
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement Regulation 5.1 of the Maritime Labour Convention, 2006 (Cmd. 7049). They apply to sea-going United Kingdom ships wherever they may be and to other sea-going ships in United Kingdom waters.

Regulation 3 amends the Merchant Shipping (Vessels in Commercial Use for Sport and Pleasure) Regulations 1998 (S.I. 1998/2771) and the Merchant Shipping (Small Workboats and Pilot Boats) Regulations 1998 (S.I. 1998/1609) so as to insert a reference to these Regulations which has the effect of disapplying the requirements of these Regulations as regards ships which comply with certain Codes of Practice.

Regulation 5 requires United Kingdom ships over 500 gross tonnage to be surveyed for the purposes of issuing a Maritime Labour Certificate, and *regulations 6 to 11* make further provision regarding surveys and the issuing of certificates.

Regulation 12 requires certain documents to be carried on board a United Kingdom ship and to be made available, and *regulation 13* requires on-board and on-shore complaint procedures to be available to seafarers on the ship. *Regulations 14 to 17* make provision for arbitration on the outcome of surveys and for the enforcement of the preceding regulations as regards United Kingdom ships.

Regulation 18(1) requires ships which are not United Kingdom ships to comply with requirements of the Maritime Labour Convention relating to the documents to be carried on board the ship and on-board and on-shore complaints procedures. *Regulation 18(2) and (3), 19 and 20* make provision for the enforcement of these requirements.

Regulation 21 requires the Secretary of State to review the operation and effect of these Regulations and publish a report within five years after they come into force and within every 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 revoked or amended. A further instrument would be needed to revoke the Regulations or to amend them.

The Regulations are made under sections 85(1)(a) and (b), (3) and (5) to (7) and 86(1) of the Merchant Shipping Act 1995 except in so far as (a) they relate to parts of the Maritime Labour Convention, 2006 which do not concern the health or safety of persons on ships and (b) they relate to government ships. Section 2(2) of the European Communities Act 1972 is used to (a) ensure that all parts of the Maritime Labour Convention, 2006 are covered by these Regulations and (b) to extend the application of the Regulations to government ships.

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A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is published with the Explanatory Memorandum alongside this instrument on www.legislation.gov.uk.

Changes to legislation:

There are currently no known outstanding effects for the The Merchant Shipping (Maritime Labour Convention) (Survey and Certification) Regulations 2013.