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STATUTORY INSTRUMENTS

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**2018 No. 242**

**The Merchant Shipping (Maritime Labour Convention)  
(Miscellaneous Amendments) Regulations 2018**

**Amendment of the Merchant Shipping (Maritime Labour Convention) (Medical Certification) Regulations 2010**

**3.—(1)** The Merchant Shipping (Maritime Labour Convention) (Medical Certification) Regulations 2010(1) are amended as follows.

(2) In regulation 2 (interpretation)—

(a) after the definition of “the MCA” insert—

““medical condition” includes both injury and illness, and a “significant medical condition” is a medical condition which adversely affects or is reasonably likely to adversely affect the seafarer’s ability to carry out his or her duties, including the seafarer’s ability to undertake emergency duties;”;

(b) in the definition of “medical practitioner”, after “means” insert “a person approved by the Secretary of State to issue medical fitness certificates who is”.

(3) In regulation 8 (application for medical fitness certificate), after paragraph (2) insert—

“(2A) A person applying for a medical fitness certificate must disclose to the medical practitioner to whom the application is made—

(a) all existing medical conditions from which the person suffers and of which the person is aware (if any); and

(b) all medication which the person is taking (if any).

(2B) Disclosure required by paragraph (2A) must be made with the application or as soon as reasonably practicable afterwards.”.

(4) Omit regulation 12(4) (meaning of “medical condition”).

(5) After regulation 20 insert—

**“Review**

**21.—(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 5th April 2023.

(3) Subsequent reports must be published at intervals not exceeding 5 years.

(4) Section 30(3) of the Small Business, Enterprise and Employment Act 2015(2) requires that a review carried out under this regulation must, so far as is reasonable, have regard to how

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(1) [S.I. 2010/737](#). Regulation 8 was amended by [S.I. 2014/1614](#). There are other amendments but none are relevant.

(2) [2015 c.26](#). Section 30(3) was amended by section 19 of the Enterprise Act [2016 \(c.12\)](#).

Regulation 1.2 and Standard A1.2 of the Maritime Labour Convention, 2006 are implemented in other ratifying States.

(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 provision.

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