
STATUTORY INSTRUMENTS

2021 No. 1401

The Merchant Shipping (Polar Code) (Safety) Regulations 2021

PART 2

Ship requirements and certification

Requirements for ships operating in polar waters

12.—(1) A ship must comply with each requirement referred to in paragraph (2) which is applicable to that ship.

(2) The requirements referred to in paragraph (1) are the following provisions in part 1-A of the Polar Code—

- (a) paragraph 1.4 of chapter 1 (performance standards);
- (b) paragraph 1.5 of chapter 1 (operational assessment); and
- (c) chapters 2 to 11 (safety measures).

(3) A ship must be operated in compliance with its Polar Water Operational Manual.

Commencement Information

II Reg. 12 in force at 6.1.2022, see [reg. 1\(1\)](#)

Seafarers on a ship operating in polar waters – basic training

13.—(1) This regulation applies to the following seafarers on ships operating, or intending to operate, in polar waters—

- (a) the master;
- (b) a chief mate;
- (c) an officer in charge of a navigational watch.

(2) A person to whom this regulation applies must hold a certificate of proficiency in basic training for service on ships operating in polar waters when operating, or intending to operate, in the circumstances specified as requiring such qualification in paragraph 12.3.1 of chapter 12 of part 1-A of the Polar Code (manning and training).

(3) The Secretary of State, or an approved training provider, may issue a certificate of proficiency required by paragraph (2) only to a person who meets the criteria specified in STCW Regulation V/4, paragraph 2 (basic training for ships operating in polar waters).

(4) A certificate of proficiency issued under this regulation is not valid for seagoing service unless, at intervals not exceeding 5 years, it is revalidated by—

- (a) the Secretary of State; or
- (b) an approved training provider, provided the certificate to be revalidated was issued by such a person under regulation 9(13) (issue of certificate of proficiency by training provider).

Status: Point in time view as at 06/01/2022.

Changes to legislation: There are currently no known outstanding effects for the The Merchant Shipping (Polar Code) (Safety) Regulations 2021, PART 2. (See end of Document for details)

(5) Where a person who holds a certificate of proficiency issued under paragraph (3), or revalidated under paragraph (4), has lost or been deprived of it, a certified copy of the certificate may be issued to the holder by—

- (a) the Secretary of State, where the certificate of proficiency was issued by the Secretary of State or an approved training provider; or
 - (b) an approved training provider, where the certificate of proficiency was issued by that approved training provider.
- (6) The Secretary of State may—
- (a) recognise a certificate of proficiency in basic training for service on ships operating in polar waters issued by another State which is a party to the STCW Convention;
 - (b) withdraw recognition of that certificate in accordance with regulation 33B of the 2015 Regulations (withdrawal of recognition).

Commencement Information

I2 Reg. 13 in force at 6.1.2022, see [reg. 1\(1\)](#)

Seafarers on a ship operating in polar waters – advanced training

14.—(1) A master and a chief mate on a ship operating, or intending to operate, in polar waters must hold a certificate of proficiency in advanced training for service on ships operating in polar waters when operating, or intending to operate, in the circumstances specified as requiring such qualification in paragraph 12.3.1 of chapter 12 of part 1-A of the Polar Code (manning and training).

(2) The Secretary of State, or an approved training provider, may issue a certificate of proficiency required by paragraph (1) only to a person who meets the criteria specified in STCW Regulation V/4, paragraph 4 (advanced training for ships operating in polar waters).

(3) A certificate of proficiency issued under this regulation is not valid for seagoing service unless, at intervals not exceeding 5 years, it is revalidated by—

- (a) the Secretary of State; or
- (b) an approved training provider, provided the certificate to be revalidated was issued by such a person under regulation 9(13) (issue of certificate of proficiency by training provider).

(4) Where a person who holds a certificate of proficiency issued under paragraph (2), or revalidated under paragraph (3), has lost or been deprived of it, a certified copy of the certificate may be issued to the holder by—

- (a) the Secretary of State, where the certificate of proficiency was issued by the Secretary of State or an approved training provider; or
- (b) an approved training provider, where the certificate of proficiency was issued by that approved training provider.

(5) The Secretary of State may—

- (a) recognise a certificate of proficiency in advanced training for service on ships operating in polar waters issued by another State which is a party to the STCW Convention;
- (b) withdraw recognition of that certificate in accordance with regulation 33B of the 2015 Regulations (withdrawal of recognition).

Commencement Information

I3 Reg. 14 in force at 6.1.2022, see [reg. 1\(1\)](#)

Application for a certificate of proficiency

15.—(1) An application for a certificate of proficiency required by these Regulations or a revalidation of such a certificate, must be—

- (a) made in a form specified by the Secretary of State;
- (b) accompanied by the prescribed fee; and
- (c) accompanied by evidence of identity, age, relevant service, standards of competence and certificates or qualifications held.

(2) An application made to the Secretary of State for a certified copy of a certificate of proficiency issued under these Regulations, must be—

- (a) made in a form specified by the Secretary of State;
- (b) accompanied by the prescribed fee; and
- (c) where the certificate of proficiency was issued by an approved training provider, accompanied by evidence of the issue of that certificate by the approved training provider.

Commencement Information

I4 Reg. 15 in force at 6.1.2022, see [reg. 1\(1\)](#)

Seafarers on a ship operating in polar waters – other training provision

16.—(1) In circumstances where—

- (a) a ship is operating in polar waters; and
- (b) the master, chief mate or an officer in charge of the navigational watch is unable to discharge an obligation required by the Polar Code,

another seafarer may discharge that obligation in place of such a master, chief mate or officer in charge of a navigational watch, provided that each requirement of paragraph 12.3.2 of chapter 12 of part 1-A of the Polar Code (manning and training) is met.

(2) The deployment of a seafarer in the circumstances described in paragraph (1) does not relieve the master, chief mate or officer of the navigational watch from their duties and obligations for the safety of the ship.

(3) Every seafarer on a ship operating in polar waters must be made familiar with the content of the Polar Water Operational Manual relevant to the seafarer’s assigned duties as required by paragraph 12.3.4 of chapter 12 of part 1-A of the Polar Code.

Commencement Information

I5 Reg. 16 in force at 6.1.2022, see [reg. 1\(1\)](#)

Status: Point in time view as at 06/01/2022.

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Refusal to issue or revalidate, suspension or cancellation of a certificate of proficiency

17.—(1) The Secretary of State may suspend or cancel a certificate of proficiency issued under regulation 13 or 14 (requirement to hold a certificate of proficiency) where—

- (a) the holder is convicted of an offence under section 47(5) of the Merchant Shipping Act 1995; or
- (b) the conditions for the issue of the certificate prescribed in these Regulations have not been complied with.

(2) If the Secretary of State or an approved training provider intends to refuse the issue or revalidation of a certificate of proficiency required by regulation 13 or 14, that person must give notice in writing to the applicant or holder of the certificate.

(3) If the Secretary of State intends to suspend or cancel a certificate of proficiency issued under regulation 13 or 14, the Secretary of State must give notice in writing to the holder of the certificate.

(4) The requirement that the notice referred to in paragraphs (2) and (3) be in writing is satisfied where the text of the notice is—

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

(5) The applicant or the holder of the certificate may, before a date specified in the notice given under paragraph (2) or (3), request the refusal, suspension or cancellation to be reviewed at an inquiry.

(6) If the applicant has requested an inquiry in accordance with paragraph (5), the Secretary of State must cause such an inquiry to be held by one or more persons appointed by the Secretary of State.

(7) For the purposes of this regulation, “applicant” means the person who has applied for the issue or revalidation of a certificate of proficiency under these Regulations.

Commencement Information

I6 Reg. 17 in force at 6.1.2022, see [reg. 1\(1\)](#)

Certification required to operate in polar waters

18.—(1) Subject to payment of the prescribed fee, a Certifying Authority must issue a Polar Ship Certificate in respect of a United Kingdom ship on being notified by a surveyor that—

- (a) the surveyor has carried out a survey in respect of that ship in accordance with the requirements of paragraph 1.3 of chapter 1 of part 1-A of the Polar Code (certificate and survey); and
- (b) the surveyor is satisfied at the date of the survey that—
 - (i) the ship complies with each requirement of the Polar Code referred to in regulation 12(2) (requirements for ships operating in polar waters) applicable to it; and
 - (ii) the master, chief mate and all officers of the navigational watch hold a certificate of proficiency as required by regulation 13 or 14 (requirements for a certificate of proficiency).

(2) A ship that operates, or intends to operate in, polar waters must be surveyed and certified—

- (a) in the case of a United Kingdom ship, in accordance with paragraph (1);

- (b) in the case of a non-United Kingdom ship flying the flag of a Convention country, in accordance with paragraph 1.3 of chapter 1 of part I-A of the Polar Code and issued with a Polar Ship Certificate; or
 - (c) in the case of a non-United Kingdom ship flying the flag of a State which is not a Convention country, in such a way that demonstrates compliance with the requirements of regulation 12(2) and regulations 13 and 14.
- (3) The following certificates must be held on board a ship—
- (a) in the case of a United Kingdom ship or a non-United Kingdom ship flying the flag of a Convention country, a valid Polar Ship Certificate;
 - (b) in the case of a non-United Kingdom ship flying the flag of a State which is not a Convention country, a certificate that demonstrates compliance with the requirements of regulation 12(2).
- (4) A certificate mentioned in paragraph (3)(a) or (b), as the case may be, must be readily available for examination at all times.

Commencement Information

I7 Reg. 18 in force at 6.1.2022, see [reg. 1\(1\)](#)

Duration and validity of Polar Ship Certificate

19.—(1) A Polar Ship Certificate must be issued in respect of a ship for a period of validity which is the same as a certificate or certificates issued in respect of that ship pursuant to regulation 15 of the Merchant Shipping (Survey and Certification) Regulations 2015 (duration and validity of certificates).

(2) Where the validity of a certificate issued under regulation 15 of the Merchant Shipping (Survey and Certification) Regulations 2015 has been extended under regulation 17 of those Regulations (extension etc.), a Polar Ship Certificate may be similarly extended provided that a Certifying Authority is satisfied that the ship continues to comply with the requirements of these Regulations.

Commencement Information

I8 Reg. 19 in force at 6.1.2022, see [reg. 1\(1\)](#)

Responsibilities of owner and master

- 20.**—(1) This regulation applies to—
- (a) United Kingdom ships which have been surveyed and certified pursuant to regulation 18 (certification required to operate in polar waters);
 - (b) other ships which have been surveyed and certified pursuant to regulation 24 (request for a survey made by another convention country).
- (2) The owner and master of each ship to which this regulation applies must ensure that—
- (a) the ship and its equipment is maintained so that the ship in all respects remains fit to operate in polar waters without danger to the ship or persons on board;
 - (b) after any survey of the ship required by these Regulations has been completed, no change is made in the structural arrangements, machinery, equipment and other items covered by

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the survey, without the approval of the Certifying Authority, except by direct replacement; and

- (c) whenever an accident occurs to a ship or a defect is discovered, either of which affects the safety of the ship or the efficiency or completeness of its life-saving appliances or other equipment required by part 1-A of the Polar Code—
- (i) it is reported at the earliest opportunity to the Certifying Authority, or a proper officer⁽¹⁾; and
 - (ii) it is, in the case of a United Kingdom ship in a port outside the United Kingdom, also reported to the appropriate authorities of the country in which the port is situated.

(3) If a report is made under paragraph (2)(c)(i), the Certifying Authority or proper officer must determine whether a survey is necessary, and, if so, require one to be carried out.

(4) If the survey referred to in paragraph (3) shows that repairs are required, or if any important repairs or renewals are otherwise made to the ship or its equipment, a further survey must be carried out on the completion of those repairs or renewals.

Commencement Information

19 Reg. 20 in force at 6.1.2022, see [reg. 1\(1\)](#)

Procedure to be adopted when the ship is deficient

21.—(1) This regulation applies to United Kingdom ships and to other ships which have been surveyed pursuant to regulation 24 (request for a survey made by another convention country).

- (2) Where a surveyor determines that the condition of a ship to which this regulation applies—
- (a) does not correspond substantially with the particulars on the Polar Ship Certificate issued in respect of the ship; or
 - (b) is such that the ship is not fit to proceed to enter polar waters without danger to the ship or to persons on board,

the surveyor must advise the owner or master of the corrective action which in the surveyor's opinion is required, and must notify the Certifying Authority.

(3) If such corrective action is not taken within such reasonable period as a surveyor may specify, the surveyor, or the Certifying Authority, must notify the Secretary of State in writing who may suspend the validity of the Polar Ship Certificate issued in respect of that ship until the corrective action has been taken.

(4) Where the Secretary of State suspends the validity of a Polar Ship Certificate issued in respect of a ship or reinstates the validity of the certificate, the Secretary of State must give notice in writing of such suspension or reinstatement to both the owner and the surveyor and also to the Certifying Authority who in turn must give notice to the master.

(5) The requirement that each notification under paragraphs (3) and (4) be in writing is satisfied where the text of the notification is—

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

(1) "Proper officer" is defined in section 313(1) of the Merchant Shipping Act 1995 and means, in the United Kingdom, a consular officer.

Commencement Information

I10 Reg. 21 in force at 6.1.2022, see [reg. 1\(1\)](#)

Cancellation of Polar Ship Certificate

22.—(1) The Secretary of State may cancel a Polar Ship Certificate issued in respect of a United Kingdom ship where there is reason to believe that—

- (a) the certificate was issued on the basis of false or erroneous information; or
- (b) since any survey required by these Regulations, the structure, equipment or machinery has sustained damage or is otherwise deficient.

(2) The Secretary of State may require a Polar Ship Certificate issued in respect of a United Kingdom ship which has expired, or has been cancelled, to be surrendered.

(3) No person must—

- (a) intentionally alter a Polar Ship Certificate;
- (b) intentionally make a false Polar Ship Certificate;
- (c) in connection with a survey referred to in regulation 18 (certification required to operate in polar waters), knowingly or recklessly furnish false information;
- (d) with intent to deceive, use, lend, or allow to be used by another, a Polar Ship Certificate; or
- (e) fail to surrender a Polar Ship Certificate required to be surrendered under paragraph (2).

Commencement Information

I11 Reg. 22 in force at 6.1.2022, see [reg. 1\(1\)](#)

Issue of Polar Ship Certificate by another Convention country

23. The Secretary of State may request the government of another Convention country—

- (a) to survey a United Kingdom ship for the purpose of issuing a Polar Ship Certificate;
- (b) if satisfied that each requirement of part 1-A of the Polar Code applicable to that ship is complied with, to issue a Polar Ship Certificate in respect of that ship in accordance with the Polar Code; and
- (c) to include a statement in the Polar Ship Certificate that it has been so issued and has the same effect as if it had been issued by the Secretary of State and not by the government of that other Convention country.

Commencement Information

I12 Reg. 23 in force at 6.1.2022, see [reg. 1\(1\)](#)

Request for a survey made by another Convention country

24.—(1) The Secretary of State may, at the request of another Convention country, survey a ship intending to enter polar waters in accordance with paragraph 1.3 of chapter 1 of part I-A of the Polar Code (certificate and survey).

Status: Point in time view as at 06/01/2022.

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(2) If the Secretary of State is satisfied at the date of the survey that the ship complies with each requirement of the Polar Code applicable to it, the Secretary of State may issue a Polar Ship Certificate in respect of that ship.

(3) A Polar Ship Certificate issued in accordance with a request mentioned in paragraph (1) must contain a statement that it has been so issued and has the same effect as if it had been issued by the government of that other Convention country and not by the Secretary of State.

Commencement Information

I13 Reg. 24 in force at 6.1.2022, see [reg. 1\(1\)](#)

Arbitration

25.—(1) If an applicant is dissatisfied for any reason with the outcome of a survey carried out in respect of a United Kingdom ship, that person may serve a written notice on the responsible person within 21 days of receiving notice of that outcome—

- (a) stating that there is a dispute in relation to the survey; and
- (b) requesting that the dispute be referred to a single arbitrator.

(2) Subject to paragraphs (3), (4) and (6), an arbitrator referred to in paragraph (1) must be appointed by agreement between the parties.

(3) In default of agreement between the parties, the arbitrator is such person as may be appointed by the President or Vice President of the Chartered Institute of Arbitrators following a request by—

- (a) a party, after giving written notice to the other party; or
- (b) the parties jointly,

but this paragraph does not apply in Scotland.

(4) No person is to be an arbitrator under this regulation unless that person is—

- (a) a person who holds a certificate of competency as a Class 1 Deck Officer or Class 1 Marine Engineer Officer, or a certificate of competency which is equivalent to such a certificate;
- (b) a naval architect;
- (c) a qualified person;
- (d) a person with experience of shipping matters; or
- (e) a Member of the Chartered Institute of Arbitrators.

(5) An arbitrator appointed under this regulation has the powers of an inspector conferred by section 259 of the Merchant Shipping Act 1995.

(6) In the application of this regulation to Scotland—

- (a) any reference to an arbitrator is to be construed as a reference to an arbiter; and
- (b) the reference in paragraph (2) to an arbitrator appointed by agreement between the parties is to be construed as a reference to a single arbiter so appointed or, in default of agreement, appointed by a sheriff.

(7) The rules for arbitration set out in Merchant Shipping Notice M.1613 apply unless alternative arrangements are agreed between the applicant and the Secretary of State before the commencement of arbitration proceedings.

(8) In this regulation—

“applicant” means a person who makes an application for a survey required by these Regulations;

“Merchant Shipping Notice” means a notice described as such and issued by the Maritime and Coastguard Agency (an executive agency of the Department for Transport) and includes a reference to any document amending or replacing that notice which is considered by the Secretary of State to be relevant from time to time and is specified in a Merchant Shipping Notice;

“the parties” means the applicant and the responsible person, and “party” is to be construed accordingly;

“qualified person” means—

- (a) a person who satisfies the judicial-appointment eligibility condition on a 7-year basis within the meaning of section 50 of the Tribunals, Courts and Enforcement Act 2007⁽²⁾;
- (b) a person who is an advocate or solicitor in Scotland of at least 7 years’ standing; or
- (c) a person who is a member of the Bar of Northern Ireland or a solicitor of the Supreme Court of Northern Ireland of at least 7 years’ standing;

“responsible person” means the Certifying Authority responsible for the issue of the Polar Ship Certificate in connection with which a survey required by these Regulations is carried out.

Commencement Information

I14 Reg. 25 in force at 6.1.2022, see [reg. 1\(1\)](#)

Status:

Point in time view as at 06/01/2022.

Changes to legislation:

There are currently no known outstanding effects for the The Merchant Shipping (Polar Code) (Safety) Regulations 2021, PART 2.