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## EXPLANATORY NOTE

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

These Regulations implement Directive (EU) 2017/2109 of the European Parliament and of the Council of 15th November 2017 amending Directive 98/41 EC. The Regulations make a number of amendments to the Merchant Shipping (Counting and Registration of Persons on Board Passenger Ships) Regulations 1999 (S.I. 1999/1869) (“the 1999 Regulations”) to provide for the new passenger reporting requirements applicable to United Kingdom passenger ships and passenger ships in United Kingdom waters.

Regulation 2(2) amends the definitions in regulation 3 of the 1999 Regulations and inserts new definitions for terms such as ‘automatic identification system’ and ‘National Single Window’ which some ship owners will be required to use to report passenger information. Regulation 2(3) amends the application of the 1999 Regulations. Regulation 2(4)(b) requires some ship owners to use either the automatic identification system or the National Single Window to report the number of passengers on board. Regulation 2(5)(d) provides that for voyages above 20 nautical miles, the owner of a ship must report in the National Single Window additional personal information in relation to each person on board a passenger ship unless that ship operates exclusively on Category A, B, C or D waters. The additional personal information required is specified in regulation 2(5)(g) which amends regulation 6(3) of the 1999 Regulations. Regulations 2(4)(c) and 2(5)(f) make provision for a transition period until 20th December 2023 in which ship owners may continue to communicate the total number of persons on board to the master of the ship and passenger registrar and personal passenger information to the passenger registrar.

Regulation 2(6) requires passenger ships which are on voyages to the United Kingdom from outside the European Union and are neither Community ships nor United Kingdom ships to adhere to the same reporting requirements as set down in regulations 5(4) and 6(2)(b) of the 1999 Regulations.

Regulation 2(7)(c) amends the data protection requirements which need to be considered by ship owners when collecting and reporting passenger information.

Regulation 2(8) amends Regulation 9 of the 1999 Regulations so that the Secretary of State may exempt specific passenger ships from the passenger reporting requirements set down in regulations 5(4) and 6(2) of the 1999 Regulations.

Merchant Shipping Notice 1794 (M) Amendment 1 provides information on how the Regulations work in practice. All Merchant Shipping Notices referred to in these Regulations are available on [www.gov.uk/topic/ships-cargoes/m-notices](http://www.gov.uk/topic/ships-cargoes/m-notices) and in hard copy from the Maritime and Coastguard Agency (MCA) of Spring Place, 105 Commercial Road, Southampton, SO15 1EG (telephone 020 3817 2000 and email [infoline@mca.gov.uk](mailto:infoline@mca.gov.uk)).

A full impact assessment has not been produced for this instrument as it is not expected to have significant impact on the public or voluntary sectors and only minimal impact on the private sector is foreseen.

An Explanatory Memorandum is published alongside this instrument at [www.legislation.gov.uk](http://www.legislation.gov.uk).

**Changes to legislation:**

There are currently no known outstanding effects for the The Merchant Shipping (Counting and Registration of Persons on Board Passenger Ships) (Amendment) Regulations 2021.