
STATUTORY INSTRUMENTS

2013 No. 1785

**The Merchant Shipping (Maritime Labour Convention)
(Survey and Certification) Regulations 2013**

Duration and validity of Maritime Labour Certificates

10.—(1) Subject to [^{F1}paragraphs (2) and (2B)], a Maritime Labour Certificate must be issued—

- (a) on the date of the completion of the relevant survey, and
- (b) with a period of validity starting on the date of issue and not exceeding five years.

(2) Where a renewal survey as required by regulation 5(1)(b) has been completed within a period of three months before the expiry of a Maritime Labour Certificate, the new certificate must be issued as being valid from the [^{F2}original] date of expiry of the existing certificate.

[^{F3}(2A) This paragraph applies where a renewal survey as required by regulation 5(1)(b) has been completed but a new Maritime Labour Certificate cannot, on the date of completion of the survey—

- (a) be issued; or
- (b) made available on board the ship.

(2B) Where paragraph (2A) applies, the certifying authority may extend the period of validity of the existing Maritime Labour Certificate by a period not exceeding 5 months.

(2C) Where a certifying authority extends the period of validity of a Maritime Labour Certificate under paragraph (2B), it must—

- (a) issue the new Maritime Labour Certificate as being valid from the original date of expiry of the existing certificate; and
- (b) endorse the existing certificate accordingly.

(2D) “Original date of expiry”, in relation to a Maritime Labour Certificate, means the final day of the period of validity of the certificate, excluding any extension to that period added under paragraph (2B).]

(3) A Maritime Labour Certificate ceases to be valid—

- (a) as respects a ship falling within regulation 5(2), if an intermediate survey has not been completed within the period specified in regulation 5(1)(c) and the certificate endorsed in accordance with regulation 6(2), or
- (b) where a certifying authority has issued the certificate in accordance with regulation 6(3), if that certificate has not been endorsed in accordance with the requirements of Merchant Shipping Notice 1848(M).

(4) Where a certificate ceases to be valid for a reason specified in paragraph (3)(a) or (b), the Secretary of State may issue a new certificate if satisfied that the non-compliance has been suitably addressed and remedied, notwithstanding that the ship has not been subject to a survey falling within regulation 6 since the previous certificate was cancelled.

(5) A Maritime Labour Certificate or interim Maritime Labour Certificate ceases to be valid—

- (a) upon transfer of the ship to the flag of another State,

- (b) if the person who is named on the certificate as the shipowner ceases to have responsibility for the operation of the ship,
- (c) if substantial changes are made to the ship's accommodation or its recreational facilities for seafarers or its food and catering facilities, or
- (d) if the ship's accommodation or its recreational facilities for seafarers or the ship's food and catering facilities have sustained damage or otherwise become deficient and that damage or deficiency has not been rectified.

(6) The Secretary of State may cancel a Maritime Labour Certificate issued to a United Kingdom ship where the Secretary of State has reason to believe that the certificate was issued on the basis of incorrect information, and may require such a certificate to be surrendered as directed.

(7) Where a Maritime Labour Certificate or interim Maritime Labour Certificate has been issued to a ship and has not expired and—

- (a) the Secretary of State has issued to that ship an improvement notice under section 261 of the Merchant Shipping Act 1995 and the contravention specified in the improvement notice has not been remedied within the period specified in the notice, or
- (b) the Secretary of State has determined that there is clear evidence that the ship does not comply with the requirements of the Maritime Labour Convention and that the failure of the ship to comply endangers the safety of the ship or its crew,

the Secretary of State may suspend the validity of the Maritime Labour Certificate or interim Maritime Labour Certificate.

(8) Where the Secretary of State suspends the validity of a certificate under paragraph (7), the Secretary of State must give notice of any such suspension to the shipowner and the master of the ship, and may require the certificate which has been so suspended to be surrendered as directed.

Textual Amendments

- F1** Words in [reg. 10\(1\)](#) substituted (23.4.2019) by [The Merchant Shipping \(Maritime Labour Convention\) \(Extension of Maritime Labour Certificate\) \(Amendment\) Regulations 2019 \(S.I. 2019/716\)](#), [regs. 1\(1\), 2\(3\)\(a\)](#) (with [reg. 1\(2\)](#))
- F2** Word in [reg. 10\(2\)](#) inserted (23.4.2019) by [The Merchant Shipping \(Maritime Labour Convention\) \(Extension of Maritime Labour Certificate\) \(Amendment\) Regulations 2019 \(S.I. 2019/716\)](#), [regs. 1\(1\), 2\(3\)\(b\)](#) (with [reg. 1\(2\)](#))
- F3** [Reg. 10\(2A\)-\(2D\)](#) inserted (23.4.2019) by [The Merchant Shipping \(Maritime Labour Convention\) \(Extension of Maritime Labour Certificate\) \(Amendment\) Regulations 2019 \(S.I. 2019/716\)](#), [regs. 1\(1\), 2\(3\)\(c\)](#) (with [reg. 1\(2\)](#))

Changes to legislation:

There are currently no known outstanding effects for the The Merchant Shipping (Maritime Labour Convention) (Survey and Certification) Regulations 2013, Section 10.