

DRAFT FOR CONSULTATION

STATUTORY INSTRUMENTS

2025 No.0000

MERCHANT SHIPPING

The Merchant Shipping (Safety Measures for Ships Carrying Industrial Personnel and Special Personnel) Regulations 2025

Made - - - - - ***
Laid before Parliament ***
Coming into force ***

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SCHEDULE — Amendments

The Secretary of State, after consulting the persons referred to in section 86(4) of the Merchant Shipping Act 1995(a), and in exercise of the powers conferred by sections 85(1), (3), (5) to (7), 86(1)(a), (b), (c) and (d), 302(1) and 306A of that Act, and with the consent of the Treasury, makes the following Regulations.

PART 1

Preliminary

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Merchant Shipping (Safety Measures for Ships Carrying Industrial Personnel and Special Personnel) Regulations 2025 and come into force on [].

(2) These Regulations extend to England and Wales, Scotland and Northern Ireland.

Amendments

2. The amendments specified in the Schedule have effect.

Interpretation

3.—(1) In these Regulations—

“cargo ship” means any ship which is not a passenger ship, a high-speed cargo craft or a special purpose ship;

“constructed” means, in respect of a ship, that the keel of the ship is laid or that the ship is at a similar stage of construction;

“Convention” means the International Convention for the Safety of Life at Sea, 1974(b);

“crew” means all persons carried on board a ship to provide navigation and maintenance of the ship, its machinery, systems and arrangements essential for propulsion and safe navigation or to provide services for other persons on board;

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- (a) 1995 c.21. Sections 85 and 86 were amended by the Merchant Shipping and Maritime Security Act 1997 (c. 28), sections 8 and 29(2) and Schedule 7. Section 85 was amended by the British Overseas Territories Act 2002 (c. 8), section 2(3). Section 306A was inserted by the Deregulation Act 2015 (c. 20), section 106. There are other amendments but none is relevant. Sections 85 and 86 are applied to hovercraft by the Hovercraft (Application of Enactments) Order 1989 (S.I. 1989/1350).
- (b) Cmnd 7874. The Convention may be obtained in copy from the International Maritime Organization (IMO) of 4 Albert Embankment, London SE1 7SR or found on the Foreign, Commonwealth and Development Office (FCDO) treaties database (<https://treaties.fcdo.gov.uk/awweb/pdfopener?md=1&did=79786>). The Convention was modified by its Protocol of 1978 (Cmnd. 8277) (<https://treaties.fcdo.gov.uk/awweb/pdfopener?md=1&did=68013>), which was replaced and abrogated by the Protocol of 1988 (Cm 5044) (<https://treaties.fcdo.gov.uk/awweb/pdfopener?md=1&did=69573>) with respect to the parties to the 1988 Protocol. The amendments to the Convention are available from the IMO of 4 Albert Embankment, London SE1 7SR or found on the FCDO treaties database (<https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch>). Hard copies of the Command Papers are available for inspection free of charge but by appointment at the Parliamentary Archives, Houses of Parliament, London SW1A 0PW. The Parliamentary Archives catalogue numbers for the Command Papers are HL/PO/JO/10/11/2031/2878 (Cmnd 7874), HL/PO/JO/10/11/1959/2032 (Cmnd 8277) and HL/PO/JO/10/11/3156/2280 (Cm 5044).

“special personnel” means a person who is carried on board a ship in connection with the special purpose of that ship or because of special work being carried out on board that ship, but who is not a member of the crew;

“special purpose ship” means a ship which is not a passenger ship and which carries on board an aggregate of more than 12 persons consisting of special personnel and passengers where at least one person is special personnel;

“SPS Code 1983” means the Code of Safety for Special Purpose Ships, 1983(a);

“SPS Code 2008” means the Code of Safety for Special Purpose Ships, 2008(b);

“valid” means in force.

(2) Any reference in these Regulations to the SPS Code 1983 or the SPS Code 2008 includes any amendment or replacement of that Code which is considered by the Secretary of State to be relevant from time to time and which is specified in a Merchant Shipping Notice.

(3) Any reference in Part III, Part IV or Part V of the IP Code to a matter that is expressed as a matter that “should” be discharged must be read as a requirement to discharge.

(4) Any reference in Chapters 2 to 9 of the SPS Code 1983 or Chapters 2 to 9 of the SPS Code 2008 to a matter that is expressed as a matter that “should” be discharged must be read as a requirement to discharge.

Application

4.—(1) Subject to paragraphs (2) and (3), these Regulations apply to—

- (a) cargo ships that carry an aggregate of more than 12 persons consisting of industrial personnel, special personnel and passengers where at least one person is industrial personnel;
- (b) high-speed cargo craft that carry an aggregate of more than 12 persons consisting of industrial personnel, special personnel and passengers where at least one person is industrial personnel; and
- (c) special purpose ships.

(2) These Regulations apply to the ships referred to in paragraph (1) which are—

- (a) United Kingdom ships, wherever they may be; and
- (b) non-United Kingdom ships while they are in United Kingdom waters.

(3) These Regulations do not apply to—

- (a) passenger ships;
- (b) ships of war and naval auxiliary ships;
- (c) ships owned or operated by a State and engaged only on governmental non-commercial service;
- (d) fishing vessels;
- (e) ships not propelled by mechanical means;
- (f) wooden ships of primitive build;
- (g) pleasure vessels;

(a) The SPS Code 1983 was adopted by International Maritime Organization (IMO) Resolution A.534(13) on 17th November 1983 and was amended by IMO Resolutions MSC.542(107), MSC.502(105), MSC.464(101), MSC.453(100) and MSC.183(79). Resolution A.534(13) is available at [https://www.wcdn.imo.org/localresources/en/KnowledgeCentre/IndexofIMOResolutions/AssemblyDocuments/A.534\(13\).pdf](https://www.wcdn.imo.org/localresources/en/KnowledgeCentre/IndexofIMOResolutions/AssemblyDocuments/A.534(13).pdf) and the amending Resolutions are available at <https://www.imo.org/en/KnowledgeCentre/IndexofIMOResolutions/Pages/MSC.aspx>. The Resolutions are also available from the IMO of 4 Albert Embankment, London SE1 7SR.

(b) The SPS Code 2008 was adopted by International Maritime Organization (IMO) Resolution MSC.266(84) on 13th May 2008 and was amended by IMO Resolutions MSC.543(107), MSC.503(105), MSC.445(99) and MSC.408(96). The Resolutions are available from the IMO of 4 Albert Embankment, London SE1 7SR or at <https://www.imo.org/en/KnowledgeCentre/IndexofIMOResolutions/Pages/MSC.aspx>.

- (h) ships solely navigating the Great Lakes of North America and the River St Lawrence as far east as a straight line drawn from Cap des Rosiers to West Point, Anticosti Island and, on the north side of Anticosti Island, the 63rd meridian;
- (i) any high-speed cargo craft which has been issued with a certificate under regulation 13A(1) of the Merchant Shipping (Survey and Certification) Regulations 2015(a) (issue of certificates to HSOSC);
- (j) any ship which has been issued with a certificate under regulation 12(6) of the Merchant Shipping (Small Workboats and Pilot Boats) Regulations 2023(b).

(4) A non-United Kingdom ship flying the flag of a State which is not a party to the Convention is not subject to these Regulations if it would not have been in United Kingdom waters but for stress of weather or any other circumstances which the master, owner or charterer could not have prevented.

(5) Where persons are on board a ship as a consequence of—

- (a) the circumstances described in paragraph (4); or
- (b) an obligation laid upon the master to carry shipwrecked or other persons(c),

those persons are not to be taken into account for the purpose of determining the application to that ship of any provision of these Regulations.

(6) For the purposes of this regulation—

“fishing vessel” means a ship used for catching fish, whales, seals, walrus or other living resources of the sea;

“non-United Kingdom ship” means any ship other than a United Kingdom ship; and

“pleasure vessel” means—

- (a) any vessel which at the time it is being used is—
 - (i) in the case of a vessel wholly owned by—
 - (aa) an individual or individuals, used only for the sport or pleasure of the owner or the immediate family or friends of the owner; or
 - (bb) a body corporate, used only for sport or pleasure and on which the persons on board are employees or officers of the body corporate, or their immediate family or friends; and
 - (ii) on a voyage or excursion which is one for which the owner does not receive money for or in connection with operating the vessel or carrying any person, other than as a contribution to the direct expenses of the operation of the vessel incurred during the voyage or excursion; or
- (b) any vessel wholly owned by or on behalf of a members’ club formed for the purpose of sport or pleasure which, at the time it is being used, is used only for the sport or pleasure of members of that club or their immediate family, and for the use of which any charges levied are paid into club funds and applied for the general use of the club,

where, in the case of any vessel referred to in paragraph (a) or (b), no other payments are made by or on behalf of users of the vessel, other than by the owner; and in this definition “immediate family” means, in relation to an individual, the spouse or civil partner of the individual, and a relative of the individual or the individual’s spouse or civil partner; and “relative” means brother, sister, ancestor or lineal descendant.

Ambulatory reference

5.—(1) In these Regulations, any reference to the IP Code is to be construed—

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- (a) S.I. 2015/508, amended by S.I. 2022/41, S.I. 2022/1219 and these Regulations. There are other amendments but none is relevant.
 - (b) S.I. 2023/1216. The instrument is amended by these Regulations.
 - (c) Regulation 33 in Chapter V of the Convention (safety of navigation) places an obligation on the master to provide assistance to persons in distress at sea. This obligation is implemented in the Merchant Shipping (Safety of Navigation) Regulations 2020 (S.I. 2020/673).

- (a) as a reference to the IP Code as modified from time to time; and
- (b) as, if the IP Code is replaced, a reference to the replacement.

(2) For the purposes of paragraph (1), the IP Code is modified or replaced if the modification or replacement takes effect in accordance with Article VIII of the Convention.

(3) A modification or replacement of the IP Code has effect at the time such modification or replacement comes into force in accordance with Article VIII of the Convention.

Exemptions

6.—(1) The Secretary of State may exempt from the requirements of regulation 11 (requirements for special purpose ships), a ship which does not normally operate as a special purpose ship but which undertakes an exceptional single voyage as a special purpose ship.

(2) The Secretary of State may exempt from the requirements of regulation 11 (requirements for special purpose ships), a special purpose ship to which regulation 11(2) (compliance with the SPS Code 1983) applies and which engages in near-coastal voyages only.

(3) The Secretary of State may, in exceptional circumstances not mentioned in this regulation, exempt from any of the provisions of these Regulations, a ship or class of ship which is 500 gross tonnage or more, if satisfied that compliance with such provision is either impracticable or unreasonable in the case of that ship or class of ship.

(4) The Secretary of State may exempt from any of the provisions of these Regulations, a ship or class of ship which is less than 500 gross tonnage, if satisfied that compliance with such provision is either impracticable or unreasonable in the case of that ship or class of ship.

(5) An exemption under paragraphs (1) to (4) may be granted subject to such safety requirements as the Secretary of State thinks fit to ensure the overall safety of the ship.

(6) An exemption granted under paragraphs (1) to (4) may, on the giving of reasonable notice, be altered or cancelled.

(7) An exemption granted under paragraphs (1) to (4), or an alteration or cancellation under paragraph (6), must—

- (a) be in writing;
- (b) specify the date on which it takes effect; and
- (c) specify the terms, if any, on which it is given.

(8) The requirement that an exemption granted under paragraphs (1) to (4), or an alteration or cancellation under paragraph (6), be in writing is satisfied where the text of the exemption, alteration or cancellation is—

- (a) transmitted by electronic means;
- (b) received in legible form; and
- (c) capable of being used for subsequent reference.

(9) Where an exemption under paragraphs (1) to (4) is granted subject to safety requirements under paragraph (5), the exemption ceases to have effect if those requirements are not complied with.

(10) For the purposes of paragraph (2)—

“near-coastal voyage” means a voyage during which the ship is not more than 150 nautical miles from a safe haven in the United Kingdom, or not more than 30 nautical miles from a safe haven in the Republic of Ireland;

“safe haven” means a harbour or shelter of any kind which affords safe entry and protection from the force of weather.

Equivalents

7.—(1) Where these Regulations, the IP Code, the SPS Code 1983 or the SPS Code 2008 require that—

- (a) the hull or machinery of a ship must be constructed in a particular manner;
- (b) a particular fitting, material, appliance or apparatus, or a type of fitting, material, appliance or apparatus be fitted on, or carried in, a ship; or
- (c) any other particular arrangement be made on, or in relation to, a ship; or
- (d) any particular provision be made in relation to a ship,

the Secretary of State may approve construction of the hull or machinery of the ship in any other manner, or any other fitting, material, appliance, apparatus, arrangement or other provision, if satisfied that it is at least as effective as that required by these Regulations, the IP Code, the SPS Code 1983 or the SPS Code 2008.

(2) An approval given under paragraph (1) may, on the giving of reasonable notice, be continued, altered or cancelled.

(3) Any approval given under paragraph (1), or a continuation, alteration or cancellation under paragraph (2), must—

- (a) be in writing;
- (b) specify the date on which it takes effect; and
- (c) specify the terms, if any, on which it is given.

(4) The requirement that the approval referred to in paragraph (1), or a continuation, alteration or cancellation under paragraph (2), be in writing is satisfied where the text of the approval, continuation, alteration or cancellation is—

- (a) transmitted by electronic means;
- (b) received in legible form; and
- (c) capable of being used for subsequent reference.

Approvals

8.—(1) Unless approved under the Merchant Shipping (Marine Equipment) Regulations 2016^(a), any equipment required by these Regulations, Parts III to V of the IP Code, Chapters 2 to 9 of the SPS Code 1983 or Chapters 2 to 9 of the SPS Code 2008 and placed on board a United Kingdom ship must be approved by the Secretary of State, or any person authorised by the Secretary of State.

(2) The Secretary of State, or any person authorised by the Secretary of State, may give an approval in relation to a United Kingdom ship for anything in these Regulations, Parts III to V of the IP Code, Chapters 2 to 9 of the SPS Code 1983 or Chapters 2 to 9 of the SPS Code 2008 requiring to be—

- (a) approved by the Administration of the State whose flag the ship is entitled to fly;
- (b) done to the satisfaction of such Administration; or
- (c) acceptable to that Administration^(b).

(3) An approval given under paragraph (1) or (2) may, on the giving of reasonable notice, be continued, altered or cancelled.

(4) Any approval given under paragraph (1) or (2), or a continuation, alteration or cancellation under paragraph (3), must—

- (a) be in writing;
- (b) specify the date on which it takes effect; and
- (c) specify the terms, if any, on which it is given.

(a) S.I. 2016/1025, amended by S.I. 2019/470, S.I. 2019/1304, S.I. 2020/1000 and S.I. 2024/504. There are other amendments but none is relevant.

(b) Guidance in relation to the matters requiring the approval of the Secretary of State in Chapter III, and on matters which are acceptable to, or required to be to the satisfaction of, the Secretary of State, is contained in Merchant Shipping Notice 1676 (M) (Amendment 1).

(5) The requirement that the approval referred to in paragraph (1) or (2), or a continuation, alteration or cancellation under paragraph (3), be in writing is satisfied where the text of the approval, continuation, alteration or cancellation is—

- (a) transmitted by electronic means;
- (b) received in legible form; and
- (c) capable of being used for subsequent reference.

PART 2

Requirements for cargo ships and high-speed cargo craft carrying industrial personnel

Requirements for cargo ships and high-speed cargo craft constructed on or after 1st July 2024

9.—(1) This regulation applies to cargo ships and high-speed cargo craft constructed on or after 1st July 2024.

(2) An owner and master of—

- (a) a cargo ship; or
- (b) a high-speed cargo craft,

must comply with each requirement of Part III of the IP Code (training and safe transfer requirements).

(3) An owner and master of a cargo ship must comply with each requirement of Part IV of the IP Code (additional regulations for cargo ships) that applies to that ship.

(4) An owner and master of a high-speed cargo craft must comply with each requirement of Part V of the IP Code (additional regulations for high-speed cargo craft) that applies to that high-speed cargo craft.

Requirements for cargo ships and high-speed cargo craft constructed before 1st July 2024

10.—(1) This regulation applies to cargo ships and high-speed cargo craft constructed before 1st July 2024.

(2) Subject to paragraph (3), an owner and master of a cargo ship must comply with each requirement of—

- (a) Part III of the IP Code (training and safe transfer requirements); and
- (b) Part IV of the IP Code (additional regulations for cargo ships),

that applies to the ship.

(3) Where, before 1st July 2024, a cargo ship was authorised to carry an aggregate of more than 12 persons consisting of industrial personnel, special personnel and passengers, where at least one person is industrial personnel, and was provided with a document confirming compliance with the IMO Interim Recommendations, the owner and master of such ship may, instead of the requirements set out in paragraph (2), comply with the requirements of—

- (a) Chapters 2 to 9 of the SPS Code 2008; and
- (b) before the date of the first intermediate survey or renewal survey for that ship, whichever occurs first after 1st July 2024—
 - (i) regulations 1 and 2, except for paragraph 2.1.7, of Part III of the IP Code (basic training for industrial personnel on cargo ships and safe transfer requirements); and
 - (ii) regulations 7 and 8 of Part IV of the IP Code (additional regulations for cargo ships relating to life-saving appliances and arrangements and dangerous goods).

(4) Subject to paragraph (5), an owner and master of a high-speed cargo craft must comply with each requirement of—

- (a) Part III of the IP Code; and

- (b) Part V of the IP Code (additional regulations for high-speed cargo craft) that applies to the high-speed craft.

(5) Where, before 1st July 2024, a high-speed cargo craft was authorised to carry an aggregate of more than 12 persons consisting of industrial personnel, special personnel and passengers, where at least one person is industrial personnel, and was provided with a document confirming compliance with the IMO Interim Recommendations, the owner and master of such high-speed cargo craft may, instead of the requirements set out in paragraph (4), comply with the requirements of—

- (a) Chapters 2 to 9 of the SPS Code 2008; and
- (b) by the date of the third periodical survey or first renewal survey for that high-speed cargo craft, whichever occurs first after 1st July 2024—
 - (i) regulations 1 and 2, except for paragraph 2.1.7, of Part III of the IP Code; and
 - (ii) regulations 7 and 8 of Part V of the IP Code (additional regulations for high-speed cargo craft relating to life-saving appliances and arrangements and dangerous goods).

(6) For the purposes of this regulation—

“authorised” means—

- (a) in the case of a United Kingdom ship, authorised by the Secretary of State(a); or
- (b) in the case of a ship which is not a United Kingdom ship, authorised by the ship’s flag administration;

“IMO interim recommendations” means the recommendations contained in IMO Resolution MSC.418(97)(b);

“intermediate survey” means a survey required under regulation 9(1)(c) of the Merchant Shipping (Survey and Certification) Regulations 2015 (surveys of cargo ship structure, machinery and equipment);

“periodical survey” means a survey described in paragraph 1.5.1.3 of the High-Speed Craft Code, 2000(c);

“renewal survey” means—

- (a) in respect of a cargo ship, a survey required under regulations 7(b), 8(b) or 9(1)(b) of the Merchant Shipping (Survey and Certification) Regulations 2015 (requirements for cargo ship surveys); and
- (b) in respect of a high-speed cargo craft, a survey described in paragraph 1.5.1.2 of the High-Speed Craft Code, 2000.

(a) United Kingdom and non-United Kingdom cargo ships and high-speed cargo craft complying with the SPS Code 1983 or the SPS Code 2008 operating from a United Kingdom port to another United Kingdom port in United Kingdom waters or in the United Kingdom’s exclusive economic zone only were authorised to carry more than 12 industrial personnel by way of the statement made in Annex 2 of Marine Guidance Note (MGN) 674 (M). MGN 674 (M) is available from the Maritime and Coastguard Agency (MCA) of Spring Place, 105 Commercial Road, Southampton SO15 1EG (telephone 020 3817 2000 and email infoline@mcga.gov.uk) and on <https://www.gov.uk/government/organisations/maritime-and-coastguard-agency>.

(b) IMO Resolution MSC.418(97) is available from the International Maritime Organization (IMO) of 4 Albert Embankment, London SE1 7SR and at [https://wwwcdn.imo.org/localresources/en/KnowledgeCentre/IndexofIMOResolutions/MSCResolutions/MSC.418\(97\).pdf](https://wwwcdn.imo.org/localresources/en/KnowledgeCentre/IndexofIMOResolutions/MSCResolutions/MSC.418(97).pdf).

(c) The High-Speed Craft Code, 2000 was adopted by International Maritime Organization (IMO) Resolution MSC.97(73) on 5th December 2000 and came into force on 1st July 2002. The Code has been amended by IMO Resolutions MSC.175(79), MSC.222(82), MSC.260(84), MSC.271(85), MSC.326(90), MSC.352(92), MSC.424(98) and MSC.439(99). The Code and the amendments to it are available at <https://www.imo.org/en/KnowledgeCentre/IndexofIMOResolutions/Pages/MSC.aspx> and from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or found on the Foreign, Commonwealth and Development Office treaties database (<https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch/>). See footnote (a) for further information on the Convention.

PART 3

Requirements for ships carrying special personnel

Requirements for special purpose ships

11.—(1) Subject to paragraph (2), an owner and master of a special purpose ship must comply with each requirement of Chapters 2 to 9 of the SPS Code 2008 that applies to that ship.

(2) Where, before 1st July 2024, a special purpose ship constructed before 1st July 2009—

- (a) complied with Chapters 2 to 9 of the SPS Code 1983 and was provided with a document confirming such compliance by the Secretary of State or the ship's flag administration, as the case may be; and
- (b) has not been modified,

an owner and master of a special purpose ship may continue to comply with each requirement of Chapters 2 to 9 of the SPS Code 1983 that applies to that ship, instead of the requirements specified in paragraph (1).

(3) For the purposes of paragraph (2)(b), a special purpose ship is modified when it undergoes repairs, alterations or other modifications which substantially—

- (a) alter the dimensions of the ship or the accommodation spaces on the ship; or
- (b) increase the ship's service life.

Training of special personnel

12. The owner and master of a special purpose ship must ensure, before the ship leaves port on any voyage, that special personnel who are to board the ship—

- (a) have received training in—
 - (i) all aspects of ship operations;
 - (ii) the ship's safety procedures;
 - (iii) the ship's safety equipment; and
 - (iv) any other safety procedures relevant to a person's particular role on board;
- (b) where engaged in training and practical marine experience in order to develop seafaring skills suitable for a professional career at sea, have undertaken training appropriate to that role which has been approved by the Secretary of State; and
- (c) hold—
 - (i) a valid medical fitness certificate issued under regulation 8 or 14 of the Merchant Shipping (Maritime Labour Convention) (Medical Certification) Regulations 2010(a); or
 - (ii) a valid certificate referred to in [section x] of Merchant Shipping Notice XXX (M).

PART 4

Enforcement

Offences and penalties

13.—(1) Any contravention of—

- (a) regulation 9(2) (compliance with Part III of the IP Code by cargo ships and high-speed cargo craft constructed on or after 1st July 2024);

(a) S.I. 2010/737, amended by S.I. 2014/1614, S.I. 2018/242 and S.I. 2022/1219.

- (b) regulation 9(3) (compliance with Part IV of the IP Code by cargo ships constructed on or after 1st July 2024);
 - (c) regulation 9(4) (compliance with Part V of the IP Code by high-speed cargo craft constructed on or after 1st July 2024);
 - (d) regulation 10(2) (requirements for certain cargo ships constructed before 1st July 2024);
 - (e) regulation 10(4) (requirements for certain high-speed cargo craft constructed before 1st July 2024);
 - (f) regulation 11(1) (requirements for special purpose ships); or
 - (g) regulation 12 (requirement for special personnel to have received training),
- is an offence by the owner and master of the ship in respect of each case of non-compliance.

(2) An offence under paragraph (1) is punishable—

- (a) on summary conviction—
 - (i) in England and Wales by a fine; or
 - (ii) in Scotland or Northern Ireland by a fine not exceeding the statutory maximum; or
- (b) on conviction on indictment by imprisonment for a term not exceeding two years, or a fine, or both.

(3) It is a defence for a person charged with an offence under this regulation to prove that the person charged took all reasonable steps to avoid the commission of the offence.

Detention

14.—(1) For the purposes of this regulation, any reference to “the Act” is a reference to the Merchant Shipping Act 1995.

(2) Where there is any contravention of the requirements of these Regulations in relation to a ship, the ship may be detained in the United Kingdom.

(3) Section 284 of the Act (a) (enforcing detention of ship) applies where a ship is liable to be detained under this regulation as if—

- (a) references to detention of a ship under the Act were references to detention of the ship in question under this regulation; and
- (b) subsection (7) were omitted.

(4) Where a ship is liable to be detained under this regulation, the person detaining the ship must serve on the master a detention notice which—

- (a) states the grounds for the detention; and
- (b) requires the terms of the notice to be complied with until the ship is released by any person mentioned in section 284(1) of the Act.

(5) Subject to paragraph (6), section 96 (references of detention notices to arbitration) (b) and section 97 (compensation in connection with invalid detention of a ship) of the Act apply in relation to a detention notice issued pursuant to this regulation as they apply in relation to detention notices issued pursuant to section 95 (power to detain dangerously unsafe ship) (c).

(6) For the purposes of paragraph (5)—

- (a) section 96 of the Act applies as if—
 - (i) subsection (3) were omitted;
 - (ii) the words “as a dangerously unsafe ship” in subsection (5) were omitted;
 - (iii) subsection (11) were omitted; and

(a) Section 284 was amended by Schedule 1 to the Merchant Shipping and Maritime Security Act 1997 (c. 28) and S.I. 2015/664.
 (b) Section 96(7) was amended by Part 1 of Schedule 10 to the Tribunals, Courts and Enforcement Act 2007 (c. 15) and by Schedule 11 to the Constitutional Reform Act 2005 (c. 4). Section 96(10) was repealed by Schedule 4 to the Arbitration Act 1996 (c. 23).
 (c) Section 95 was amended by Schedule 1 to the Merchant Shipping and Maritime Security Act 1997 (c. 28).

(b) sections 96 and 97 of the Act apply as if “the relevant inspector” means a person issuing the detention notice pursuant to this regulation.

(7) Subject to paragraph (8), where a ship other than a United Kingdom ship is detained, the Secretary of State must immediately inform the ship’s flag administration in writing.

(8) If it is not possible to inform the ship’s flag administration in accordance with paragraph (7), the Secretary of State must inform the Consul of the State of the flag administration, or in the absence of a Consul, the nearest diplomatic representative of the State of the flag administration.

Review of the Regulations

15.—(1) The Secretary of State must from time to time—

- (a) carry out a review of the regulatory provision contained in these Regulations; and
- (b) publish a report setting out the conclusions of the review.

(2) The first report must be published before the end of the period of five years beginning with the date on which these Regulations come into force.

(3) Subsequent reports must be published at intervals not exceeding five years.

(4) Section 30(3) of the Small Business, Enterprise and Employment Act 2015(a) requires that a review carried out under this regulation must, so far as is reasonable, have regard to how the obligations under the Convention are implemented in other countries which are subject to the obligations.

(5) Section 30(4) of the Small Business, Enterprise and Employment Act 2015 requires that a report published under this regulation must, in particular—

- (a) set out the objectives intended to be achieved by the regulatory provision referred to in paragraph (1)(a);
- (b) assess the extent to which those objectives are achieved;
- (c) assess whether those objectives remain appropriate; and
- (d) if those objectives remain appropriate, assess the extent to which they could be achieved in another way which involves less onerous regulatory provision.

(6) In this regulation, “regulatory provision” has the same meaning as in sections 28 to 32 of the Small Business, Enterprise and Employment Act 2015 (see section 32 of that Act).

Signed by authority of the Secretary of State for Transport

Date *Name*
Parliamentary Under Secretary of State
Department for Transport

We consent to the making of these Regulations

Date *Name*
Name
Two of the Lords Commissioners of His Majesty’s Treasury

(a) 2015 c. 26. Section 28(4) was amended by the Advanced Research and Invention Agency Act 2022 (c. 4), Schedule 3, paragraphs 7 and 11. Section 29(5) was amended by the Retained EU Law (Revocation and Reform) Act 2023 (c. 28), section 18(2) and (3). Section 30(3) was amended by section 19 of the Enterprise Act 2016 (c. 12) and Schedule 8 to the European Union (Withdrawal) Act 2018 (c. 16).

SCHEDULE

Amendments

Regulation 2

The Merchant Shipping (Survey and Certification) Regulations 2015

1. The Merchant Shipping (Survey and Certification) Regulations 2015 are amended as follows.
2. In regulation 3 (interpretation), in paragraph (1)—
 - (a) before the definition of “the Act”, insert—

“the 2025 Regulations” means the Merchant Shipping (Safety Measures for Ships Carrying Industrial Personnel and Special Personnel) Regulations 2025(a);”;
 - (b) in the definition of “Convention Certificate”, at the end insert “other than an Industrial Personnel Safety Certificate or a Special Purpose Ship Safety Certificate”;
 - (c) after the definition of “gross tons”, insert—

“high-speed cargo craft” means a high-speed craft carrying not more than 12 passengers, which is capable of maintaining the main functions and safety systems of unaffected spaces after damage in any one compartment on board;

“high-speed craft” has the meaning given to it in regulation 1.3 of Chapter X in the Annex to the SOLAS Convention (high-speed craft);”;
 - (d) after the definition of “HSOSC Code Safety Certificate for Offshore Service Craft”, insert—

“industrial personnel” means a person who is transported or accommodated on board a ship for the purpose of offshore industrial activities performed on board other ships or on offshore facilities;

“Industrial Personnel Safety Certificate” means—

 - (a) in relation to a cargo ship or a high-speed cargo craft which is a United Kingdom ship and to which the 2025 Regulations apply, a certificate of that name issued under regulation 13B; and
 - (b) in relation to a cargo ship or a high-speed cargo craft flying the flag of a State which is a party to the SOLAS Convention, other than the United Kingdom, a certificate of that name issued by that State in accordance with Part I of the IP Code in the form set out in the Appendix to the IP Code;”;
 - (e) after the definition of “international voyage”, insert—

“IP Code” means the International Code of Safety for Ships Carrying Industrial Personnel;”;
 - (f) after the definition of “mile”, insert—

“offshore industrial activities” means the construction, maintenance, decommissioning, operation or servicing of offshore facilities related, but not limited to, exploration and exploitation of resources by the renewable or hydrocarbon energy sectors, aquaculture, ocean mining or similar activities;”;
 - (g) for the definition of “passenger”, substitute—

“passenger” means a person other than—

 - (a) the master and the members of the crew or other persons employed or engaged in any capacity on board a ship on the business of that ship;
 - (b) industrial personnel;
 - (c) special personnel;
 - (d) a child under one year of age; or

(a) S.I. 2025/XXXX.

- (e) a person on board the ship either in pursuance of the obligation laid upon the master to carry shipwrecked, distressed or other persons, or by reason of any circumstance which the master, owner or charterer, if any, could not have prevented;”;
- (h) after the definition of “SOLAS Convention”, insert—
 - ““special personnel” means a person who is carried on board a ship in connection with the special purpose of that ship or because of special work being carried out on board that ship, but who is not a member of the crew;
 - “special purpose ship” means a ship which is not a passenger ship and which carries on board an aggregate of more than 12 persons consisting of special personnel and passengers where at least one person is special personnel;
 - “Special Purpose Ship Safety Certificate” means—
 - (a) in relation to a cargo ship which is a United Kingdom ship and to which the 2025 Regulations apply, a certificate of that name issued under regulation 13C;
 - (b) in relation to a cargo ship flying the flag of a State which is a party to the SOLAS Convention, other than the United Kingdom, a certificate issued by that State in accordance with—
 - (i) paragraph 1.7 in Chapter 1 of the SPS Code 1983; or
 - (ii) paragraph 1.7 in Chapter 1 of the SPS Code 2008,
 and in the form contained in the Appendix to each Code;
 - “SPS Code 1983” means the Code of Safety for Special Purpose Ships, 1983;
 - “SPS Code 2008” means the Code of Safety for Special Purpose Ships, 2008.”;
- (i) after paragraph (3), insert—
 - “(4) In these Regulations, any reference to the IP Code is to be construed—
 - (a) as a reference to the IP Code as modified from time to time; and
 - (b) as, if the IP Code is replaced, a reference to the replacement.
 - (5) For the purposes of paragraph (4), the IP Code is modified or replaced if the modification or replacement takes effect in accordance with Article VIII of the SOLAS Convention.
 - (6) A modification or replacement of the IP Code has effect at the time such modification or replacement comes into force in accordance with Article VIII of the SOLAS Convention.
 - (7) Any reference in these Regulations to the SPS Code 1983 or SPS Code 2008 includes any amendment or replacement of that Code which is considered by the Secretary of State to be relevant from time to time and which is specified in a Merchant Shipping Notice.
 - (8) For the purposes of these Regulations, in respect of a special purpose ship, until the date of the first survey of that ship after the date on which the 2025 Regulations come into force, a “Special Purpose Ship Safety Certificate” includes—
 - (a) in the case of a United Kingdom ship, a document confirming compliance with the Chapters 2 to 9 of the SPS Code 2008 or Chapters 2 to 9 of the SPS Code 1983, provided by the Secretary of State; or
 - (b) in the case of a non-United Kingdom ship, a document confirming compliance with Chapters 2 to 9 of the SPS Code 2008 or Chapters 2 to 9 of the SPS Code 1983, provided by a State whose flag the ship is entitled to fly.”.

3. In regulation 5 (application and exemption)—

- (a) for paragraph (2)(c), substitute—
 - “(c) high-speed craft which are—
 - (i) certified in accordance with regulation 13(2) of the Merchant Shipping (High Speed Craft) Regulations 2022, and
 - (ii) do not carry industrial personnel;”;

(b) after paragraph (2), insert—

“(2A) The following regulations do not apply to high-speed cargo craft which carry industrial personnel—

- (a) regulation 7 (surveys of cargo ship safety equipment),
- (b) regulation 8 (surveys of cargo ship radio installations),
- (c) regulation 9 (surveys of cargo ship structure, machinery and equipment),
- (d) regulation 11 (surveys and inspections – general), and
- (e) regulation 13 (issue of certificates to United Kingdom ships engaged on international or short international voyages).”.

4. After regulation 9A (surveys of HSOSC), insert—

“Surveys of cargo ships and high-speed cargo craft carrying industrial personnel

9B.—(1) A cargo ship which is a United Kingdom ship and to which the 2025 Regulations apply, must be subject to a survey for the purposes of compliance with the requirements of the IP Code that apply to it at the same time as an initial or renewal survey.

(2) A high-speed cargo craft which is a United Kingdom ship and to which the 2025 Regulations apply, must be subject to a survey for the purposes of compliance with the requirements of the IP Code that apply to it at the same time that an initial or renewal survey under the Merchant Shipping (High Speed Craft) Regulations 2022 takes place.

Surveys of special purpose ships

9C. A special purpose ship which is a United Kingdom ship and to which the 2025 Regulations apply must be subject to a survey for the purposes of compliance with the requirements of—

- (a) Chapters 2 to 9 of the SPS Code 1983; or
- (b) Chapters 2 to 9 of the SPS Code 2008,

that apply to it, at the same time as an initial or renewal survey.”.

5. After regulation 13A (issue of certificates to HSOSC), insert—

“Issue of Industrial Personnel Safety Certificates to cargo ships and high-speed cargo craft

13B.—(1) When a survey for the purposes of the IP Code has been carried out in respect of—

- (a) a United Kingdom cargo ship; or
- (b) a United Kingdom high-speed cargo craft,

to which the 2025 Regulations apply, a Certifying Authority must issue an Industrial Personnel Safety Certificate in respect of that ship on being notified by a surveyor that the surveyor is satisfied that the ship complies with each requirement of the IP Code referred to in regulations 9 and 10 of the 2025 Regulations that applies to it.

(2) The Industrial Personnel Safety Certificate must be in the form contained in the Appendix to the IP Code.

Issue of certificates to special purpose ships

13C.—(1) When a survey to meet the requirements of these Regulations has been carried out in respect of a United Kingdom special purpose ship, a Certifying Authority must issue a Special Purpose Ship Safety Certificate in respect of that ship on being notified by a surveyor that the surveyor is satisfied that the ship complies with each requirement of—

- (a) Chapters 2 to 9 of the SPS Code 1983; or
- (b) Chapters 2 to 9 of the SPS Code 2008,

that applies to it.

(2) The Special Purpose Ship Safety Certificate must be in the form contained in the Appendix to the SPS Code 1983 or the SPS Code 2008, whichever is applicable.”

6. In regulation 15 (duration and validity of certificates)—

- (a) in paragraph (1)—
 - (i) in the words before sub-paragraph (a), after “Convention Certificate” insert “, Industrial Personnel Safety Certificate, Special Purpose Ship Safety Certificate”;
 - (ii) in sub-paragraph (b), after “Cargo Ship Safety Certificate” insert “, Industrial Personnel Safety Certificate, Special Purpose Ship Safety Certificate”;
- (b) in paragraph (2), after “Convention Certificate” insert “, Industrial Personnel Safety Certificate, Special Purpose Ship Safety Certificate”;
- (c) in paragraph (3), after “Convention Certificate” insert “, Industrial Personnel Safety Certificate, Special Purpose Ship Safety Certificate”;
- (d) in paragraph (4), in each place it occurs, for “9A” substitute “9C”;
- (e) in paragraph (6)—
 - (i) in the words before sub-paragraph (a), after “Convention Certificate,” insert “Industrial Personnel Safety Certificate, Special Purpose Ship Safety Certificate,”;
 - (ii) in sub-paragraph (b), for “9A” substitute “9C”.

7. In regulation 16(1) (issue and duration of exemption certificates), after “13A”, insert “, 13B, 13C”.

8. In regulation 17 (extension and other provisions)—

- (a) in paragraph (1)—
 - (i) after “Passenger Ship Safety Certificate” insert “, Industrial Personnel Safety Certificate, Special Purpose Ship Safety Certificate”;
 - (ii) for “9” substitute “9C”;
- (b) in paragraph (2)—
 - (i) for “9A” substitute “9C”;
 - (ii) after “Convention Certificate”, insert “, Industrial Personnel Safety Certificate, Special Purpose Ship Safety Certificate”;
- (c) in paragraph (3)—
 - (i) for “9A” substitute “9C”;
 - (ii) after “Convention Certificate” insert “, Industrial Personnel Safety Certificate, Special Purpose Ship Safety Certificate”;
- (d) in paragraph (4), after “Convention Certificate” insert “, Industrial Personnel Safety Certificate, Special Purpose Ship Safety Certificate”;
- (e) in paragraph (5), after “Convention Certificate” insert “, Industrial Personnel Safety Certificate, Special Purpose Ship Safety Certificate”.

9. In regulation 18 (issue and endorsement of certificates by another government), in paragraph (1), for “regulation 13” substitute “regulations 13 and 13B”.

10. In regulation 19 (requests made by other SOLAS governments), in paragraph (2), for “regulation 13” substitute “regulations 13 and 13B”.

11. In regulation 22 (availability of certificates), after “HSC Code Safety Certificate for Offshore Service Craft” insert “, Industrial Personnel Safety Certificate, Special Purpose Ship Safety Certificate”.

12. In regulation 23 (prohibition on proceeding to sea without the appropriate documentation), after paragraph (5B) insert—

“(5C) No cargo ship or high-speed cargo craft which is a United Kingdom ship and to which the 2025 Regulations apply, may proceed to sea unless there is in force an Industrial Personnel Safety Certificate.

(5D) No cargo ship or high-speed cargo craft to which the 2025 Regulations apply, and which is not a United Kingdom ship, may operate in United Kingdom waters unless there is in force—

- (a) in the case of a ship flying the flag of a State which is a party to the SOLAS Convention but which is not the United Kingdom, an Industrial Personnel Safety Certificate; or
- (b) in the case of a ship flying the flag of a State which is not a party to the SOLAS Convention, a certificate that demonstrates compliance with each requirement of the IP Code referred to in regulations 9 to 11 of the 2025 Regulations that applies to it.

(5E) No special purpose ship which is a United Kingdom ship and to which the 2025 Regulations apply, may proceed to sea unless there is in force a Special Purpose Ship Safety Certificate.

(5F) No special purpose ship to which the 2025 Regulations apply and which is not a United Kingdom special purpose ship, may operate in United Kingdom waters unless there is in force—

- (a) a Special Purpose Ship Safety Certificate; or
- (b) a certificate that demonstrates compliance with each requirement of the SPS Code 2008 that applies to it.”.

13. After regulation 25A (limit on the number of persons on HSOSC), insert—

“Limit on the number of persons on cargo ships and high-speed craft carrying industrial personnel

25B. The owner and master of a cargo ship or high-speed cargo craft to which the 2025 Regulations apply, must ensure that there is not on board a greater number of persons than that stated on—

- (a) the ship’s Industrial Personnel Safety Certificate; or
- (b) in the case of a ship flying the flag of a State which is not a party to the SOLAS Convention, the certificate referred to in regulation 23(5D) (certificate demonstrating compliance with the IP Code).

Limit on the number of persons on special purpose ships

25C. The owner and master of a special purpose ship must ensure that there is not on board a greater number of persons than that stated on—

- (a) the ship’s Special Purpose Ship Safety Certificate; or
- (b) in the case of a non-United Kingdom ship, a certificate referred to in regulation 23(5F) (certificate demonstrating compliance with the SPS Code 2008).”.

14. In regulation 26 (penalties)—

- (a) in paragraph (1) (offence of proceeding to sea in breach of survey requirements), for “9A” substitute “9C”;
- (b) in paragraph (2) (offence related to responsibilities of owner and master etc.), for “(5B) substitute “(5F)”;
- (c) in paragraph (5) (offence related to limit on number of persons on board), for “25 or 25A”, substitute “25 to 25C”.

The Merchant Shipping (Fees) Regulations 2018

15. The Merchant Shipping (Fees) Regulations 2018(a) are amended as follows.

16. In Schedule 1, in the table in paragraph 5 (fees for inspections, etc.) of Part 1 (surveys, inspections and application for exemptions)—

- (a) in Section I (construction and equipment)—
 - (i) in the entry for the Merchant Shipping (High Speed Craft) Regulations 2022, in the third column, for “None” substitute “2025/XXXX”;
 - (ii) in the entry for the Merchant Shipping (Small Workboats and Pilot Boats) Regulations 2023, in the third column, for “None” substitute “2025/XXXX”;
 - (iii) at the end—
 - (aa) in the first column, insert “The Merchant Shipping (High Speed Offshore Service Craft) Regulations 2022”;
 - (bb) in the second column, insert “2022/41”;
 - (cc) in the third column, insert “2025/XXXX”;
- (b) in Section L (survey and certification)—
 - (i) in the entry for the Merchant Shipping (Survey and Certification) Regulations 2015, in the third column at the end, insert “2025/XXXX”;
 - (ii) at the end—
 - (aa) in the first column, insert “The Merchant Shipping (Special Measures for Ships Carrying Industrial Personnel and Special Personnel) Regulations 2025”;
 - (bb) in the second column, insert “2025/XXXX”;
 - (cc) in the third column, insert “None”.

The Merchant Shipping (High Speed Offshore Service Craft) Regulations 2022

17. The Merchant Shipping (High Speed Offshore Service Craft) Regulations 2022(b) are amended as follows.

18. In regulation 3 (application)—

- (a) in paragraph (2)—
 - (i) for sub-paragraph (d), substitute—

“(d) is engaged in an operation to transport an aggregate of more than 12 persons consisting of industrial personnel, special personnel and passengers where at least one person is industrial personnel, from one place to another, including any part of that operation where they are not on board.”;
 - (ii) in sub-paragraph (f)—
 - (aa) at the end of paragraph (v), omit “or”; and
 - (bb) at the end of paragraph (vi), insert—

“, or
 - (vii) a high speed passenger craft”;
- (b) in paragraph (3)—
 - (i) for the definition of “high speed craft”, substitute—

““high speed craft” has the meaning given to it in regulation 1.3 of Chapter X in the Annex to the International Convention for the Safety of Life at Sea, 1974.”;
 - (ii) after the definition of “high speed craft”, insert—

(a) S.I. 2018/1104, amended by S.I. 2020/501, S.I. 2020/673, S.I. 2021/1401, S.I. 2022/1219, S.I. 2022/1342, S.I. 2023/984, S.I. 2023/1216 and S.I. 2024/280. There are other amendments but none is relevant.
(b) S.I. 2022/41.

““high speed passenger craft” means a high speed craft which carries more than 12 passengers;”;

(iii) in the definition of “offshore industrial activities”, after “related” insert “, but not limited to,”;

(iv) after the definition of “offshore industrial activities”, insert—

““passenger” means a person other than—

(a) the master and the members of the crew or other persons employed or engaged in any capacity on board an HSOSC on the business of that HSOSC;

(b) industrial personnel;

(c) special personnel; or

(d) a child under one year of age;

(v) after the definition of “pleasure vessel”, insert—

““special personnel” means a person who is carried on board a ship in connection with the special purpose of that ship or because of special work being carried out on board that ship, but who is not a member of the crew;”.

19. In regulation 4 (compliance and exemptions)—

(a) before paragraph (1), insert—

“(A1) An owner or master of an HSOSC must apply for certification of the HSOSC under—

(a) regulation 13A of the Merchant Shipping (Survey and Certification) Regulations 2015 (issue of certificates to HSOSC), or

(b) regulation 13(2) of the Merchant Shipping (High Speed Craft) Regulations 2022 (High Speed Craft Safety Certificate).”;

(b) in paragraph (1), after “An HSOSC”, insert “which is certified as described in paragraph (A1)(a)”.

The Merchant Shipping (High Speed Craft) Regulations 2022

20. The Merchant Shipping (High Speed Craft) Regulations 2022 are amended as follows.

21. In regulation 4 (application)—

(a) in paragraph (1)(c)—

(i) in paragraph (ii), omit “for hire or reward”;

(ii) in paragraph (iv), omit “which is carrying cargo for hire or reward”;

(b) for paragraph (2)(j), substitute—

“(j) an HSOSC which has been examined, and in respect of which a certificate has been issued under regulation 13A(1) of the Merchant Shipping (Survey and Certification) Regulations 2015.”;

(c) after paragraph (4), insert—

“(5) For the purposes of this regulation, “HSOSC” has the meaning given to it in regulation 3 of the Merchant Shipping (High Speed Offshore Service Craft) Regulations 2022.”.

22. In regulation 9 (requirements in relation to high speed craft)—

(a) in paragraph (1), after “2002” insert “, except for a high speed craft to which the Merchant Shipping (Safety Measures for Ships Carrying Industrial Personnel and Special Personnel) Regulations 2025 apply,”;

(b) in paragraph (2), after “2002,” insert “except for a high speed craft to which the Merchant Shipping (Safety Measures for Ships Carrying Industrial Personnel and Special Personnel) Regulations 2025 apply,”;

- (c) after paragraph (2), insert—
 - “(2A) Subject to paragraph (5), a high speed craft constructed before 1st July 2002 and to which the Merchant Shipping (Safety Measures for Ships Carrying Industrial Personnel and Special Personnel) Regulations 2025 apply must comply with each requirement applicable to that craft in—
 - (a) the High-Speed Craft Code, 2000; and
 - (b) the approved standards specified in Merchant Shipping Notice 1672 (M+F) Amendment 4.”;
- (d) in paragraph (5), after “paragraphs (1), (2)”, insert “(2A),”.

The Merchant Shipping (Small Workboats and Pilot Boats) Regulations 2023

23. The Merchant Shipping (Small Workboats and Pilot Boats) Regulations 2023 are amended as follows.

24. In regulation 3(1) (interpretation), in the definition of “passenger”—

- (a) at the end of sub-paragraph (b), omit “or”;
- (b) after sub-paragraph (c) insert—
 - “or,
 - (d) industrial personnel”.

25. In regulation 4 (application)—

- (a) for paragraph (2)(a), substitute—
 - “(a) a workboat or pilot boat carrying more than 12 persons consisting of passengers and industrial personnel;”;
- (b) after paragraph (3), insert—
 - “(4) For the purposes of this regulation—
 - “industrial personnel” means a person who is transported or accommodated on board a ship for the purpose of offshore industrial activities performed on board other ships or on offshore facilities; and
 - “offshore industrial activities” means the construction, maintenance, decommissioning, operation or servicing of offshore facilities related, but not limited to, exploration and exploitation of resources by the renewable or hydrocarbon energy sectors, aquaculture, ocean mining or similar activities.”.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement amendments to the Annex to the International Convention for the Safety of Life at Sea, 1974 (“the Convention”) adopted by International Maritime Organization (IMO) Resolution MSC.521(106) and which come into force on 1st July 2024. The amendments insert new Chapter XV into the Annex to the Convention, which contains safety measures for the carriage of industrial personnel. The Regulations also implement the International Code for Ships Carrying Industrial Personnel (“the IP Code”), adopted by IMO Resolution MSC.527(106), which is made mandatory by the new Chapter XV and is given effect on 1st July 2024. The Regulations also implement two further non-mandatory Codes developed by the Member States of the IMO and make them mandatory: the Code of Safety for Special Purpose Ships, 1983 (“the SPS Code 1983”) and the Code of Safety for Special Purpose Ships, 2008 (“the SPS Code 2008”), relating to the carriage of special personnel.

The Regulations contain requirements relating to the safe carriage of industrial personnel who are transported or accommodated on board cargo ships of any size and on high-speed cargo craft for the

purpose of offshore industrial activities. They apply where there is a total of more than 12 persons on board, consisting of industrial personnel, special personnel and passengers, where the maximum number of passengers does not exceed 12. The Regulations also contain requirements for the safe carriage of special personnel who are carried on board a ship in connection with the special purpose of that ship or because of special work being carried out on board the ship and apply where there is a total of more than 12 special personnel being carried on board, of which a maximum of 12 can be passengers. Industrial personnel and special personnel are neither passengers nor crew. In a situation where both industrial personnel and special personnel are being carried at the same time, the IP Code applies rather than the relevant SPS Code.

The Regulations apply, with limited exceptions, to cargo ships, high-speed cargo craft and special purpose ships which are United Kingdom ships (regulation 4). They apply to the same ships under the flags of other States, including States which are not parties to the Convention, when those ships are in United Kingdom waters.

The Regulations contain an ambulatory reference provision (regulation 5) so that any future amendments to provisions of the IP Code referenced in the Regulations will be automatically incorporated into the Regulations. Updates to the SPS Code 1983 or the SPS Code 2008 may be given legal effect by specifying them in a Merchant Shipping Notice (regulation 3(2)).

The Regulations provide for the granting of exemptions (regulation 6), the approval of equivalents (regulation 7) and for the approval of equipment and arrangements relating to the carriage of industrial personnel and special personnel (regulation 8).

The detail of the requirements for cargo ships and high-speed cargo craft carrying industrial personnel and constructed on or after 1st July 2024 is contained in regulation 9. The detail of the requirements for cargo ships and high-speed cargo craft carrying industrial personnel and constructed before 1st July 2024 is contained in regulation 10. Regulation 10 allows a relevant ship which was authorised by a State to carry more than 12 industrial personnel before 1st July 2024 to continue to do so in accordance with that authorisation and otherwise to comply with only certain specified provisions of the IP Code.

The detail of the requirements for ships carrying special personnel (special purpose ships) is contained in regulation 11, including exceptions for United Kingdom special purpose ships which were operating in accordance with the SPS Code 1983 on 1st July 2024 and allows them to continue to do so in specified circumstances. Regulation 12 contains requirements on the owner and master to ensure that special personnel are subject to basic training requirements before going on board the ship.

Regulation 13 contains provision for offences and penalties and regulation 14 provides for the detention of cargo ships, high-speed cargo craft and special purpose ships that do not comply with the Regulations.

Regulation 15 requires the Secretary of State to review the operation and effect of the Regulations and publish a report before the end of the period of five years beginning with the date on which the Regulations come into force, and at intervals not exceeding five years after that. Following a review, it will fall to the Secretary of State to consider whether the Regulations should remain as they are, or be amended or revoked. A further instrument would be needed to amend or revoke the Regulations.

Provision relating to the issue of certification for cargo ships and high-speed cargo craft carrying industrial personnel and for ships carrying special personnel is made in the Merchant Shipping (Survey and Certification) Regulations 2015 (S.I. 2015/508) (“the 2015 Regulations”) by way of amendments to those Regulations contained in the Schedule to these Regulations.

Amendments to the Merchant Shipping (High Speed Offshore Service Craft) Regulations 2022 (S.I. 2022/41) (“the HSOSC Regulations”) are made to allow operators of high speed craft (including hovercraft) under 500 gross tonnage to elect to be certified under either the 2015 Regulations (and therefore comply with the requirements of the HSOSC Regulations) or under the Merchant Shipping

(High Speed Craft) Regulations 2022 (S.I. 2022/1219) (“the High Speed Craft Regulations”) for the purposes of carrying industrial personnel. These amendments are contained in the Schedule. Consequential amendments are also made to the High Speed Craft Regulations to ensure that high speed craft that would otherwise be in scope of the HSOSC Regulations are also in scope of the High Speed Craft Regulations. The Schedule also contains other consequential amendments.

Guidance relating to the Regulations is contained in Marine Guidance Note [XXXX] (M), which is available from the Maritime and Coastguard Agency (MCA) of Spring Place, 105 Commercial Road, Southampton SO15 1EG (telephone 020 3817 2000 and email infoline@mca.gov.uk) and on <https://www.gov.uk/government/organisations/maritime-and-coastguard-agency>.

The Convention and its Protocol of 1988 may be obtained in copy from the International Maritime Organization (IMO), 4 Albert Embankment, London SE1 7SR and both are available on the Foreign, Commonwealth and Development Office (FCDO) treaties database (<https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch>). The text of the IMO Resolutions amending the Convention and Protocol may be obtained from the IMO in hard copy or at <https://www.imo.org/en/KnowledgeCentre/IndexofIMOResolutions/Pages/Default.aspx>.

Future amendments to the Convention and to the Protocol may be obtained in copy from the IMO and, after coming into force in the United Kingdom, found on the FCDO treaties database (<https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch>). Until such publication is made on the FCDO treaties database, an amendment will be available from the MCA and on <https://www.gov.uk>. An amendment will be publicised in advance of its in-force date by means of a Parliamentary Statement to both Houses of Parliament and by way of a Marine Guidance Note, which will be available in copy from the MCA and on <https://www.gov.uk>.

A full impact assessment has not been produced for this instrument as no significant impact on the private, voluntary or public sector is foreseen.

An Explanatory Memorandum is published alongside the instrument on www.legislation.gov.uk.