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STATUTORY INSTRUMENTS

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**1998 No. 1609**

**MERCHANT SHIPPING**

**SAFETY**

**The Merchant Shipping (Small Workboats  
and Pilot Boats) Regulations 1998**

<i>Made</i>	- - - -	<i>2nd July 1998</i>
<i>Laid before Parliament</i>		<i>13th July 1998</i>
<i>Coming into force</i>	- -	<i>3rd August 1998</i>

The Secretary of State for the Environment, Transport and the Regions, after consulting the persons referred to in section 86(4) of the Merchant Shipping Act 1995<sup>(1)</sup>, in exercise of the powers conferred by—

- (i) sections 85(1)(a) and (b), (3), (5) to (7), and 86(1) of the said Act<sup>(2)</sup>; and
- (ii) section 302(1) of the said Act,

and of all other powers enabling him in that behalf, with the consent of the Treasury in so far as the Regulations are made under the said section 302(1), hereby makes the following Regulations:

**PART I**

**PRELIMINARY**

**Citation, commencement and revocation**

**1.**—(1) These Regulations may be cited as the Merchant Shipping (Small Workboats and Pilot Boats) Regulations 1998 and shall come into force on 3rd August 1998.

(2) The Merchant Shipping (Pilot Boats) Regulations 1991<sup>(3)</sup> are hereby revoked.

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<sup>(1)</sup> 1995 c. 21.

<sup>(2)</sup> Sections 85 and 86 were amended by the Merchant Shipping and Maritime Security Act 1997 (c. 28), section 8.

<sup>(3)</sup> S.I.1991/65.

**Status:** Point in time view as at 10/01/2023.

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Merchant Shipping (Small Workboats and Pilot Boats) Regulations 1998. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

**Commencement Information**

**II** [Reg. 1](#) in force at 3.8.1998, see [reg. 1\(1\)](#)

**Amendment of Fees Regulations**

<sup>F1</sup>**2.** .....

**Textual Amendments**

**F1** [Reg. 2](#) revoked (11.9.2006) by [The Merchant Shipping \(Fees\) Regulations 2006 \(S.I. 2006/2055\)](#), [reg. 1](#), [Sch. 2](#) (with [reg. 6](#))

**Interpretation**

**3.—(1)** In these Regulations:

- “Certifying Authority” means the Secretary of State or any other person authorised by him;
- “Code of Practice” means the Code of Practice entitled “The Safety of Small Workboats and Pilot Boats—A Code of Practice” published by the Maritime and Coastguard Agency; and any reference to the Code includes a reference to any document amending the Code specified in a Merchant Shipping Notice;
- “competent harbour authority” means a body which is a competent harbour authority for the purposes of the Pilotage Act 1987(4);
- “dedicated pilot boat” means a vessel used, or intended to be used, solely as a pilot boat;
- [<sup>F2</sup>“EEA Agreement” and “EEA State” have the meaning given by Schedule 1 to the Interpretation Act 1978.]
- “load line length” means either 96% of the total length on a waterline or 85% of the least moulded depth measured from the top of the keel, or the length from the foreside of the stern to the axis of the rudder stock on that waterline, whichever is the greater; in a vessel designed with a rate of keel 1, the waterline on which this length is measured should be parallel to the design waterline;
- “Maritime and Coastguard Agency” means the Maritime and Coastguard Agency, an executive agency of the Department of the Environment, Transport and the Regions;
- “Merchant Shipping Notice” means a Notice described as such and issued by the Maritime and Coastguard Agency; and any reference to a particular Merchant Shipping Notice includes a reference to any such document amending or replacing that Notice;
- “owner” means, in relation to a vessel, the person who owns the vessel, not being the competent harbour authority;
- “pilot boat” means a vessel, of whatever size, employed or intended to be employed in pilotage services;
- “small vessel” means a ship of less than 24 metres in load line length;
- “small workboat” means a small vessel in commercial use other than for sport or pleasure, including a dedicated pilot boat, not being used as:
  - (i) a tug or salvage ship;

(4) [1987 c. 21.](#)

- (ii) a ship engaged in the surveying of harbours or the approaches thereto; or
- (iii) a hopper barge or dredger;

“surveyor” means a marine surveyor nominated by the Secretary of State to undertake the surveys required by these Regulations and includes any marine surveyor of the Department of the Environment, Transport and the Regions;

“vessel in commercial use” includes any vessel, including any pleasure vessel within the meaning of regulation 3 of the Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) Regulations 1993(5), while it is in possession of a broker, ship repairer or other such person for the purposes of his business.

(2) Where a vessel is managed by a person other than the owner (whether on behalf of the owner or some other person, or on his own behalf), a reference in these Regulations to the owner shall be construed as including a reference to that person.

(3) Any approval or exemption given pursuant to these Regulations or the Code of Practice shall be given in writing and shall specify the date on which it takes effect and the conditions (if any) on which it is given.

#### Textual Amendments

- F2** Words in [reg. 3\(1\)](#) substituted (6.4.2016) by [The Merchant Shipping \(Small Workboats and Pilot Boats\) \(Amendment\) Regulations 2016 \(S.I. 2016/354\)](#), [regs. 1\(1\), 2](#)

#### Commencement Information

- I2** [Reg. 3](#) in force at 3.8.1998, see [reg. 1\(1\)](#)

### Application

- 4.—(1) Subject to paragraph (2) below, these Regulations shall apply to—
- (a) small workboats which are United Kingdom ships wherever they may be;
  - (b) other small workboats operating from United Kingdom ports whilst in United Kingdom waters; and
  - (c) pilot boats, not being small workboats, which are United Kingdom ships wherever they may be.
- (2) Regulation 5 shall not apply to—
- (a) dedicated pilot boats, of whatever size; or
  - (b) pilot boats which are not small workboats.

#### Commencement Information

- I3** [Reg. 4](#) in force at 3.8.1998, see [reg. 1\(1\)](#)

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## PART II

### REQUIREMENTS FOR SMALL VESSELS IN COMMERCIAL USE

#### Small vessels complying with the Code of Practice

5.—(1) Subject to provisions of the relevant paragraphs of the Code of Practice, the statutory instruments listed in the Schedule to these Regulations shall not apply to any workboat to which this regulation applies which has been examined, and in respect of which a certificate has been issued, in accordance with the Code of Practice.

(2) Where a vessel has been so examined and a certificate issued, the vessel shall not proceed or attempt to proceed to sea unless—

- (a) the certificate is currently in force;
- (b) the vessel complies with the requirements of the Code of Practice (including any requirements as to operation, manning and maintenance) and is operated in accordance with any conditions as specified in the certificate; and for this purpose any provision of the Code of Practice expressed in the conditional (i.e. “should”) shall be a requirement; and
- (c) the certificate is displayed in some conspicuous place on board.

(3) Following the completion of any survey of a vessel required by the Code of Practice, no material change shall be made to the vessel, its machinery or equipment without the prior approval of the Certifying Authority.

#### Modifications etc. (not altering text)

- C1** [Reg. 5](#) excluded (3.8.1998) by [The Merchant Shipping \(Small Workboats and Pilot Boats\) Regulations 1998 \(S.I. 1998/1609\)](#), regs. 1(1), **4(2)**

#### Commencement Information

- I4** [Reg. 5](#) in force at 3.8.1998, see [reg. 1\(1\)](#)

## PART III

### REQUIREMENTS FOR PILOT BOATS

#### Compliance with the Code of Practice for Pilot Boats

6.—(1) The statutory instruments listed in the Schedule to these Regulations shall not apply to dedicated pilot boats or to pilot boats, not being small workboats, which are United Kingdom ships.

(2) A vessel shall not be operated as a pilot boat unless—

- (a) the vessel has been examined and a Pilot Boat Certificate or a Workboat Certificate with a Pilot Boat endorsement has been issued in accordance with the Code of Practice;
- (b) the certificate is currently in force;
- (c) the vessel complies with the requirements of the Code of Practice (including any requirements as to operation, manning and maintenance) and is operated in accordance with any conditions as specified in the certificate; and for this purpose any provision of the Code of Practice expressed in the conditional (i.e. “should”) shall be a requirement; and
- (d) the certificate is displayed in some conspicuous place on board.

(3) Following the completion of any survey of a boat required by the Code of Practice, no material change shall be made to the boat, its machinery or equipment without the prior approval of the Certifying Authority.

**Commencement Information**

**I5** [Reg. 6](#) in force at 3.8.1998, see [reg. 1\(1\)](#)

**Exemptions under Part III**

7. The Secretary of State may exempt any pilot boat from any or all of the provisions of this Part on such terms, if any, as he may specify if he is satisfied that compliance with such provision is either impracticable or unreasonable in the case of that pilot boat and may, subject to giving reasonable notice, alter or cancel any such exemption.

**Commencement Information**

**I6** [Reg. 7](#) in force at 3.8.1998, see [reg. 1\(1\)](#)

**PART IV**

**COMMON PROVISIONS**

**Equivalent standards**

8.—(1) Where these Regulations or the Code of Practice require that a particular piece of equipment or machinery shall be provided or carried in a vessel to which these Regulations apply or that any particular provision shall be made, the Secretary of State may permit any other piece of equipment or machinery to be provided or carried, or any other provision to be made, if he is satisfied by trials thereof or otherwise that such other piece of equipment or machinery or provision is at least as effective as that required by these Regulations or the Code of Practice.

(2) For the purposes of these Regulations, the results of verifications and tests carried out by the bodies and laboratories of <sup>F3</sup>... EEA States offering suitable and satisfactory guarantees of technical and professional competence and independence shall be accepted.

**Textual Amendments**

**F3** Word in [reg. 8\(2\)](#) omitted (31.12.2020) by virtue of [The Merchant Shipping \(Miscellaneous Provisions\) \(Amendments etc.\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1221\)](#), [reg. 2\(b\)](#), [Sch. para. 7](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

**Commencement Information**

**I7** [Reg. 8](#) in force at 3.8.1998, see [reg. 1\(1\)](#)

**Penalties**

9.—(1) Contravention of any provision of regulation 5 above shall be an offence by the owner and the master of the vessel punishable on summary conviction by a fine not exceeding the statutory

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maximum, or on conviction on indictment by imprisonment for a term not exceeding two years or a fine, or both.

(2) Subject to paragraph (3) below, contravention of any provision of regulation 6 above in respect of a pilot boat shall be an offence by the competent harbour authority, the owner and the master of the boat punishable on summary conviction by a fine not exceeding level 4 on the standard scale.

(3) Any contravention of regulation 6(2)(d) above in respect of a pilot boat shall be an offence by the competent harbour authority, the owner and the master of the boat punishable on summary conviction by a fine not exceeding level 3 on the standard scale.

(4) In any proceedings for an offence under these Regulations it shall be a defence for the person charged to prove that he took all reasonable steps to avoid commission of the offence.

#### Commencement Information

**I8** Reg. 9 in force at 3.8.1998, see [reg. 1\(1\)](#)

#### Power to detain

**10.** In any case where a vessel does not comply with the requirements of these Regulations, that vessel shall be liable to be detained and section 284(1)–(6) and (8) of the Merchant Shipping Act 1995(6) (which relates to the detention of a ship) shall have effect in relation to the vessel, as if for the words “this Act” wherever they appear, there were substituted the words “the Merchant Shipping (Small Workboats and Pilot Boats) Regulations 1998”.

#### Commencement Information

**I9** Reg. 10 in force at 3.8.1998, see [reg. 1\(1\)](#)

#### [<sup>F4</sup>Review

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

- (a) carry out a review of these Regulations;
- (b) set out the conclusions of the review in a report, and
- (c) publish the report.

(2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how the European obligations or any other international obligations of the United Kingdom (which are implemented by means of these Regulations) are implemented in other member States or countries which are subject to those obligations.

(3) The report must in particular—

- (a) set out the objectives intended to be achieved by the regulatory system established by these Regulations,
- (b) assess the extent to which those objectives are achieved, and
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(4) The first report under this regulation must be published before the end of the period of five years beginning with 6th April 2016.

(6) Section 284 was amended by the Merchant Shipping and Maritime Security Act 1997 (c. 28), Schedule 1.

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(5) Reports under this regulation are afterwards to be published at intervals not exceeding five years.]

**Textual Amendments**

**F4** Reg. 11 inserted (6.4.2016) by [The Merchant Shipping \(Small Workboats and Pilot Boats\) \(Amendment\) Regulations 2016 \(S.I. 2016/354\)](#), regs. 1(1), 3

Signed by authority of the Secretary of State for the Environment, Transport and the Regions

*Glenda Jackson*  
Parliamentary Under Secretary of State  
Department of the Environment, Transport and  
the Regions

29th June 1998

We consent to the making of these Regulations

*Jon Owen Jones*  
*Graham Allen*  
Two of the Lords Commissioners of Her  
Majesty's Treasury

2nd July 1998

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## SCHEDULE

Regulation 5(1) and 6(1)

### STATUTORY INSTRUMENTS NOT APPLIED

#### Commencement Information

**I10** Sch. in force at 3.8.1998, see [reg. 1\(1\)](#)

The statutory instruments listed below are those referred to in Regulation 5(1) and 6(1) of these Regulations.

<sup>F5</sup> Statutory Instruments	SINo.	Amended by – SINo.
The Merchant Shipping (Crew Accommodation) Regulations 1997	1997/1508	2005/2114; 2014/1614
The Merchant Shipping (Fire Protection: Small Ships) Regulations 1998	1998/1011	1999/992; 1999/1957; 2000/2687; 2003/2951;  2004/302; 2005/2114; 2010/680; 2010/1075
The Merchant Shipping (Load Line) Regulations 1998	1998/2241	2000/1335; 2005/2114; 2011/603
The Merchant Shipping (Marine Equipment) Regulations 1999	1999/1957	2001/1638; 2004/302; 2004/1266; 2009/2021; 2011/1043
F6	F6	F6
...	...	...
F7	F7	F7
...	...	...
The Merchant Shipping (Fire Protection) Regulations 2003	2003/2950	2005/2114
The Merchant Shipping (Survey and Certification) Regulations 2015	2015/508	
F8	F8	
...	...	
<sup>F9</sup> The Merchant Shipping (Life-Saving Appliances and Arrangements) Regulations 2020	2020/501]	
<sup>F10</sup> The Merchant Shipping (Safety of Navigation) Regulations 2020]	<sup>F11</sup> 2020/673]	<sup>F12</sup> None]
<sup>F13</sup> The Merchant Shipping (Standards of Training, and Certification	<sup>F14</sup> 2022/1342]	<sup>F15</sup> None]]



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<sup>F5</sup> Statutory Instruments	SINo.	Amended by – SINo.
Watchkeeping) Regulations 2022]		

#### Textual Amendments

- F5** Sch. Table substituted (6.4.2016) by [The Merchant Shipping \(Small Workboats and Pilot Boats\) \(Amendment\) Regulations 2016 \(S.I. 2016/354\)](#), reg. 1(1), 4, **Sch.**
- F6** Words in Sch. table omitted (9.6.2020) by virtue of [The Merchant Shipping \(Life-Saving Appliances and Arrangements\) Regulations 2020 \(S.I. 2020/501\)](#), reg. 1, **Sch. 1 para. 5(a)** (with reg. 4)
- F7** Words in Sch. omitted (31.7.2020) by virtue of [The Merchant Shipping \(Safety of Navigation\) Regulations 2020 \(S.I. 2020/673\)](#), reg. 1(1), **Sch. para. 6(a)** (with reg. 3)
- F8** Words in Sch. table omitted (10.1.2023) by virtue of [The Merchant Shipping \(Standards of Training, Certification and Watchkeeping\) Regulations 2022 \(S.I. 2022/1342\)](#), reg. 1(1), **Sch. 1 Pt. 1 para. 2(a)**
- F9** Words in Sch. table inserted (9.6.2020) by [The Merchant Shipping \(Life-Saving Appliances and Arrangements\) Regulations 2020 \(S.I. 2020/501\)](#), reg. 1, **Sch. 1 para. 5(b)(i)(ii)** (with reg. 4)
- F10** Words in Sch. inserted (31.7.2020) by [The Merchant Shipping \(Safety of Navigation\) Regulations 2020 \(S.I. 2020/673\)](#), reg. 1(1), **Sch. para. 6(b)(i)** (with reg. 3)
- F11** Word in Sch. inserted (31.7.2020) by [The Merchant Shipping \(Safety of Navigation\) Regulations 2020 \(S.I. 2020/673\)](#), reg. 1(1), **Sch. para. 6(b)(ii)** (with reg. 3)
- F12** Word in Sch. inserted (31.7.2020) by [The Merchant Shipping \(Safety of Navigation\) Regulations 2020 \(S.I. 2020/673\)](#), reg. 1(1), **Sch. para. 6(b)(iii)** (with reg. 3)
- F13** Words in Sch. table inserted (10.1.2023) by [The Merchant Shipping \(Standards of Training, Certification and Watchkeeping\) Regulations 2022 \(S.I. 2022/1342\)](#), reg. 1(1), **Sch. 1 Pt. 1 para. 2(b)(i)**
- F14** Word in Sch. table inserted (10.1.2023) by [The Merchant Shipping \(Standards of Training, Certification and Watchkeeping\) Regulations 2022 \(S.I. 2022/1342\)](#), reg. 1(1), **Sch. 1 Pt. 1 para. 2(b)(ii)**
- F15** Word in Sch. table inserted (10.1.2023) by [The Merchant Shipping \(Standards of Training, Certification and Watchkeeping\) Regulations 2022 \(S.I. 2022/1342\)](#), reg. 1(1), **Sch. 1 Pt. 1 para. 2(b)(iii)**

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations revoke the Merchant Shipping (Pilot Boats) Regulations 1991 and re-enact them with amendments. In addition the Regulations make provision in respect of small workboats generally.

In relation to pilot boats, the Regulations provide that they shall comply with the Code of Practice “The Safety of Small Workboats and Pilot Boats—A Code of Practice”. The substantive provisions of this Code of Practice are largely the same as those under the 1991 Regulations. The principal changes are in relation to certification, in particular in relation to the certification of workboats which are used as pilot boats on an occasional basis.

In relation to small workboats, the Regulations provide that such vessels may, as an alternative to complying with the instruments specified in the Schedule to these Regulations, comply with the requirements of the above Code of Practice (regulation 5(1)).

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A compliance cost assessment has been prepared and copies can be obtained from the Maritime and Coastguard Agency, Spring Place, 105 Commercial Road, Southampton SO15 1EG (telephone: 01703 329152). A copy has been placed in the library of each House of Parliament.

The Code of Practice referred to in these Regulations may be obtained from Her Majesty's Stationery Office. Merchant Shipping Notices may be obtained from Eros Marketing Support Services, Unit B, Imber Court Trading Estate, Orchard Lane, East Molesley, Surrey KT8 0BN.

These Regulations and the Code of Practice have been notified to the European Commission pursuant to Directive [83/189/EEC](#) of 28 March 1983 laying down a procedure for the provision of information in the field of technical standards and regulations (OJ 1983 L 109, p.8) as amended by Council Directive [88/182/EEC](#) of 22 March 1988 (OJ 1988 L 81, p.75) and European Parliament and Council Directive [94/10/EEC](#) of 23 March 1994 (OJ 1994 L 100, p.30).

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