

---

STATUTORY INSTRUMENTS

---

**2023 No. 1216**

**The Merchant Shipping (Small Workboats  
and Pilot Boats) Regulations 2023**

**PART 2**

Survey and certification of vessels

**Determination of an application for a certificate**

- 12.**—(1) On receipt of an application for a certificate, a Certifying Authority must—
- (a) inform the owner or master that a surveyor is required to carry out a survey of the vessel of a type specified in regulation 8 (survey requirements) and in accordance with section 4 of the Workboat Code Edition 3, or
  - (b) decline the application if—
    - (i) the Certifying Authority does not have the necessary experience or expertise in relation to the type of vessel for which the application is made, or
    - (ii) the application has not been made in accordance with regulation 11(2).
- (2) The Certifying Authority must consider if a certificate may be issued in respect of a vessel if a notification signed by a surveyor and either the owner or master of the vessel is received.
- (3) A notification under paragraph (2) must—
- (a) confirm that at the date of the notification being given—
    - (i) a survey required under these Regulations has been completed,
    - (ii) the vessel meets all the requirements of these Regulations and the Workboat Code Edition 3 in relation to the particular certificate being requested,
  - (b) include a report documenting the vessel's compliance with the requirements of these Regulations and the Workboat Code Edition 3, and
  - (c) where section 12 or 12B of the Workboat Code Edition 3 applies to the vessel, include stability information or a stability information booklet whichever is appropriate .
- (4) Where the Workboat Code Edition 3 provides discretion as to which requirements apply to a vessel, a Certifying Authority must make a determination as to which requirements will apply to that vessel to reasonably ensure—
- (a) the safety of that vessel, and
  - (b) the health and safety of any persons on that vessel.
- (5) If a Certifying Authority makes a determination under paragraph (4), it must notify the owner or master in writing of the requirements that apply before any certificate is issued under paragraph (6).
- (6) The Certifying Authority must issue the certificate in accordance with section 4.3 or 4.13 of the Workboat Code Edition 3 if having considered—

- (a) the notification referred to in paragraph (2), and
- (b) any requirement it determines will apply under paragraph (4),

the Certifying Authority is satisfied that the vessel meets all the relevant requirements of the Workboat Code Edition 3 for a vessel of its type.

(7) A certificate issued under this regulation must contain the information specified in the sample certificates set out in Appendix 10 of the Workboat Code Edition 3 depending on the type of certificate being issued.

(8) If after considering the notification referred to in paragraph (2), a Certifying Authority determines that the vessel does not meet all of the requirements of these Regulations and the Workboat Code Edition 3 for a vessel of its type, the Certifying Authority must advise—

- (a) the surveyor who carried out the survey, and
- (b) the owner or master of that vessel,

of the corrective action which, in the opinion of the Certifying Authority, is required before a certificate may be issued.

(9) Where corrective action is not taken within such reasonable period as a Certifying Authority may specify, the Certifying Authority must refuse the application for a certificate and notify the surveyor and the owner or master of the vessel of the refusal and the reasons for such refusal.