators also asked that some provision be made for unforeseen circumstances where seafarers may need to stay on board longer for safety purposes, such as adverse weather conditions.

4.6 Those that agreed with the proposal included unions, academics and some operators, who viewed the proposed limitation as being important for fatigue

management and safety. Responses referred to the particularly intense services that would be caught by this legislation, and the cumulative fatigue that arises from working long shifts before being able to rest ashore. They pointed to risks to both passenger safety and seafarer wellbeing arising from such fatigue.

4.7 The second question asked, “Do you agree that those in training should have a maximum period of service aboard of no more than 21 days, with an equal period of leave?”.

4.8 Out of the 103 who answered this question, 46% agreed, while 36% disagreed and 18% did not know. The remainder of respondents did not answer this question. Those that agreed with this proposal, including trade unions, academics and some operators, who viewed this proposal as a sensible balance between allowing trainees sufficient time on board to fulfil their training needs, while prioritising their welfare and safety concerns. However, those in the industry that disagreed, including operators, trade associations and some seafarers, argued that this proposal would increase the time it would take trainees to acquire enough sea-time to complete their qualifications. They said that this could create a barrier to entry into the profession.

4.9 The third and fourth questions asked, “Do you think it would be beneficial to require fatigue management plans?” and “What, if any, elements of fatigue management plans should be required?”. Out of the 103 that answered the question, 55% agreed that requiring fatigue management plans would be beneficial, while 14% disagreed and 31% did not know. Most respondents agreed on the importance of fatigue management for safety and wellbeing. Suggestions for elements that should be required included fatigue risk assessments which should be route specific, monitoring working hours and recording rest periods, staffing levels, training and mental wellbeing measures. Those that disagreed with the idea of using regulation to require fatigue management plans argued that the existing maritime safety requirements provided adequate controls and additional regulations would create duplication.

## Government response

4.10 Safety of passengers and crew is of the utmost importance to the government, as well as the wellbeing of seafarers. Long periods at sea are inappropriate for frequent passenger services crossing one of the world’s busiest shipping lanes due to the intensity of the work and the cumulative impact that fatigue can have on seafarers working on such routes, as described by many respondents.

4.11 It is also important that the UK maintains alignment with the French government. Introducing different requirements on the same routes would result in the least restrictive approach having no effect, since operators would still have to comply with the more restrictive legislation. It would also create a confusing regulatory landscape which may impact compliance and enforcement.

4.12 As proposed, the regulations will therefore require that seafarers must not exceed two weeks onboard, unless they are undergoing training for the purposes of qualifying as an officer or rating in which case they may not exceed 21 days onboard. They also must have an equal period of rest ashore, during which time they must not be working, or available to work.

4.13 We recognise that the approach of mirroring the French legislation does not provide the greater flexibility sought in responses from seafarers, such as to be able to occasionally work on board for three weeks. However, acting unilaterally to provide for more flexibility in the UK's legislation where the French legislation does not, would not in practice provide more flexibility to seafarers, as operators would still have to comply with the French legislation. We will keep under review whether greater flexibility could be provided in future, while noting the importance of maintaining appropriate limits on the length of tours of duty and of the UK and France maintaining a consistent regulatory approach. We encourage operators to work with their staff to find ways to provide flexibility within the requirements of the legislation. We will be applying the same standards to Channel Island services to maintain the same safety standards across all routes for which we are legislating and to avoid distortive effects on the labour market.

4.14 In response to the feedback from operators that in exceptional circumstances, seafarers may sometimes need to spend longer on board to allow for the continued safe operation of the vessel, we will include provision in the regulations for the 14- or 21-day limit to be exceeded where necessary for reasons beyond the control of the operator and that could not have been reasonably avoided. It must only be exceeded as long as is necessitated by the circumstances.

4.15 The responses on fatigue management plans were useful. As indicated in the consultation, we will not be requiring fatigue management plans in these regulations, but we will use the responses to inform further consideration.

# 5. Declarations, surcharges and refusal of access

## Proposals

5.1 The consultation explained that under the proposals, for services in scope the existing equivalence declaration in the Seafarers' Wages Regulations 2024 would no longer be required and would be replaced by a remuneration declaration for the wage requirements and a safe working declaration

5.2 The timescales for requesting and providing remuneration and safe working declarations would mirror those for the existing equivalence declarations set out in the Seafarers' Wages Regulations 2024.

5.3 Harbour authorities would have to request declarations within 28 days of the start of the year to which the declaration relates or, if later, within 28 days of having reasonable grounds to believe an operator is in scope of the requirements. The operator would then have three months to provide the declaration.

5.4 The declarations would confirm that seafarers on the service are meeting the requirements of the remuneration and safe working declarations during the relevant year. The relevant year will be the same as that applying to equivalence declarations (1 December to 30 November). The first relevant year would start on 1 December 2026.

5.5 If the operator does not provide a declaration, or if a service is operated inconsistently with a declaration, the act sets out that the harbour authority will require them to pay a surcharge. The same processes and timescales for payment would apply as in the Seafarers' Wages Regulations 2024.

5.6 The consultation document also set out the proposed surcharge tariffs relating to remuneration and safe working declarations. These are:

| Passenger Capacity | Remuneration (up to 50,000 GT) | Remuneration (beyond 50,000 GT) | Safe Working (up to 50,000 GT) | Safe Working (beyond 50,000 GT) |
|---|---|---|---|---|
| 12 or fewer passengers | 9p per GT | 1p per GT | 20p per GT | 1p per GT |
| More than 12 passengers | 18p per GT | 2p per GT | 40p per GT | 2p per GT |

5.7 It is proposed that, as under the existing regulations, when a surcharge applies, harbour authorities would have to notify operators about the imposition of a surcharge within 14 days, beginning with the day on which the duty to impose the surcharge arises. This is intended to allow operators to bundle up a number of surcharges in a single surcharge notification.

5.8 Operators would then have 60 days from beginning with the day after the day on which the surcharge notification was sent to make payment.

5.9 The harbour authority would then notify the Secretary of State (in practice, via the Maritime and Coastguard Agency (MCA) within seven days, beginning with the day on which the surcharge notification is sent to the operator. The MCA will publish details of surcharges that have been imposed on its website.

5.10 It is proposed that the same requirements should apply to surcharges relating to both remuneration and safe working regulations.

5.11 As under the existing Seafarers' Wages Regulations 2024, failure to pay a surcharge would result in the harbour authority refusing access to the operator. The same process would apply as in the Seafarers' Wages Regulations. A harbour authority must send a refusal of access notification to the operator so that it is received by the operator within the period of five days beginning with the day 45 days after the day on which the surcharge notification was sent.

## Feedback

5.12 We asked four questions relating to the proposed compliance process. The first was, "Do you agree that the timescales for providing safe working and remuneration

declarations should be the same as those for the existing equivalence declarations?". Out of the 99 who answered this question, 57% agreed, with 8% disagreeing and 35% didn't know. The rest of the respondents did not answer this question. Those that agreed supported alignment with the existing process in order to ease the administrative burden of the new requirements. Some parts of industry disagreed, arguing that more time may be required to provide declarations than under the existing arrangements since two declarations rather than one would be required.

5.13 The second question asked, "Do you agree that the same relevant year should apply for safe working and remuneration declarations as for equivalence declarations?". Out of the 97 who answered this question, 57% answered that they agreed, with 4% disagreeing and 39% did not know. The rest of the respondents did not answer this question. The reason given for agreeing to the same relevant year was to simplify the process for ports and operators. There were suggestions from those that disagreed that the relevant year should be adjusted to align with the financial or calendar year.

5.14 The third question asked, "Do you agree with the proposed surcharge tariff for A) remuneration declarations; B) Safe working declarations?". For remuneration declarations, out of the 95 who answered the question, 47% agreed, while 6% disagreed and 46% did not know. For safe working declarations, out of the 97 who answered the question, 48% agreed, while 8% disagreed and 43% did not know. Reasons given for supporting the surcharge tariffs were that the penalties must outweigh the benefits of non-compliance. Those that disagreed argued that the tariffs must be proportionate and that the government had not sufficiently justified the rates.

5.15 The fourth question asked "Do you agree with the timescales for communicating refusal of access?". Out of the 97 who answered the question, 57% agreed, while 3% disagreed and 40% did not know. The rest of the respondents did not answer the question. As with the previous question on timelines for declarations, reasons given were to maintain alignment with the existing Seafarers' Wages Regulations and reduce additional burdens. Industry respondents that disagreed sought assurances that access should not be refused to an operator if they have lodged an objection to the surcharge until the Secretary of State has made a decision. They also called for safeguards where there are operational circumstances which should prevent access being refused such as vessel safety, passengers, freight, port resilience, supply chains, environmental protection and wider public interest considerations.

5.16 There were also more general comments made about the compliance process from ports and port industry representatives. They oppose the role that ports are given under the legislation to request declaration and impose surcharges and refuse access. They argue that harbour authorities should not be concerned with the level of pay on ships using their ports, and that the legislation places an inappropriate administrative burden on them. They also argued that should an operator disagree with how a harbour authority has exercised its function, they could suffer legal and reputational impacts.

## Government response

5.17 It is important to ensure that the regulations are simple for ports and operators to apply in order to minimise administrative burdens and to support compliance.

Applying to the new regulations the same processes and timescales that already exist in the Seafarers' Wages Regulations 2024 and were developed in consultation with industry will avoid creating unnecessary new rules. We disagree that the requirement under the new regulations for two declarations rather than one should mean that longer timescales be allowed for providing declarations. Under the Seafarers' Wages Regulations 2024, and as proposed for these regulations, operators have 3 months from the harbour authority's request to provide a declaration. Since the harbour authority has 28 days from the 1 December, or from having reasonable grounds to believe a service to be in scope, to make the request, operators of established services will know in advance when a request is likely to be made. The government considers that this gives them sufficient time to satisfy themselves that they can provide a declaration and to submit it. We will not be making any changes to the proposed timescales for declarations on this basis.

5.18 The relevant year, which is the period to which a declaration applies, is 1 December-30 November under the Seafarers' Wages Regulations 2024. To avoid coming out of alignment with the existing requirements, we will be applying the existing relevant year to the new regulations.

5.19 The surcharge tariff has been developed with reference to the estimated costs of compliance in the impact assessment, in order to ensure that it is never cheaper to pay the surcharge than to comply with the regulations. As it will be more costly for operators to comply with the new remuneration regulations and safe working regulations which apply across the whole journey than with equivalence declarations, higher surcharges are necessary in order to incentivise compliance. To ensure proportionality, we have proposed separate surcharges for safe working and remuneration declarations so that each tariff reflects the cost of compliance.

5.20 As in the Seafarers' Wages Regulations 2024, the tariff is based on the gross tonnage (GT) of the ships providing the service. As established from data received from operators during the consultation on those regulations, there is a correlation between GT and the number of seafarers on board. The more seafarers on board, the higher the cost of compliance, and so this metric has been chosen with proportionality in mind. It is also simple for harbour authorities to apply.

5.21 The cost of compliance per vessel was calculated by estimating the number of additional seafarers needed to implement the new tours of service requirements and making assumptions around annual pay, as well as the cost of paying NMW equivalent rates to low paid ratings across the whole route (excluding UK waters, which is already accounted for in the Seafarers' Wages Act). This was estimated on a per vessel basis, and the surcharge by considering a range of vessel sizes and their cost of compliance.

5.22 We will keep the surcharge rates under review following implementation. The rates will need to be continually reviewed as the NMW/National Minimum Wage equivalent is updated to ensure that it remains a deterrent, but we can also assess the impact of any surcharges that have been paid and whether harbour authorities access to crew lists or crew numbers changes in the future.

5.23 As with the timescales for declarations, we will apply the same timescales and process for refusal of access notification as in the existing Seafarers' Wages

Regulations 2024. We appreciate the concern about vessels being refused access in circumstances that are not safe, and so the Seafarers' (Wages and Working Conditions) Act 2023 provides that harbour authorities must not refuse access to the harbour in cases of *force majeure*; where there are overriding safety concerns; where there is a need to reduce or minimise the risk of pollution; or where there is a need to rectify deficiencies on the ship. The Secretary of State also has a power to direct a harbour authority not to refuse access as an additional safeguard.

5.24 In response to the concerns raised about having to pay a surcharge while an objection is being considered or have access refused, we have not changed our position on this as set out in the government response to the Seafarers' Wages Regulations consultation.[3] If we freeze the deadline for paying the surcharge while an objection is being considered, we might encourage abuse of the objection process. Operators could raise objections to avoid or delay paying the surcharge which would be an administrative burden for the Maritime and Coastguard Agency and would weaken the deterrent effect of the surcharge. We will therefore not be changing this provision. We consider the deadline for paying the surcharge of 60 days to be generous enough to allow the operator to take steps to avoid refusal of access.

5.25 We appreciate the feedback from the ports sector about its continued opposition to its role in the compliance process. The government still considers that the administrative role given to ports is proportionate. The MCA continues to be responsible for enforcement of the legislation. We would encourage harbour authorities to engage with the MCA about any issues relating to the exercise of its duties under the legislation. The MCA has contacted all ports with services in scope of the existing Seafarers' Wages Regulations 2024 and have been carrying out visits to support compliance.

[3] https://assets.publishing.service.gov.uk/media/67078d4c080bdf716392f0fb/government-response-to-the-seafarers-wages-regulations-consultation-part-1-and-2.pdf page 14-15

# 6. Next steps

6.1 The Regulations will be laid in Parliament on 4 November 2026 and come into force on 1 December 2026. This response is published alongside guidance, which has been updated from the guidance on the Seafarers' Wages Regulations 2024. [4]It now covers both sets of regulations.

6.2 The government will continue to engage with neighbouring countries and the European Commission to promote our ambition to strengthen seafarer protections on more international routes to the UK. It will also consider whether further protections beyond the existing application of UK employment rights, such as limitations on time spent onboard, on domestic routes are necessary.

6.3 The Regulations state that a post-implementation review will be carried out within 5 years of the Regulations coming into force.

6.4 Any concerns about the compliance of a service in scope of the regulations can be reported to mcainvestigations@mcga.gov.uk.

[4] https://www.gov.uk/government/publications/complying-with-seafarer-wage-requirements