Draft Regulations laid before Parliament under paragraphs 2(1) to (3) and 5(1) of Schedule 5 to the Retained EU Law (Revocation and Reform) Act 2023, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2025 No. 0000

RETAINED EU LAW REFORM

MERCHANT SHIPPING

The Merchant Shipping (Marine Equipment) Regulations 2025

Made - - - - ***

Coming into force - - *5th January 2026*

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The Secretary of State, with the consent of the Treasury, makes the following Regulations in exercise of the powers conferred by—

(a) sections 12(1), 13(2) and (3), 14(2), (4)(c) and (e) and 20(1)(b) of the Retained EU Law (Revocation and Reform) Act 2023(**a**) ("the 2023 Act");

(b) sections 85(1), (3)(a), (d), (o), (p) and (q), (5) to (7), 86(1)(a), (b) and (d), 302(1)(a) and (b) and 306A(1), (2) and (3) of the Merchant Shipping Act 1995(**b**) ("the 1995 Act"); and

(c) article 3 of the Merchant Shipping (Prevention of Oil Pollution) Order 1983(**c**).

(**a**) 2023 c. 28.
(**b**) 1995 c. 21. Section 85(1) was amended by the Merchant Shipping and Maritime Security Act 1997 (c. 28) (the "1997 Act"), section 8(2). Section 85(3) was amended by the 1997 Act, section 8(4). Section 306A was inserted by the Deregulation Act 2015 (c. 20), section 106.
(**c**) S.I. 1983/1106; relevant amending instruments are S.I. 1985/2002, 1991/2885 and 1993/1580.

The Secretary of State is a relevant national authority for the purposes of sections 12(1) and 14(2) of the 2023 Act(**a**).

In accordance with paragraphs 2(1) to (3) and 5(1) of Schedule 5 to the 2023 Act, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

In accordance with section 86(4) of the 1995 Act the Secretary of State has consulted the persons referred to in that section.

PART 1

Preliminary

Citation, commencement and extent

1. —(1) These Regulations may be cited as the Merchant Shipping (Marine Equipment) Regulations 2025 and come into force on 5th January 2026.

(2) These Regulations extend to England and Wales, Scotland and Northern Ireland.

Interpretation

2.—(1) In these Regulations—

"the Act" means the Merchant Shipping Act 1995;

"the Agreement" means the Agreement between the United Kingdom of Great Britain and Northern Ireland and the United States of America on the Mutual Recognition of Certificates of Conformity for Marine Equipment dated 14th February 2019(**b**);

"applicable international standards" means the design, construction and performance requirements of the international conventions which equipment must satisfy as set out in Annex 1 or 2 of Merchant Shipping Notice MSN 1874;

"applicable UK standards" means the requirements set out in Annex 3 of Merchant Shipping Notice MSN 1874 for equipment which is not subject to applicable international standards;

"approved body" means a conformity assessment body which has been designated under regulation 4(1);

"approved body requirements" means the requirements set out in Schedule 3;

"authorised representative" means a person who—

(a) immediately before IP completion day was established in an EEA state and appointed in accordance with article 13 of the EU Directive; or

(b) after IP completion day is appointed in accordance with regulation 14;

(**a**) "Relevant national authority" is defined in section 21(1) of the Retained EU Law (Revocation and Reform) Act 2023.

(**b**) An electronic copy of Cmnd. 53 can be found at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779446/CS_USA_4.2019_Marine.pdf. Hard copies are available from the Maritime Directorate at the Department of Transport, Great Minster House, 33 Horseferry Road, London, SW1P 4DR.

"COLREG" means the 1972 Convention on the International Regulations for Preventing Collisions at Sea(**a**);

"conformity approval certificate" means a certificate issued pursuant to regulation 10(2);

"conformity assessment" means the equipment assessment used to determine whether equipment listed in Annex 1 of Merchant Shipping Notice MSN 1874 meets the requirements in regulation 5;

"conformity assessment activities" means any activities connected with conformity assessment, including but not limited to calibration, testing, certification and inspection;

"conformity assessment body" means a body that performs conformity assessment activities;

"distributor" means a person in the supply chain, other than the manufacturer or the importer, who makes marine equipment available on the United Kingdom market;

"economic operator" means a manufacturer, authorised representative, importer or distributor;

"equipment assessment" means the process of demonstrating whether marine equipment complies with the requirements set out in these Regulations;

"EU conformity mark" means a conformity mark affixed under the EU Directive;

"EU declaration of conformity" means a declaration of conformity in the form specified in Annex III of Decision 768/2008/EC of the European Parliament and of the Council of 9 July 2008 on a common framework for the marketing of products, and repealing Council Decision 93/465/EEC as it has effect in European Union law(**b**);

"EU Directive" means Directive 2014/90/EU of the European Parliament and of the Council of 23rd July 2014 on marine equipment and repealing Council Directive 96/98/EC as it has effect in European Union law(**c**);

"Government ship" has the meaning given in section 308(4) of the Act;

"IMO" means the International Maritime Organization(**d**);

"importer" means a person who—

(a) is established in the United Kingdom; and

(b) who makes available on the market marine equipment from a country outside of the United Kingdom;

"international conventions" means—

(a) the testing standards; and

(b) the following conventions, together with their protocols and codes of mandatory application, and the resolutions and circulars of the IMO giving effect to those conventions—

(i) COLREG;

(ii) MARPOL;

(iii) SOLAS;

"making available on the market" means any—

(**a**) Cmnd. 6962. The Convention was amended in 1981 and 1988. The Convention may be obtained in copy from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or found on the Foreign, Commonwealth & Development Office treaties database (https://treaties.fcdo.gov.uk/awweb/pdfopener?md=1&did=67638).

(**b**) OJ No. L 218, 13.8.2008, p. 82.

(**c**) OJ No. L 257, 28.8.2014, p. 146.

(**d**) The IMO is the United Nations specialized agency with responsibility for the safety and security of shipping and the prevention of marine and atmospheric pollution by ships.

(a) supply in the United Kingdom market of marine equipment to a United Kingdom ship; or

(b) making available of marine equipment in the United Kingdom market for supply to a United Kingdom ship;

in the course of a commercial activity, whether in return for payment or free of charge, and related expressions are to be construed accordingly;

"manufacturer" means a person who—

(a) manufactures marine equipment or has marine equipment designed or manufactured; and

(b) markets that equipment under that person's name or trade mark;

"marine equipment" means equipment listed in Annexes 1, 2 or 3 of Merchant Shipping Notice MSN 1874;

"MARPOL" means the 1973 International Convention for the Prevention of Pollution from Ships(**a**);

"Merchant Shipping Notice" means a notice described as such and issued by the Secretary of State and any reference to a particular Merchant Shipping Notice includes a reference to a Merchant Shipping Notice amending or replacing that Notice which is considered by the Secretary of State to be relevant from time to time(**b**);

"Merchant Shipping Notice MSN 1874" means the Merchant Shipping Notice MSN 1874 as amended from time to time;

"nominated body" means a person designated as a nominated body under regulation 4(2);

"passenger" means every person on a ship other than—

(a) the master and the members of the crew or other persons employed or engaged in any capacity on board a ship on the business of that ship;

(b) a person on board the ship in pursuance of an obligation on the master to carry shipwrecked, distressed or other persons or by reason of any circumstance that neither the master nor the owner could have prevented, and

(c) a child under one year of age;

"product" means an item of marine equipment;

"quality system" means a quality system approved under Part 2 or Part 3 of Schedule 2;

"recall" means any measure aimed at achieving the return of marine equipment that has been placed on board a United Kingdom ship or purchased with the intention of being placed on a United Kingdom ship;

"recognised country" means a country, other than the United Kingdom, whose requirements in relation to its national accreditation body, and whose conformity assessment procedures,

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(**a**) The Convention was published in Cmnd. 5748, and amended by the Protocols of 1978 (Cmnd. 7347) and 1997 (Cm. 4427). Hard copies of the Command Papers are available for inspection free of charge but by appointment at the Parliamentary Archives, Houses of Parliament, London SW1A 0PW. The Parliamentary Archives catalogue numbers are as follows: HL/PO/JO/10/11/1853/505 (Cmnd. 5748), HL/PO/JO/10/11/1959/2033 (Cmnd. 7347) and HL/PO/JO/10/11/3156/2285 (Cm. 4427). Annex V to MARPOL has been amended by a number of International Maritime Organization ("IMO") Resolutions, most recently by MEPC.362(79). The amendments are available from the IMO of 4 Albert Embankment, London SE1 7SR or can be found on the Foreign, Commonwealth & Development Office treaties database (https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch/).

(**b**) Merchant Shipping Notices are published by the Maritime and Coastguard Agency ("MCA"). Copies can be obtained free of charge at www.gov.uk or in hard copy from the MCA of Spring Place, 105 Commercial Road, Southampton SO15 1EG.

the Secretary of State is satisfied, taking into account relevant international conventions, are equivalent to those of the United Kingdom;

"relevant period" means a period of at least 10 years from the date that the United Kingdom conformity mark or the EU conformity mark was affixed to the marine equipment concerned and not less than the expected life of that equipment;

"SOLAS" means 1974 the International Convention for the Safety of Life at Sea(**a**);

"testing standards" means the testing standards for marine equipment referred to in Annexes 1 and 2 of Merchant Shipping Notice 1874;

"type approval" means approval by a nominated body under regulation 16;

"United Kingdom conformity approval" means approval by an approved body under regulation 10;

"United Kingdom conformity assessment examination certificate" means a certificate issued pursuant to paragraph 6(1) of Schedule 2;

"United Kingdom conformity mark" means the mark affixed to equipment by the manufacturer in accordance with regulation 13;

"United Kingdom declaration of conformity" means a statement issued by the manufacturer in accordance with regulation 12;

"United Kingdom ship" means a ship which is—

(a) a United Kingdom ship within the meaning of section 85(2) of the Act; or

(b) a hovercraft registered under the Hovercraft Act 1968(**b**);

"US conformity assessment examination certificate" means a certificate issued by the United States Coast Guard confirming that a product fulfils the relevant legislative, regulatory, and administrative requirements of the United States of America;

"withdraw" in relation to marine equipment, means any measure aimed at preventing marine equipment in the supply chain from being made available on the market.

(2) In these Regulations, a reference to each of the international conventions is to be construed—

(a) as a reference to the international convention as it is modified from time to time; and

(b) as, if the international convention is replaced, a reference to the replacement.

(3) With regard to COLREG, MARPOL and SOLAS, for the purposes of paragraph (2) the international convention is modified or replaced if the modification or replacement takes effect in accordance with the relevant Article of the convention referred to in paragraph (4).

(4) The relevant Article is—

(a) for COLREG, Article VI;

(b) for MARPOL, Article 16;

(c) for SOLAS, Article VIII.

(**a**) Cmnd 7874. The Convention may be obtained in copy from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or found on the Foreign, Commonwealth & Development Office treaties database (https://treaties.fcdo.gov.uk/awweb/pdfopener?md=1&did=79786). The Convention was modified by its Protocol of 1978 (Cmnd. 8277), which was replaced and abrogated by the Protocol of 1988 (Cm. 5044) with respect to the parties to the 1988 Protocol. The amendments to the Convention are available from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or found on the Foreign, Commonwealth & Development Office treaties database (https://treaties.fcdo.gov.uk/awweb/pdfopener?md=1&did=68013). Hard copies of the Command Papers are available for inspection free of charge but by appointment at the Parliamentary Archives, Houses of Parliament, London SW1A 0PW. The Parliamentary Archives catalogue numbers for the Command Papers are HL/PO/JO/10/11/2301/2878 (Cmnd. 7874), HL/PO/JO/10/11/2302 (Cmnd. 8277) and HL/PO/JO/10/11/3156/2280 (Cm. 5044).

(**b**) 1968 c. 59. There are amendments but none is relevant.

(5) Any requirement in these Regulations for something to be in writing or in written form is satisfied where the text is—

(a) transmitted by electronic means;

(b) received in legible form; and

(c) capable of being used for subsequent reference.

(6) In the application of these Regulations to a hovercraft, a reference to the master of a ship includes a reference to the captain of that hovercraft.

(7) Where a ship is managed by a person other than the owner (whether on behalf of the owner, some other person or on his own behalf), a reference in these Regulations to the owner is to be construed as including a reference to that person.

(8) Any direction, prohibition or restriction given under these Regulations must be given in writing and must specify the date on which it takes effect and the conditions (if any) on which it is given.

Application

3. These Regulations apply to any United Kingdom ship wherever it may be, other than a Government ship.

Designation of approved and nominated bodies

4.—(1) The Secretary of State may designate any person as an approved body to carry out the procedures specified in Schedule 2 provided that the Secretary of State is satisfied that person meets the approved body requirements.

(2) The Secretary of State may designate any person as a nominated body to carry out the procedures specified in paragraphs 11 and 12 of Part II of Merchant Shipping Notice MSN 1874.

(3) A designation must be made in writing and set out—

(a) the functions to be performed by the approved or nominated body;

(b) the equipment to which the designation applies; and

(c) any time limit or condition which applies to the designation.

(4) The Secretary of State may withdraw a designation—

(a) of an approved body or a nominated body on request by the approved body or nominated body;

(b) of an approved body where the approved body ceases to comply with the approved body requirements;

(c) of an approved body where the approved body ceases to comply with the requirements in regulation 10; or

(d) of an approved body or a nominated body where the approved body or nominated body fails to comply with any condition imposed under paragraph (3)(c) above.

(5) The Secretary of State may vary a designation—

(a) on request by the approved body or nominated body; or

(b) where it appears necessary or expedient to do so.

(6) The Secretary of State may inspect an approved or nominated body to ensure it is performing its functions—

(a) under regulation 10, 11(3) and 16; and

(b) in accordance with the conditions of its designation.

(7) The procedure for applying for, and making, a designation under, paragraph (1) is specified in Schedule 4.

(8) Where a person has applied for designation under paragraph (1) or (2), the Secretary of State must inform that person in writing of the reasons for—

(a) refusing to designate that person as an approved or nominated body; or

(b) imposing any condition more onerous than proposed by the applicant.

(9) Where a person has been designated under paragraph (1) or (2), the Secretary of State must inform that person in writing of the reasons for withdrawing or varying a designation.

PART 2

Requirements for Equipment

Requirements for equipment

5.—(1) Subject to paragraph (2), where under international conventions equipment must be approved by the flag state administration, that equipment must comply with applicable international standards when it is placed on board a ship.

(2) When equipment is placed on board a domestic passenger ship or a fishing vessel and that equipment is listed in Annex 1 or 2 of Merchant Shipping Notice MSN 1874, it must comply with—

(a) applicable international standards; or

(b) an alternative standard.

(3) When equipment is placed on board a ship and that equipment is listed in Annex 3 of Merchant Shipping Notice MSN 1874, it must comply with applicable UK standards.

(4) Equipment listed in Annex 1 of Merchant Shipping Notice MSN 1874 must be taken to comply with applicable international standards where it is—

(a) approved by an approved body and—

(i) accompanied by a United Kingdom declaration of conformity; and

(ii) affixed with a United Kingdom conformity mark;

(b) approved by an EU notified body, accompanied by an EU declaration of conformity and affixed with an EU conformity mark and—

(i) manufactured before 1 January 2023; and

(ii) placed on board no later than the last placing on board date specified in Annex 1 of Merchant Shipping Notice MSN 1874; or

(c) approved by a recognised country other than the United States of America and accompanied by such declarations and marks of conformity (if any) as the Secretary of State may specify.

(5) Equipment listed in Annex 6 of Merchant Shipping Notice MSN 1874 must be taken to comply with applicable international standards where it is—

(a) approved by the United States Coast Guard;

(b) accompanied by a US conformity assessment examination certificate; and

(c) affixed with the United Kingdom conformity mark.

(6) Paragraph (5) does not apply to any equipment in respect of which approval has been suspended in accordance with Article 15 of the Agreement.

(7) Equipment listed in Annex 2 of Merchant Shipping Notice MSN 1874 must be taken to comply with applicable international standards where it is accompanied by a certificate issued in accordance with regulation 16(2).

(8) In this regulation—

"alternative standard" means a standard specified as an alternative to an applicable international standard in any instrument listed in Annex 4 of Merchant Shipping Notice MSN 1874;

"category C waters" has the meaning given in Merchant Shipping Notice MSN 1837(M) as amended;

"domestic passenger ship" means a passenger ship which has been issued a certificate to embark on voyages in category C waters or seaward of those waters, but not for international voyages;

"EU notified body" means a a body designated by the competent national authority of an EU Member State in accordance with the EU Directive;

"fishing vessel" means a vessel used to catch fish or other living resources of the sea with a registered length of 24 metres or more;

"international voyage" means a a voyage from a port in one country to a port in another country, either of the countries being a country to which SOLAS applies;

"length" means the greater of the following distances—

(a) the distance between the fore side of the stem and the axis of the rudder stock; or

(b) 96 per cent of the distance between the fore side of the stem and the aft side of the stern, the points and measurements being taken respectively at and along the waterline at 85 per cent of the least moulded depth of the ship; in the case of a ship with a rake of keel, the waterline must be parallel to the designated waterline;

"passenger ship" means a ship which carries more than 12 passengers.

Exemptions

6.—(1) Where marine equipment to be placed on board a United Kingdom ship is subject to the requirements set out in regulation 5(1), the Secretary of State may allow such equipment to be placed on board a ship where it does not comply with applicable international standards provided that the Secretary of State is satisfied, by whatever means, that—

(a) compliance with applicable international standards is either impracticable or unreasonable in that case or cases; and

(b) the exemption is subject to such conditions and limitations as will provide a level of safety which is at least equivalent to that provided by applicable international standards.

(2) The Secretary of State may, on reasonable notice, alter or cancel any exemption granted under paragraph (1).

(3) An exemption granted under paragraph (1), and an alteration or cancellation under paragraph (2), must be given in writing and must specify the date on which it takes effect and the terms (if any) on which it is given.

Equivalents

7.—(1) Where marine equipment to be placed on board a United Kingdom ship is subject to the requirements set out in regulation 5(1) but—

(a) there is no compliant equipment of that type available on the market;

(b) the available compliant equipment of that type is not suitable for reasons of technical compatibility with a given ship; or

(c) compliant equipment of that type is not available to a given ship due to exceptional circumstances,

the Secretary of State may permit, on terms the Secretary of State deems appropriate, an alternative piece of equipment to be placed on board that ship as an equivalent, subject to the conditions set out in paragraph (2).

(2) The conditions are that the alternative piece of equipment—

(a) is, in the opinion of the Secretary of State, at least as effective as equipment which would comply with the relevant requirements set out in regulation 5(1); or

(b) has been approved for placing on board a ship by a recognised country.

(3) The Secretary of State may, on reasonable notice, alter or cancel any permission granted under paragraph (1).

(4) A permission granted for equipment as an equivalent under paragraph (1), and a continuation, alteration, or cancellation under paragraph (3), must be given in writing and must specify the date on which it takes effect and the terms (if any) on which it is given.

(5) In this regulation "compliant equipment" means equipment that complies with applicable international standards.

Transfer of ship

8.—(1) Where a ship is transferred to the United Kingdom register, the Secretary of State must inspect any relevant equipment to ensure—

(a) its condition corresponds to any certificates relating to the safety of that equipment; and

(b) the equipment complies with applicable international standards or is, subject to the conditions in paragraph (2), equivalent to equipment that complies with those standards.

(2) The conditions are that the equivalent piece of equipment—

(a) is, in the opinion of the Secretary of State, at least as effective as equipment which would comply with the applicable international standards; or

(b) has been approved for placing on board a ship by a recognised country.

(3) Where, following inspection of equipment under paragraph (1), the Secretary of State is not satisfied that the equipment complies with the applicable international standards or is equivalent to equipment that complies with those standards, the Secretary of State must direct the owner in writing to replace the equipment.

(4) Where, following inspection under paragraph (1), the Secretary of State considers that the equipment does not comply with applicable international standards but is equivalent to equipment that complies with those standards, the Secretary of State must issue a certificate for that equipment, which must—

(a) confirm the Secretary of State's approval of the equipment;

(b) specify any restrictions or conditions on the use of the equipment; and

(c) be carried with the equipment.

(5) The Secretary of State may withdraw a certificate where a restriction or condition on the use of equipment is breached.

(6) In this regulation, "relevant equipment" means any equipment to which regulation 5(1) applies or to which regulation 5(1) of the Merchant Shipping (Marine Equipment) Regulations

2016 would have applied at the time the equipment was placed on board the ship if that ship had been a United Kingdom ship at that time.

PART 3

United Kingdom Conformity Assessment Procedures

Application for United Kingdom conformity approval

9.—(1) Subject to paragraph (3), for equipment listed in Annex 1 of Merchant Shipping Notice MSN 1874, the manufacturer must apply to an approved body for United Kingdom conformity approval in accordance with the procedures set out in Schedule 2 and must ensure that United Kingdom conformity assessment is carried out in respect of all such marine equipment in accordance with the procedures specified in paragraph (2).

(2) The procedures mentioned in paragraph (1) are—

(a) the United Kingdom conformity assessment examination as outlined in Part 1 (module B) of Schedule 2, in which case, before being made available on the market all such marine equipment must be subject to—

(i) production-quality assurance as outlined in Part 2 (module D) of Schedule 2;

(ii) product-quality assurance as outlined in Part 3 (module E) of Schedule 2; or

(iii) product verification as outlined in Part 4 (module F) of Schedule 2; or

(b) where sets of such marine equipment are produced individually or in small quantities and not in series or in mass, the conformity assessment procedure may be the unit verification as set out in Part 5 (module G) of Schedule 2.

(3) A manufacturer must not apply under paragraph (1) where an application for United Kingdom conformity approval has been made (whether by that manufacturer or another), in respect of that equipment, under these Regulations and that application has not been withdrawn.

(4) An application under paragraph (1) must be—

(a) in writing; and

(b) accompanied by the documentation required by Schedule 2.

United Kingdom conformity approval: obligations of an approved body

10.—(1) An approved body must—

(a) decide whether to grant or refuse United Kingdom conformity approval in accordance with the provisions of Schedule 2; and

(b) where an application is made under Part 1 (module B) of Schedule 2, produce an evaluation report recording the activities undertaken in accordance with paragraph 5 of that Schedule and their outcomes.

(2) Where an approved body grants United Kingdom conformity approval, it must—

(a) for the conformity approval of equipment under Part 1 (module B) of Schedule 2, issue a certificate containing the information specified in paragraph 6 of Schedule 2;

(b) for approval of a quality system under Part 2 (module D) or Part 3 (module E) of Schedule 2, notify the manufacturer of its decision in writing, including the conclusions of the audit of the quality system and the reasons for its decision; or

(c) where verifying a product under Part 4 (module F) or Part 5 (module G) of Schedule 2, issue a certificate of conformity pursuant to Part 4 or Part 5 for that product.

(3) Where an approved body refuses United Kingdom conformity approval, it must notify the manufacturer in writing, giving detailed reasons for its decision.

(4) An approved body must—

(a) periodically audit a quality system that it has approved; and

(b) provide the manufacturer with a report containing the results of the audit.

(5) Following the grant of United Kingdom conformity approval, an approved body must comply with the provision of information requirements in Schedule 2 and must inform the Secretary of State about any refusal, restriction, suspension or withdrawal of a conformity certificate and, on request, information about the conformity assessment activities performed within the scope of that approved body's designation, and any other activity performed.

Amendments to United Kingdom conformity approval

11.—(1) The manufacturer of equipment granted a conformity approval certificate by an approved body must notify that body of any changes that may affect the conformity of the equipment with applicable international standards or the conditions for validity of the certificate.

(2) The manufacturer must notify the approved body that approved a quality system under regulation 10(1) of any intended changes to that system.

(3) Following receipt of a notification under paragraph (1) or (2), the approved body must determine whether an amendment to the conformity approval certificate or to the approval of the quality system is required and notify the manufacturer accordingly.

(4) Where an amendment to the conformity approval certificate or to the approval of the quality system is required, the manufacturer must apply in writing for the approval to be amended and provide such documents as requested by the approved body.

Declarations of United Kingdom conformity

12.—(1) The manufacturer must provide a United Kingdom declaration of conformity with all marine equipment for which United Kingdom conformity approval has been granted.

(2) The United Kingdom declaration of conformity must provide the information specified in Schedule 5.

(3) The manufacturer must provide a copy of the declaration of conformity in English with the marine equipment and send a copy of that declaration to the approved body which granted the conformity approval certificate.

(4) The owner and master of a ship must each ensure that the United Kingdom declaration of conformity or EU declaration of conformity is kept with the marine equipment to which it relates on board the ship.

Affixing the United Kingdom conformity mark

13.—(1) The manufacturer must, at the end of the production stage, affix the United Kingdom conformity mark to—

(a) each item of equipment—

(i) for which a United Kingdom conformity approval has been granted;

(ii) which is equipment listed in Annex 6 of Merchant Shipping Notice MSN 1874 and which has been approved by the United States Coast Guard and granted a US conformity assessment examination certificate; or

(b) a data plate attached to that equipment; and

where relevant, embed the United Kingdom conformity mark in the equipment's software.

(2) Where it is not possible or practicable due to the nature of the item of equipment to affix the United Kingdom conformity mark in accordance with paragraph (1), it must be affixed to—

(a) the packaging of the item of equipment;

(b) a label on the item of equipment or its packaging; or

(c) a document distributed with the item of equipment.

(3) The United Kingdom conformity mark must be—

(a) in the form specified in Annex 5 of Merchant Shipping Notice MSN 1874;

(b) affixed so that it is visible, legible and indelible; and

(c) followed by—

(i) the identification number of the approved body which approved the equipment where that body is involved in the production control phase and the year in which the mark was affixed; or

(ii) where equipment listed in Annex 6 of Merchant Shipping Notice MSN 1874 has been approved by the United States Coast Guard and granted a US conformity assessment examination certificate, the identification number assigned to the United States Coast Guard by the Secretary of State and the year in which the mark was affixed.

(4) Where the number of the approved body is to be affixed under paragraph (3)(c)(i), it must be affixed by—

(a) the approved body itself; or

(b) the manufacturer on instruction of the approved body.

(5) No person may affix a mark or inscription which is likely to mislead any person with regard to the meaning or the graphics of the mark.

(6) In this regulation "production control phase" means the phase of production during which the manufacturer ensures that each item of equipment complies with its United Kingdom conformity approval in accordance with Parts 2 (module D), 3 (module E), 4 (module F) or 5 (module G) of Schedule 2.

Authorised Representatives

14.—(1) Where a manufacturer is not located in the United Kingdom that manufacturer may, by a written mandate, appoint an authorised representative located in the UK.

(2) Where a manufacturer appoints an authorised representative, that representative must be authorised to carry out the manufacturer's obligations under regulation 18(1)(a) and 20(2).

PART 4

Other Conformity Assessment Procedures

Application for type approval

15. —(1) For equipment listed in Annex 2 of Merchant Shipping Notice MSN 1874, the manufacturer must apply to a nominated body for type approval in accordance with the procedures set out in paragraph 10 of Merchant Shipping Notice MSN 1874.

(2) An application under paragraph (1) must be—

(a) in writing; and

(b) accompanied by the documentation required by paragraph 10 of the Merchant Shipping Notice MSN 1874.

Type approval: obligations of nominated bodies

16.—(1) For equipment listed in Annex 2 of Merchant Shipping Notice MSN 1874, a nominated body must decide whether to grant or refuse type approval in accordance with the requirements of paragraph 11 of the Merchant Shipping Notice MSN 1874.

(2) Where a nominated body grants type approval for equipment, it must issue a certificate containing the information specified in paragraph 12 of the Merchant Shipping Notice MSN 1874.

(3) Where a nominated body refuses type approval, it must notify the manufacturer, giving detailed reasons for its decision in writing.

PART 5

Obligations of Economic Operators

Application of Part 5

17. This Part applies only to equipment to which regulation 5(1) applies that is listed in Annex 1 of Merchant Shipping Notice MSN 1874.

Additional obligations of a manufacturer

18.—(1) A manufacturer must—

(a) keep the technical documentation specified in Schedule 2 and the United Kingdom declaration of conformity for the relevant period; and

(b) ensure that marine equipment made available on the market with the United Kingdom conformity mark has a valid conformity approval certificate.

(2) A manufacturer must fulfil any obligation arising from a quality system approved under regulation 10(1) and must ensure that quality system is maintained.

(3) A manufacturer must ensure—

(a) its name;

(b) a type, batch or serial number or other element allowing identification of its product;

(c) its registered trade name or trade mark; and

(d) the address at which it can be contacted,

is on any marine equipment or, where that is not possible, on the packaging of that equipment or in a document accompanying that equipment or both, as appropriate.

(4) A manufacturer must provide with any marine equipment—

(a) clear instructions and all necessary information for that equipment to be installed and operated safely; and

(b) any other documentation required by international conventions.

(5) Where a manufacturer knows or has reason to believe that its equipment does not comply with applicable international standards, that manufacturer must—

(a) take immediate corrective measures to ensure that the equipment complies with applicable international standards;

(b) withdraw the equipment from the United Kingdom market; or

(c) issue a recall of the equipment.

(6) Where a manufacturer considers that its marine equipment presents a risk, that manufacturer must immediately inform the Secretary of State of the risk and provide details of any non-compliance with applicable international standards and any action taken in accordance with paragraph (5).

(7) On request by the Secretary of State, a manufacturer must provide to the Secretary of State—

(a) samples of equipment approved by an approved body at the manufacturer's own cost; or

(b) access to such samples.

(8) In this regulation "clear instructions" means instructions in a form and language which the user easily understands.

Obligations of an importer and a distributor

19.—(1) An importer which makes available on the market any marine equipment accompanied by a United Kingdom declaration of conformity provided under regulation 12 must ensure that—

(a) its name,

(b) registered trade name or trade mark, and

(c) the address at which it can be contacted,

is on the marine equipment or, where that is not possible, on the packaging of the marine equipment or in a document accompanying the equipment or both, as appropriate.

(2) The obligations of a manufacturer under these Regulations apply to an importer or a distributor as if that person were a manufacturer where the importer or distributor—

(a) makes equipment available on the market under the importer or distributor's own name or trade mark; or

(b) modifies equipment already made available on the market in such a way that compliance with applicable international standards or applicable UK standards may be affected.

Obligations of an economic operator

20.—(1) On receipt of a written request from the Secretary of State, an economic operator must identify any other economic operator—

(a) who has supplied it with marine equipment, or

(b) to whom it has supplied marine equipment,

during the relevant period.

(2) On receipt of a written request from the Secretary of State, which includes the reasons for making the request, an economic operator must—

(a) provide the Secretary of State with all information and documents necessary to show that the equipment meets applicable international standards; and

(b) cooperate with the Secretary of State in any action it takes to eliminate risks posed by that equipment.

(3) Information and documents provided to the Secretary of State must be in English or in such other language to which the Secretary of State agrees.

PART 6

Enforcement

Restricting, suspending or withdrawing United Kingdom conformity approval

21.—(1) Where an approved body knows or has reason to believe that equipment to which it has granted United Kingdom conformity approval no longer complies with applicable international standards, it must, by giving written notice to the manufacturer, require the manufacturer to take immediate corrective measures to ensure that the equipment complies with applicable international standards.

(2) Where an approved body knows or has reason to believe that—

(a) equipment to which it has granted United Kingdom conformity approval no longer complies with applicable international standards;

(b) a manufacturer has failed to take corrective measures required under paragraph (1); or

(c) a manufacturer has failed to comply with regulation 18(1) to (7),

it may, by giving notice to the manufacturer, restrict, suspend or withdraw United Kingdom conformity approval of equipment or a quality system.

(3) Before issuing a notice under paragraph (2), an approved body notify the manufacturer in writing of the intention to do so must give the manufacturer not less than 10 working days to make written representations.

(4) The requirement in paragraph (3) does not apply where the approved body has reason to believe that complying with this requirement may—

(a) compromise the health and safety of the ship's crew, passengers or other persons; or

(b) adversely affect the marine environment.

(5) A notice under paragraph (2) must—

(a) be in writing;

(b) specify the date on which it is to take effect; and

(c) specify the grounds for the decision.

(6) The approved body must send a copy of any notice given under paragraph (2) to the Secretary of State.

(7) In this regulation, "working day" means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971(**a**) in any part of the United Kingdom.

(8) References in this regulation to a manufacturer are to be read as references to an importer or a distributor where the importer or distributor—

(a) makes equipment available on the market under the importer or distributor's own name or trade mark; or

(b) modifies equipment already made available on the market in such a way that compliance with applicable international standards or applicable UK standards may be affected.

(**a**) 1971 c. 80, to which there are amendments not relevant to these Regulations.

Sample checks

22. Where equipment approved by an approved body under regulation 10 is made available on the market, but not yet placed on board a United Kingdom ship, the Secretary of State may carry out sample checks of that equipment to ensure it complies with the applicable international standards.

Defective equipment

23.—(1) The Secretary of State may—

(a) direct an economic operator to withdraw or recall defective equipment from the market;

(b) prohibit or restrict the extent to which an economic operator may make available on the market defective equipment; or

(c) prohibit or restrict the use of defective equipment on ships.

(2) Before issuing a direction, prohibition or restriction, the Secretary of State must notify any economic operator in writing of the intention to do so and give the economic operator not less than 10 days, to make written representations.

(3) The Secretary of State may withdraw or vary a direction, prohibition or restriction.

(4) A direction, prohibition or restriction under paragraph (1), or a withdrawal or variation of a direction, prohibition or restriction under paragraph (3), must—

(a) be in writing;

(b) specify the date on which it is to take effect; and

(c) specify the grounds for the decision.

(5) In this regulation "defective equipment" means equipment to which regulation 5 applies, and which complies with the standards which apply to it under regulation 5, but which, in the opinion of the Secretary of State may—

(a) compromise the health and safety of the ship's crew, passengers or other persons; or

(b) adversely affect the marine environment.

Offences and penalties

24.—(1) The owner and master of a ship are each guilty of an offence, where—

(a) equipment is placed on a ship otherwise than in compliance with regulation 5; or

(b) any of the restrictions or conditions imposed by a certificate issued under regulation 8(4) are not complied with.

(2) It is an offence for a person—

(a) to affix a United Kingdom conformity mark to equipment which has not been granted United Kingdom conformity approval except where—

(i) the equipment is listed in Annex 6 of Merchant Shipping Notice MSN 1874 and has been approved by the United States Coast Guard; or

(ii) the United Kingdom conformity mark has been affixed in accordance with a specification of the Secretary of State pursuant to regulation 5(4)(c).

(b) to fail to comply with any requirement in regulation 9(1), 12, 13, 18, 19 or 20;

(c) to forge, counterfeit or otherwise alter, deface or remove any United Kingdom conformity mark or identification number affixed to equipment under these Regulations; or

(d) to fail to comply with a direction, prohibition or restriction given under regulation 23.

(3) A person guilty of an offence under this regulation is liable—

(a) on summary conviction—

(i) in England and Wales to a fine, and

(ii) in Scotland and Northern Ireland to a fine not exceeding the statutory maximum, or

(b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine, or both.

(4) Where a body corporate is guilty of an offence under this regulation and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or a person who was purporting to act in any such capacity, that person as well as the body corporate is guilty of an offence.

(5) Where the affairs of the body corporate are managed by its members, paragraph (4) applies in relation to the acts and defaults of a member in connection with that member's functions of management as if that member were a director of the body corporate.

(6) Where an offence under this regulation committed by a Scottish partnership(**a**) is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner, that partner as well as the partnership is guilty of that offence.

(7) In any proceedings for an offence under these Regulations, it is a defence for the person charged to show that all reasonable steps had been taken by that person to ensure compliance with the provision concerned.

Powers to detain

25.—(1) A ship is liable to be detained where a surveyor of ships is satisfied that there is, or has been, a failure—

(a) to comply with regulation 5(1); or

(b) by the owner of a ship to comply with a direction issued under regulation 8(3).

(2) Section 284(1) to (6) and (8) of the Act (enforcing detention of ship) applies to a ship which is liable to be detained under this regulation as if—

(a) references to detention of a ship under the Act were references to detention of the ship in question under this regulation; and

(b) references to a detention notice under paragraph (3) were references to a notice of detention.

(3) Where a ship is liable to be detained under this regulation the person detaining the ship must serve on the master of the ship a detention notice which—

(a) states that a surveyor of ships is of the opinion that, in relation to that ship, there is a failure to comply with the requirements of regulation 5(1) or a direction issued under regulation 8(3);

(b) details the reasons why the surveyor is of the opinion those requirements of regulation 5(1) or a direction issued under regulation 8(3) are not met; and

(c) requires the terms of the notice to be complied with until the ship is released.

(4) Sections 96 and 97 of the Act (which relate to arbitration and compensation in connection with detention of a ship) apply in relation to a detention notice under this regulation as those sections apply to a detention notice under section 95 of the Act with the following modifications—

(**a**) "Partnership" is defined in section 1 of the Partnership Act 1890 (c. 39). Section 1 was amended by the Statute Law (Repeals) Act 1998 (c. 43), section 1(1), Schedule 1, Part X and by S.I. 2009/1941, article 2(1) and Schedule 2, paragraph 2. Section 4(2) makes provision as to the legal personality of a partnership in Scotland.

(a) the arbitrator must have regard, in coming to a decision, to any other matters not specified in the detention notice which appear to be relevant to whether or not the ship was liable to be detained under paragraph (1); and

(b) the arbitrator must state in the decision whether or not there was a valid basis for detention of the ship.

PART 7

Miscellaneous

Market Surveillance

26. —(1) The Secretary of State may carry out market surveillance of equipment listed in Merchant Shipping Notice MSN 1874.

(2) In this regulation "market surveillance" means the measures set out in paragraph 6 of Merchant Shipping Notice MSN 1874.

Amendment and Revocation of Regulations

27. —(1) The Regulations specified in paragraphs 1 to 26 of Schedule 1 are amended in accordance with those paragraphs.

(2) The Regulations specified in paragraph 27 of Schedule 1 are revoked.

Signed by authority of the Secretary of State for Transport

Name
Parliamentary Under Secretary of State
Department for Transport

We consent

Name
Name
Two of the Lords Commissioners of His Majesty's Treasury

SCHEDULES

SCHEDULE 1

Regulation 27

Amendments and revocations

PART 1

Amendments

Amendment to the Merchant Shipping (Crew Accommodation) Regulations 1997

1. In the Merchant Shipping (Crew Accommodation) Regulations 1997(**a**), in regulation 36(2) (equipment to be of an approved type), for "2016" substitute "2025".

Amendment to the Merchant Shipping (Fire Protection: Small Ships) Regulations 1998

2. In the Merchant Shipping (Fire Protection: Small Ships) Regulations 1998(**b**), in regulation 1(2) (citation, commencement, interpretation and application), in the definition of "approved", for "2016" substitute "2025".

Amendment to the Merchant Shipping (Radio Installations) Regulations 1998

3. In the Merchant Shipping (Radio Installations) Regulations 1998(**c**), in regulation 6(4) (performance standards), for "2016" substitute "2025".

Amendment to the Merchant Shipping (Life-Saving Appliances for Passenger Ships of Classes III to VI(A)) Regulations 1999

4.—(1) The Merchant Shipping (Life-Saving Appliances for Passenger Ships of Classes III to VI(A)) Regulations 1999(**d**) are amended as follows.

(2) In regulation 6(6)(c) (ships of class IV), for "2016" substitute "2025".

(3) In regulation 7(10A) (ships of class V), for "2016" substitute "2025".

(4) In regulation 10(1), (approval and replacement of appliances and arrangements), for "2016" substitute "2025".

Amendment to the Merchant Shipping (Radio) (Fishing Vessels) Regulations 1999

5. In the Merchant Shipping (Radio) (Fishing Vessels) Regulations 1999(**e**), in regulation 7(1)(c) (performance standards), for "2016" substitute "2025".

(**a**) S.I. 1997/1508, amended by S.I. 2016/1025; there are other amending instruments but none is relevant.
(**b**) S.I. 1998/1011; relevant amending instruments are S.I. 2016/1025 and 2022/1269.
(**c**) S.I. 1998/2070, amended by S.I. 2016/1025; there are other amending instruments but none is relevant.
(**d**) S.I. 1999/2723, relevant amending instruments are S.I. 2016/1025 and 2022/1269.
(**e**) S.I. 1999/3210, amended by S.I. 2016/1025; there are other amending instruments but none is relevant.

Amendment to the Merchant Shipping and Fishing Vessels (Provision and Use of Work Equipment) Regulations 2006

6. In the Merchant Shipping and Fishing Vessels (Provision and Use of Work Equipment) Regulations 2006(**a**), in the Schedule (instruments which give effect to community directives concerning the safety of products), in the table, for the entry relating to the Merchant Shipping (Marine Equipment) Regulations 2016", substitute—

The Merchant Shipping (Marine Equipment) Regulations 2025	S.I. 2025/XXXX

Amendment to the Legislative and Regulatory Reform (Regulatory Functions) Order 2007

7. In the Legislative and Regulatory Reform (Regulatory Functions) Order 2007(**b**), in the Schedule, in Part 2, under the heading "Marine transport", omit "Merchant Shipping (Marine Equipment) Regulations 2016" and, in the appropriate place, add "Merchant Shipping (Marine Equipment) Regulations 2025".

Amendment to the Merchant Shipping (Prevention of Air Pollution from Ships) Regulations 2008

8.—(1) The Merchant Shipping (Prevention of Air Pollution from Ships) Regulations 2008(**c**) are amended as follows.

(2) In regulation 21(7) (nitrogen oxides), for "2016" substitute "2025".

(3) In regulation 24 (shipboard incineration), in each of paragraphs (2), (7) and (12), for "2016" substitute "2025".

Amendment to the Economic Growth (Regulatory Functions) Order 2017

9. In the Economic Growth (Regulatory Functions) Order 2017(**d**), in the Schedule, in Part 3, under the heading "Marine transport", for "the Merchant Shipping (Marine Equipment) Regulations 2016" substitute "the Merchant Shipping (Marine Equipment) Regulations 2025".

Amendment to the Radio Equipment Regulations 2017

10. In the Radio Equipment Regulations 2017(**e**), in Schedule 1 (radio equipment outside the scope of these regulations), in paragraph 2, for "2016" substitute "2025".

Amendment to the Merchant Shipping (Fees) Regulations 2018

11.—(1) The Merchant Shipping (Fees) Regulations 2018(**f**) are amended as follows.

(2) In Schedule 1 (fees under the merchant shipping act 1995), in the table in paragraph 5 (fees for inspections, etc) of Part 1 (surveys, inspections and applications for exemption), in section C (dangerous goods), in the entry for the Merchant Shipping (Carriage of Dangerous Goods and Harmful Substances) (Amendment) Regulations 2024, in the third column, for "None" substitute "2025/XXXX";

(**a**) S.I. 2006/2183, amended by S.I. 2016/1025; there are other amending instruments, but none is relevant.
(**b**) S.I. 2007/3544, amended by S.I. 2016/1025; there are other amending instruments, but none is relevant.
(**c**) S.I. 2008/2924, amended by S.I. 2016/1025; there are other amending instruments, but none is relevant.
(**d**) S.I. 2017/267, to which there are amendments not relevant to these Regulations.
(**e**) S.I. 2017/1206, amended by S.I. 2019/696; there are other amending instruments but none is relevant.
(**f**) S.I. 2018/1104; relevant amending instruments are S.I. 2019/311, 2019/940, 2021/818, 2021/1108, 2022/1219, 2022/1234, 2022/1269, 2023/384, 2023/568, 2023/787, 2023/1216, 2024/636 and 2024/1296.

(3) In Schedule 1 (fees under the merchant shipping act 1995), in the table in paragraph 5 (fees for inspections, etc) of Part 1 (surveys, inspections and applications for exemption), in section E (fire and life-saving)—

(a) in the entry for the Merchant Shipping (Fire Protection: Small Ships) Regulations 1998, in the third column, after "2024/636" insert "2025/XXXX";

(b) in the entry for the Merchant Shipping (Life-Saving Appliances for Passenger Ships of Classes III to VI(A)) Regulations 1999, in the third column, after "2022/1269" insert "2025/XXXX";

(c) in the entry for the Merchant Shipping (Life-Saving Appliances and Arrangements) Regulations 2020, in the third column, after "2023/787" insert "2025/XXXX";

(d) in the entry for the Merchant Shipping (Fire Protection) Regulations 2023, in the third column, for "None" substitute "2025/XXXX";

(4) In Schedule 1 (fees under the merchant shipping act 1995), in the table in paragraph 5 (fees for inspections, etc) of Part 1 (surveys, inspections and applications for exemption), in section G (load lines), in the entry for the Merchant Shipping (Carriage of Cargoes) Regulations 2024, in the third column, for "None" substitute "2025/XXXX";

(5) In Schedule 1 (fees under the merchant shipping act 1995), in the table in paragraph 5 (fees for inspections, etc) of Part 1 (surveys, inspections and applications for exemption), in Section H (radio and navigational equipment)—

(a) in the entry for the Merchant Shipping (Radio Installations) Regulations 1998, in the third column, after "2016/1025" insert "2025/XXXX";

(b) in the entry for the Merchant Shipping (Radio) (Fishing Vessels) Regulations 1999, in the third column, after "2016/1025" insert "2025/XXXX";

(6) In Schedule 1 (fees under the merchant shipping act 1995), in the table in paragraph 5 (fees for inspections, etc) of Part 1 (surveys, inspections and applications for exemption), in Section I (construction and equipment)—

(a) for the entry for the Merchant Shipping (Marine Equipment) Regulations 2016, substitute—

The Merchant Shipping (Marine Equipment) Regulations 2025	2025/XXXX	None

(b) in the entry for the Merchant Shipping (High Speed Craft) Regulations 2022, in the third column, for "None" substitute "2025/XXXX";

(c) in the entry for the Merchant Shipping (Additional Safety Measures for Bulk Carriers) Regulations 2022, in the third column, for "None" substitute "2025/XXXX";

(d) in the entry for the Merchant Shipping (Cargo and Passenger Ship Construction and Miscellaneous Amendments) Regulations 2023, in the third column, for "None" substitute "2025/XXXX";

(e) in the entry for the Merchant Shipping (Small Workboats and Pilot Boats) Regulations 2023, in the third column, for "None" substitute "2025/XXXX";

(7) In Schedule 1 (fees under the merchant shipping act 1995), in the table in paragraph 5 (fees for inspections, etc) of Part 1 (surveys, inspections and applications for exemption), in section J (prevention and control of pollution)—

(a) in the entry for the Merchant Shipping (Prevention of Air Pollution from Ships) Regulations 2008, in the third column, after "2023/384" insert "2025/XXXX";

(b) in the entry for the Merchant Shipping (Prevention of Oil Pollution) Regulations 2019, in the third column, after "2024/1296" insert "2025/XXXX";

(c) in the entry for the Merchant Shipping (Prevention of Pollution by Sewage from Ships) Regulations 2020, in the third column, after "2022/1234" insert "2025/XXXX";

(d) in the entry for the Merchant Shipping (Control and Management of Ships' Ballast Water and Sediments) Regulations 2022, in the third column, for "None" substitute "2025/XXXX".

Amendment to the Merchant Shipping (Prevention of Oil Pollution) Regulations 2019

12. In the Merchant Shipping (Prevention of Oil Pollution) Regulations 2019(**a**), in the Schedule, in Part 2 (revocations), omit the last row of the table.

Amendment to the Merchant Shipping (Life-Saving Appliances and Arrangements) Regulations 2020

13. —(1) The Merchant Shipping (Life-Saving Appliances and Arrangements) Regulations 2020(**b**) are amended as follows.

(2) In regulation 6(1) (Approval and replacement of life-saving appliances and arrangements), for "2016" substitute "2025".

(3) In Schedule 1, Part 1 (amendments), omit paragraphs 16 and 17.

Amendment to the Merchant Shipping (Prevention of Pollution by Sewage from Ships) Regulations 2020

14. In the Merchant Shipping (Prevention of Pollution by Sewage from Ships) Regulations 2020(**c**), in regulation 8(3)(a) (sewage systems), for "2016" substitute "2025".

Amendment to the Merchant Shipping (Consequential Amendments) (EU Exit) Regulations 2020

15. In the Merchant Shipping (Consequential Amendments) (EU Exit) Regulations 2020(**d**), omit regulation 7 (amendments of the merchant shipping (marine equipment) (amendment etc.) (EU exit) regulations 2019).

Amendment to the Ecodesign for Energy-Related Products and Energy Information (Lighting Products) Regulations 2021

16. In the Ecodesign for Energy-Related Products and Energy Information (Lighting Products) Regulations 2021(**e**), Schedule 4 (exemptions), in paragraph 1(1)(j), for "2016" substitute "2025".

Amendment to the Merchant Shipping (Radiocommunications) (Amendment) Regulations 2021

17. In the Merchant Shipping (Radiocommunications) (Amendment) Regulations 2021(**f**), in regulation 9(a) (performance standards), for "2016" substitute "2025".

(**a**) S.I. 2019/42, to which there are amendments not relevant to these Regulations.
(**b**) S.I. 2020/501, to which there are amendments not relevant to these Regulations.
(**c**) S.I. 2020/620, to which there are amendments not relevant to these Regulations.
(**d**) S.I. 2020/1000.
(**e**) S.I. 2021/1095.
(**f**) S.I. 2021/1316, to which there are amendments not relevant to these Regulations.

Amendments to the Merchant Shipping (Control and Management of Ships' Ballast Water and Sediments) Regulations 2022

18. —(1) The Merchant Shipping (Control and Management of Ships' Ballast Water and Sediments) Regulations 2022(**a**) are amended as follows.

(2) In regulation 2 (interpretation), omit the definition of "BWMS Type Approval Certificate".

(3) In regulation 16 (approval of ballast water management systems)—

(a) in paragraph (1), for "a BWMS Type Approval Certificate issued under regulation 18 (grant of approval: obligations of nominated bodies)" substitute "a type approval certificate issued under regulation 16 of the Merchant Shipping (Marine Equipment) Regulations 2025";

(b) In paragraph (2), for "BWMS Type Approval Certificate" substitute "type approval certificate referred to in paragraph (1)".

(4) Omit regulations 15 (designation of nominated bodies), 17 (application for grant of type approval), 18 (grant of type approval: obligations of nominated bodies) and 19 (duration, suspension and withdrawal of BWMS Type Approval Certificates).

Amendment to the Merchant Shipping (Additional Safety Measures for Bulk Carriers) Regulations 2022

19. In the Merchant Shipping (Additional Safety Measures for Bulk Carriers) Regulations 2022(**b**), in regulation 9(1) (approvals), for "2016" substitute "2025".

Amendment to the Merchant Shipping (High Speed Craft) Regulations 2022

20. In the Merchant Shipping (High Speed Craft) Regulations 2022(**c**), in regulation 9(6)(a) (requirements in relation to high speed craft), for "2016" substitute "2025".

Amendment to the Merchant Shipping (Cargo and Passenger Ship Construction and Miscellaneous Amendments) Regulations 2023

21. In the Merchant Shipping (Cargo and Passenger Ship Construction and Miscellaneous Amendments) Regulations 2023(**d**), in regulation 9(3) (approvals), for "2016" substitute "2025".

Amendment to the Merchant Shipping (Fire Protection) Regulations 2023

22.—(1) The Merchant Shipping (Fire Protection) Regulations 2023(**e**) are amended as follows.

(2) In regulation 8(1) (approvals), for "2016" substitute "2025".

(3) In Schedule 1, Part 1 (amendments), omit paragraphs 14 and 15.

Amendment to the Merchant Shipping (Small Workboats and Pilot Boats) Regulations 2023

23. In the Merchant Shipping (Small Workboats and Pilot Boats) Regulations 2023(**f**), in Schedule 1 (statutory instrument disapplied), in the table, for the entry for the Merchant Shipping (Marine Equipment) Regulations 2016, substitute—

(**a**) S.I. 2022/737.
(**b**) S.I. 2022/1218.
(**c**) S.I. 2022/1219, to which there are amendments not relevant to these Regulations.
(**d**) S.I. 2023/246.
(**e**) S.I. 2023/568.
(**f**) S.I. 2023/1216.

Amendment to the Treatment of Conformity Assessment Bodies (Comprehensive and Progressive Agreement for Trans-Pacific Partnership) Regulations 2024

24. In the Treatment of Conformity Assessment Bodies (Comprehensive and Progressive Agreement for Trans-Pacific Partnership) Regulations 2024(**a**), omit regulation 6 (amendment to the merchant shipping (marine equipment) regulations 2016).

Amendment to the Merchant Shipping (Carriage of Dangerous Goods and Harmful Substances) (Amendment) Regulations 2024

25. In the Merchant Shipping (Carriage of Dangerous Goods and Harmful Substances) (Amendment) Regulations 2024(**b**), in regulation 8(2) (approvals), for "2016" substitute "2025".

Amendment to the Merchant Shipping (Carriage of Cargoes) Regulations 2024

26. In the Merchant Shipping (Carriage of Cargoes) Regulations 2024(**c**), in regulation 8(2) (approvals), for "2016" substitute "2025".

PART 2

Revocations

Revocation of regulations

27. The following instructions are revoked—

(a) the Merchant Shipping (Marine Equipment) Regulations 2016(**d**);

(b) the Merchant Shipping (Marine Equipment) (Amendment etc.) (EU Exit) Regulations 2019(**e**); and

(c) the Merchant Shipping (Marine Equipment) (Amendment) (UK and US Mutual Recognition Agreement) (EU Exit) Regulations 2019(**f**).

(**a**) S.I. 2024/504.
(**b**) S.I. 2024/636.
(**c**) S.I. 2024/637.
(**d**) S.I. 2016/1025 amended by S.I. 2019/42, 2019/470, 2019/1304, 2020/501, 2022/1219, 2023/568, 2023/1216 and 2024/504.
(**e**) S.I. 2019/470 amended by S.I. 2020/1000.
(**f**) S.I. 2019/1304.

SCHEDULE 2 Regulations 4, 9, 10, 13 and 18

United Kingdom Conformity Assessment Procedures

PART 1

(Module B)

United Kingdom Conformity Assessment Examination (Module B)

1. In this Part 1, "United Kingdom conformity assessment examination" means the part of a conformity assessment procedure in which an approved body examines the technical design of marine equipment and verifies and attests that the technical design of the marine equipment meets the applicable requirements of these Regulations.

2. A United Kingdom conformity assessment examination may be carried out in either of the following ways—

(a) examination of a specimen, representative of the production envisaged, of the complete product; or

(b) assessment of the adequacy of the technical design of the marine equipment through examination of the technical documentation and supporting evidence referred to in paragraph 4, plus examination of specimens, representative of the production envisaged, of one or more critical parts of the product.

3.—(1) The manufacturer must lodge an application for United Kingdom conformity assessment examination with a single approved body of its choice.

(2) The application must include—

(a) the name and address of the manufacturer and, if the application is lodged by the authorised representative, its name and address as well;

(b) a written declaration that the same application has not been lodged with any other approved body;

(c) the technical documentation;

(d) the specimens representative of the production envisaged;

(e) the supporting evidence for the adequacy of the technical design of the marine equipment to meet the applicable requirements of these Regulations, which supporting evidence must—

(i) mention any documents that have been used; and

(ii) include, where necessary, the results of tests carried out by the appropriate laboratory of the manufacturer, or by another testing laboratory on the manufacturer's behalf and under the manufacturer's responsibility.

(3) The approved body may request further specimens representative of the production envisaged if needed for carrying out the test programme.

4. The technical documentation referred to in paragraph 3(2)(c) must—

(a) make it possible to assess the conformity of the marine equipment with the applicable international standards and must include an adequate analysis and assessment of the risks;

(b) specify the applicable requirements in respect of the marine equipment and cover, as far as relevant for the assessment, the design, manufacture and operation of the marine equipment;

(c) contain, wherever applicable, at least the following elements—

(i) a general description of the marine equipment;

(ii) conceptual design and manufacturing drawings and schemes of components, sub-assemblies and circuits;

(iii) descriptions and explanations necessary for the understanding of those drawings and schemes and of the operation of the marine equipment;

(iv) a list of the requirements and testing standards which are applicable to the marine equipment concerned in accordance with these Regulations, together with a description of the solutions adopted to meet those requirements;

(v) results of design calculations made and examinations carried out; and

(vi) test reports.

5.—(1) The approved body must examine the technical documentation and supporting evidence to assess the adequacy of the technical design of the marine equipment.

(2) When examining a specimen, the approved body must—

(a) verify that the specimen has been manufactured in conformity with the technical documentation;

(b) identify the elements which have been designed in accordance with the relevant applicable requirements of these Regulations and the testing standards, as well as the elements which have been designed without applying the relevant provisions of those standards;

(c) carry out appropriate examinations and tests, or have them carried out in accordance with these Regulations;

(d) agree with the manufacturer on a location where the examinations and tests will be carried out.

(3) The approved body must draw up an evaluation report that records the activities taken in accordance with sub-paragraphs (1) and (2) and their outcomes and, without prejudice to its obligations in relation to the Secretary of State, the approved body may disclose the content of that report, in full or in part, only with the agreement of the manufacturer.

6.—(1) Where the equipment meets the requirements of the applicable international standards that apply to the equipment concerned, the approved body must issue a United Kingdom conformity assessment examination certificate to the manufacturer, which must contain—

(a) the name and address of the manufacturer;

(b) the conclusions of the examination;

(c) the conditions (if any) for its validity;

(d) all relevant information to allow the conformity of manufactured products with the examined equipment to be evaluated and to allow for in-service control; and

(e) the necessary data for identification of the approved equipment.

(2) The United Kingdom conformity assessment examination certificate may have one or more annexes attached.

(3) Where the equipment does not satisfy the applicable requirements of the applicable international standards, the approved body must refuse to issue a United Kingdom conformity assessment examination certificate and must inform the applicant accordingly, giving detailed reasons for its refusal.

7.—(1) A manufacturer must inform the approved body that holds the technical documentation relating to the United Kingdom conformity assessment examination certificate of all modifications to approved equipment that may affect the conformity of the equipment with the requirements of the applicable international standards or the conditions for validity of the certificate.

(2) Modifications referred to in sub-paragraph (1) require additional approval in accordance with the terms of Part 2 of Schedule 2, which approval shall be recorded in the form of an addition to the original United Kingdom conformity assessment examination certificate.

(3) Where approved equipment no longer complies with applicable requirements, the approved body must determine whether further testing or a new conformity assessment procedure is necessary in relation to the additional approval referred to in sub-paragraph (2).

8.—(1) Each approved body must inform the Secretary of State about all the United Kingdom conformity assessment examination certificates, and any additions to those certificates, which it has issued or withdrawn, and must, periodically or on request, make available to the Secretary of State the list of such certificates and any additions to those certificates which it has refused, suspended or otherwise restricted.

(2) Each approved body must inform the other approved bodies(**a**) about all the United Kingdom conformity assessment examination certificates, and any additions to those certificates, which it has refused, withdrawn, suspended or otherwise restricted.

(3) An approved body must, on request, provide the other approved bodies with a copy of the United Kingdom conformity assessment examination certificates, and any additions to those certificates, which it has issued.

(4) An approved body must keep a copy of United Kingdom conformity assessment examination certificate issued by it together with the documentation referred to in sub-paragraph (5) until the expiry of the validity of that certificate.

(5) The documentation referred to in sub-paragraph (4) is any annexes and additions to the certificate and any associated technical documents including the technical documentation.

(6) The Secretary of State may, on request, obtain—

(a) a copy of a United Kingdom conformity assessment examination certificate from an approved body that it has issued, refused, suspended or restricted;

(b) a copy of the technical documentation and the results of the examinations carried out by approved bodies.

(7) A manufacturer must keep a copy of the United Kingdom conformity assessment examination certificate, its annexes and additions, together with the technical documentation, at the disposal of the Secretary of State for a period of at least 10 years after the United Kingdom conformity mark has been affixed on the last product manufactured and, in no case for a period shorter than the expected life of the marine equipment concerned.

(8) A manufacturer's authorised representative may lodge the application referred to in paragraph 3 and fulfil the obligations set out in paragraphs 7(1) and 8(7), provided such functions are within scope of the terms of the authorised representative's appointment.

(**a**) A list of approved bodies can be found using the following website - https://find-a-conformity-assessment-body.service.gov.uk/.

PART 2
(Module D)

Conformity of equipment based on quality assurance of the production process (Module D)

9. Pursuant to this Part 2, a manufacturer must fulfil the obligations laid down in paragraphs 10 and 13 and must allow surveillance as specified in paragraph 12.

Manufacturing

10. A manufacturer must operate an approved quality system for production, final product inspection and testing of the products concerned as specified in paragraph 11, and be subject to surveillance as specified in paragraph 12.

Quality system

11.—(1) A manufacturer that seeks to obtain approval for its quality system for manufacture must lodge an application for assessment with an approved body of its choice.

(2) The application must include—

(a) the name and address of the manufacturer and, if the application is lodged by the authorised representative, its name and address as well;

(b) a written declaration that the same application has not been lodged with any other approved body;

(c) all relevant information for the category of marine equipment referred to in Annex 1 of Merchant Shipping Notice MSN 1874 to which the quality system would apply;

(d) documentation concerning the quality system;

(e) the technical documentation for the approved equipment and a copy of the United Kingdom conformity assessment examination certificate.

(3) The quality system must ensure that the products are in conformity with the equipment described in the United Kingdom conformity assessment examination certificate and that they comply with the applicable international standards that apply to them.

(4) The manufacturer must document in the form of written policies, procedures and instructions all the elements, requirements and provisions of the quality system that it has adopted.

(5) The quality system documentation must enable a consistent interpretation of the programmes, plans, manuals and records and must include an adequate description of—

(a) the quality objectives and the organisational structure, responsibilities and powers of the management with regard to product quality;

(b) the corresponding manufacturing, quality control and quality assurance techniques, processes and systematic actions that will be used;

(c) the examinations and tests that will be carried out before, during and after manufacture, and the frequency with which they will be carried out;

(d) the quality records, including inspection reports and test data, calibration data and qualification reports on the personnel concerned; and

(e) the means of monitoring the achievement of the required product quality and the effective operation of the quality system.

(6) The approved body must assess the quality system to determine whether it satisfies the requirements set out in sub-paragraphs (3), (4) and (5).

(7) The auditing team of the approved body must include members with experience in quality management and must include at least one member with —

(a) experience of evaluation in the relevant marine equipment field;

(b) experience of the marine technology concerned;

(c) knowledge of the applicable requirements of the applicable international standards.

(8) The audit carried out by the approved body must include —

(a) an assessment visit to the manufacturer's premises, and

(b) a review of the technical documentation for the approved equipment in order to verify the manufacturer's ability to identify the applicable international standards and to carry out the necessary examinations with a view to ensuring compliance of the product with those requirements.

(9) The approved body must notify the manufacturer of its decision with regard to approval of the quality system and that notification must contain the conclusions of the audit and the reasoned assessment decision.

(10) The manufacturer must undertake to fulfil the obligations arising out of the quality system as approved and maintain the quality system so that it remains adequate and efficient.

(11) The manufacturer must keep the approved body that has approved the quality system informed of any intended changes to the quality system.

(12) Where the manufacturer proposes changes to the quality system, the approved body must—

(a) evaluate any proposed changes;

(b) decide, based on the information provided, whether the modified quality system would continue to satisfy the requirements set out in sub-paragraphs (3), (4) and (5) or whether the manufacturer would be required to lodge a new application pursuant to sub-paragraph (1);

(c) notify the manufacturer of its decision and that notification must contain the conclusions of the examination and the reasoned assessment decision.

Surveillance under the responsibility of the approved body

12.—(1) The manufacturer must allow the approved body access to the manufacture, inspection, testing and storage sites, and must provide it with all necessary information, in particular—

(a) the quality system documentation;

(b) the quality records, including inspection reports and test data, calibration data and qualification reports on the personnel concerned.

(2) The approved body must carry out periodic audits to make sure that the manufacturer maintains and applies the quality system, and must provide the manufacturer with an audit report.

(3) The approved body may make unannounced visits to the manufacturer and, during such visits may, if necessary, carry out product tests, or have them carried out, in order to verify that the quality system is functioning correctly.

(4) Where the approved body has made an unannounced visit to the manufacturer, the approved body must provide the manufacturer with a visit report and, if tests have been carried out during such a visit, with a test report.

United Kingdom conformity marking and declaration of conformity

13.—(1) The manufacturer must affix the United Kingdom conformity mark and the identification number of the approved body that has approved the quality system to each individual product that is in conformity with the equipment standard described in the United Kingdom conformity assessment examination certificate and that satisfies the applicable international standards.

(2) The manufacturer must draw up a written United Kingdom declaration of conformity for each product model and keep it at the disposal of the Secretary of State for a period of at least 10 years after the United Kingdom conformity marking has been affixed on the last product manufactured and in no case for a period shorter than the expected life of the marine equipment concerned.

(3) The United Kingdom declaration of conformity must identify the marine equipment model for which it has been drawn up and a copy of the United Kingdom declaration of conformity must be made available to the Secretary of State on request.

(4) The manufacturer must keep at the disposal of the Secretary of State, for a period of at least 10 years after the United Kingdom conformity mark has been affixed on the last product manufactured, and in no case for a period shorter than the expected life of the marine equipment concerned—

(a) everything comprising the application referred to in paragraphs 11(1) and 11(2);

(b) any change referred to in paragraph 11(11), which has been approved;

(c) the decisions and reports of the approved body referred to in paragraph 11(12)(c), 12(2) and 12(4).

(5) Each approved body must inform the Secretary of State of quality system approvals that it has issued or withdrawn and must, periodically or upon request, make available to the Secretary of State the list of quality system approvals that it has refused, suspended or otherwise restricted.

(6) Each approved body must inform the other United Kingdom approved bodies of quality system approvals which it has refused, suspended, withdrawn or otherwise restricted and, on request, of quality system approvals which it has issued.

Authorised representative

14. The manufacturer's obligations set out in paragraphs 11(1), (2) and (11) and 13(1), (2), (3) and (4) may be fulfilled by its authorised representative, on its behalf and under its responsibility, provided that they are specified in the mandate referred to in regulation 14(1).

PART 3

(Module E)

Conformity of equipment based on product quality assurance (Module E)

15. —(1) Pursuant to this Part 3, a manufacturer must fulfil the obligations laid down in paragraphs 16 and 19.

(2) It is the manufacturer's sole responsibility to ensure and declare that the marine equipment concerned is in conformity with the equipment standard described in the United Kingdom conformity assessment examination certificate and that it satisfies the applicable international standards that apply to it.

Manufacturing

16. A manufacturer must operate an approved quality system for final product inspection and testing of the products concerned as specified in paragraph 17, and must be subject to surveillance as specified in paragraph 18.

Quality system

17.—(1) A manufacturer must lodge an application for assessment of its quality system for the marine equipment concerned with an approved body of its choice.

(2) The application must include —

(a) the name and address of the manufacturer and if the application is lodged by the authorised representative, its name and address as well;

(b) a written declaration that the same application has not been lodged with any other approved body;

(c) all relevant information for the category of marine equipment referred to in Annex 1 of Merchant Shipping Notice MSN 1874 to which the quality system would apply;

(d) the documentation concerning the quality system;

(e) the technical documentation for the approved equipment and a copy of the United Kingdom conformity assessment examination certificate.

(3) The quality system must ensure compliance of the products with the equipment described in the United Kingdom conformity assessment examination certificate and with the applicable international standards.

(4) The manufacturer must document in the form of written policies, procedures and instructions all the elements, requirements and provisions of the quality system that it has adopted.

(5) The quality system documentation must enable a consistent interpretation of the programmes, plans, manuals and records and must include an adequate description of—

(a) the quality objectives and the organisational structure, responsibilities and powers of the management with regard to product quality;

(b) the examinations and tests that will be carried out after manufacture;

(c) the quality records, including inspection reports and test data, calibration data and qualification reports on the personnel concerned;

(d) the means of monitoring the effective operation of the quality system.

(6) The approved body must assess the quality system to determine whether it satisfies the requirements set out in sub-paragraphs (3), (4) and (5).

(7) The auditing team of the approved body must include members with experience in quality management systems and must include at least one member with—

(a) experience of evaluation in the relevant marine equipment field;

(b) experience of the marine equipment technology concerned;

(c) knowledge of the applicable international standards.

(8) The audit carried out by the approved body must include—

(a) an assessment visit to the manufacturer's premises, and

(b) a review of the technical documentation for the approved equipment in order to verify the manufacturer's ability to identify the applicable international standards and to carry out the necessary examinations with a view to ensuring compliance of the product with those requirements.

(9) The approved body must notify the manufacturer of its decision with regard to approval of the quality system and that notification must contain the conclusions of the audit and the reasoned assessment decision.

(10) The manufacturer must undertake to fulfil the obligations arising out of the quality system as approved and to maintain it so that it remains adequate and efficient.

(11) The manufacturer must keep the approved body that has approved the quality system informed of any intended change to the quality system.

(12) Where the manufacturer proposes changes to the quality system, the approved body must—

(a) evaluate any proposed changes;

(b) decide, based on the information provided, whether the modified quality system would continue to satisfy the requirements set out in sub-paragraphs (3), (4) and (5) or whether the manufacturer would be required to lodge a new application pursuant to sub-paragraph (1);

(c) notify the manufacturer of its decision and that notification must contain the conclusions of the examination and the reasoned assessment decision.

Surveillance under the responsibility of the approved body

18.—(1) The manufacturer must allow the approved body access to the manufacture, inspection, testing and storage sites, and must provide it with all necessary information, in particular—

(a) the quality system documentation;

(b) the quality records, including inspection reports and test data, calibration data and qualification reports on the personnel concerned.

(2) The approved body must carry out periodic audits to make sure that the manufacturer maintains and applies the quality system, and must provide the manufacturer with an audit report.

(3) The approved body may make unannounced visits to the manufacturer and, during such visits may, if necessary, carry out product tests, or have them carried out, in order to verify that the quality system is functioning correctly.

(4) Where the approved body has made an unannounced visit to the manufacturer, the approved body must provide the manufacturer with a visit report and, if tests have been carried out during such a visit, with a test report.

United Kingdom conformity marking and declaration of conformity

19.—(1) The manufacturer must affix the United Kingdom conformity mark and the identification number of the approved body that has approved the quality system to each individual product that is in conformity with the equipment standard described in the United Kingdom conformity assessment examination certificate and that satisfies the applicable international standards.

(2) The manufacturer must draw up a written United Kingdom declaration of conformity for each product model and keep it at the disposal of the Secretary of State for a period of at least 10 years after the United Kingdom conformity mark has been affixed on the last product manufactured and in no case for a period shorter than the expected life of the marine equipment concerned.

(3) The United Kingdom declaration of conformity must identify the marine equipment model for which it has been drawn up and a copy of the United Kingdom declaration of conformity must be made available to the Secretary of State on request.

(4) The manufacturer must keep at the disposal of the Secretary of State for a period of at least 10 years after the United Kingdom conformity mark has been affixed on the last product

manufactured and in no case for a period shorter than the expected life of the marine equipment concerned—

(a) everything comprising the application referred to in paragraphs 17(1) and 17(2);

(b) details of any change referred to in paragraph 17(12) which has been approved;

(c) any decisions and reports of the approved body referred to in paragraphs 17(12), 18(2) and 18(4).

(5) Each approved body must inform the Secretary of State of quality system approvals that it has issued or withdrawn and must, periodically or on request, make available to the Secretary of State the list of quality system approvals that it has refused, suspended or otherwise restricted.

(6) Each approved body must inform the other United Kingdom approved bodies of quality system approvals which it has refused, suspended or withdrawn, and, on request, of quality system approvals which it has issued.

Authorised representative

20. The manufacturer's obligations set out in paragraphs 17(1), (2), (10) and (11) and 19(1), (2), (3) and (4) may be fulfilled by its authorised representative, on its behalf and under its responsibility, provided that they are specified in the mandate referred to in regulation 14(1).

PART 4

(Module F)

Conformity of equipment based on product verification (Module F)

21. —(1) Pursuant to this Part 4, a manufacturer must fulfil the obligations laid down in paragraphs 22, 25(1) and 26.

(2) It is the manufacturer's sole responsibility to ensure and declare that the products concerned, which have been subject to the verification procedures set out in paragraph 23, are in conformity with the equipment standard described in the United Kingdom conformity assessment examination certificate and that they satisfy the applicable international standards.

Manufacturing

22. A manufacturer must take all measures necessary so that the manufacturing procedure and its monitoring ensure conformity of the manufactured products with the equipment described in the United Kingdom conformity assessment examination certificate and with applicable international standards.

Verification

23.—(1) An approved body of the manufacturer's choice must carry out appropriate examinations and tests in order to check the conformity of the products with the approved equipment described in the United Kingdom conformity assessment examination certificate and with applicable international standards.

(2) The examinations and tests to check conformity of the products with the applicable international standards must be carried out, at the manufacturer's choice, either by examination and testing of every product as specified in paragraph 24 or by examination and testing of the products on a statistical basis as specified in paragraph 25.

Verification of conformity by examination and testing of every product

24.—(1) Where verification is to be by examination and testing of every product, all products must be individually examined and tested in accordance with these Regulations, in order to verify conformity with the approved equipment described in the United Kingdom conformity assessment examination certificate and with applicable international standards.

(2) An approved body must issue a certificate of conformity in respect of the examinations and tests carried out and must affix its identification number to each approved product or have it affixed under its responsibility.

(3) The manufacturer must keep the certificates of conformity available for inspection by the Secretary of State for a period of at least 10 years after the United Kingdom conformity mark has been affixed on the last product manufactured and in no case for a period shorter than the expected life of the marine equipment concerned.

Statistical verification of conformity

25.—(1) Where verification is to be by examination and testing of the products on a statistical basis, the manufacturer must take all measures necessary so that the manufacturing process and its monitoring ensure the homogeneity of each lot produced, and must present its products for verification in the form of homogeneous lots.

(2) A random sample must be taken from each lot and all products in the random sample must be individually examined and tested in accordance with these Regulations, in order to ensure their conformity with applicable international standards and to determine whether the lot is accepted or rejected.

(3) If a lot is accepted—

(a) all products of the lot must be considered approved, except for those products from the sample that have been found not to satisfy the tests;

(b) the approved body must issue a certificate of conformity in respect of the examinations and tests carried out, and must affix its identification number to each approved product or have it affixed under its responsibility;

(c) the manufacturer must keep the certificate of conformity at the disposal of the Secretary of State for a period of at least 10 years after the United Kingdom conformity mark has been affixed on the last product manufactured and in no case for a period shorter than the expected life of the marine equipment concerned.

(4) If a lot is rejected, all products of the lot must be considered rejected and the approved body must inform the manufacturer accordingly.

(5) In the event of the frequent rejection of lots, the approved body may suspend the examination and testing of the products on a statistical basis.

United Kingdom conformity marking and declaration of conformity

26.—(1) The manufacturer must affix the United Kingdom conformity mark and, under the responsibility of the approved body referred to in paragraph 23, the latter's identification number to each individual product that is in conformity with the approved equipment described in the United Kingdom conformity assessment examination certificate and that satisfies applicable international standards.

(2) The manufacturer must draw up a written United Kingdom declaration of conformity for each product model and keep it at the disposal of the Secretary of State for a period of at least 10 years after the United Kingdom conformity mark has been affixed on the last product

manufactured and in no case for a period shorter than the expected life of the marine equipment concerned.

(3) The United Kingdom declaration of conformity must identify the marine equipment model for which it has been drawn up and a copy of the United Kingdom declaration of conformity must be made available to the Secretary of State upon request.

(4) If the approved body agrees, under its responsibility, the manufacturer may affix the approved body's identification number to the products during the manufacturing process.

Authorised representative

27. The manufacturer's obligations under this Part may be fulfilled by its authorised representative, on its behalf and under its responsibility, provided that they are specified in the mandate referred to in regulation 14(1), but an authorised representative may not fulfil the manufacturer's obligations set out in paragraphs 22 and 25(1).

PART 5

(Module G)

Conformity of equipment based on unit verification (Module G)

28. —(1) Pursuant to this Part 5, a manufacturer must fulfil the obligations laid down in paragraphs 29, 30 and 32.

(2) It is the manufacturer's sole responsibility to ensure and declare that the product concerned, which has been subject to the verification provisions set out in paragraph 31, is in conformity with the applicable international standards.

Technical documentation

29.—(1) A manufacturer must draw up the technical documentation and make it available to the approved body referred to in paragraph 31.

(2) The technical documentation referred to in sub-paragraph (1) must—

(a) make it possible to assess the product's conformity with the relevant requirements of these Regulations and must include an analysis and assessment of the risks;

(b) specify the applicable requirements in respect of the product and cover, as far as relevant for the assessment, the design, manufacture and operation of the product;

(c) contain, wherever applicable, at least the following elements—

(i) a general description of the product;

(ii) conceptual design and manufacturing drawings and schemes of component, sub-assemblies and circuits;

(iii) descriptions and explanations necessary for the understanding of those drawings and schemes and the operation of the product;

(iv) a list of the requirements and testing standards which are applicable to the marine equipment concerned in accordance with these Regulations and descriptions of the solutions adopted to meet those requirements;

(v) results of design calculations made and examinations carried out;

(vi) test reports.

(3) A manufacturer must keep the technical documentation at the disposal of the Secretary of State for a period of at least 10 years after the United Kingdom conformity mark has been affixed on the last product manufactured and in no case for a period shorter than the expected life of the marine equipment concerned.

Manufacturing

30. A manufacturer must take all measures necessary so that the manufacturing process and its monitoring ensure conformity of the manufactured product with applicable international standards.

Verification

31.—(1) An approved body of the manufacturer's choice must carry out appropriate examinations and tests in accordance with these Regulations in order to check the conformity of the product with applicable international standards.

(2) The approved body must issue a certificate of conformity in respect of the examinations and tests carried out and must affix its identification number to the approved product or have it affixed under its responsibility.

(3) The manufacturer must keep the certificates of conformity at the disposal of the Secretary of State for a period of at least 10 years after the United Kingdom conformity mark has been affixed on the last product manufactured and in no case for a period shorter than the expected life of the marine equipment concerned.

United Kingdom conformity marking and declaration of conformity

32.—(1) The manufacturer must affix the United Kingdom conformity mark and, under the responsibility of the approved body referred to in paragraph 31, the latter's identification number, to each product that satisfies the applicable international standards.

(2) The manufacturer must draw up a written United Kingdom declaration of conformity and keep it at the disposal of the Secretary of State for a period of at least 10 years after the United Kingdom conformity mark has been affixed on the last product manufactured and in no case for a period shorter than the expected life of the marine equipment concerned. The United Kingdom declaration of conformity must identify the product for which it has been drawn up.

(3) A copy of the United Kingdom declaration of conformity must be made available to the Secretary of State on request.

Authorised representative

33. The manufacturer's obligations set out in paragraphs 29 and 32 may be fulfilled by its authorised representative, on its behalf and under its responsibility, provided that they are specified in the mandate referred to in regulation 14(1).

SCHEDULE 3

Regulation 4

Approved bodies

Requirements to be met by Conformity Assessment Bodies in order to become Approved Bodies

1. In order to be designated as an approved body, a conformity assessment body must meet the requirements set out in paragraphs 2 to 19.

2. A conformity assessment body must have legal personality and must be established in—

(a) the United Kingdom; or

(b) the territory of a party to the Comprehensive and Progressive Agreement for Trans-Pacific Partnership, signed at Santiago on 8 March 2018(**a**).

3. A conformity assessment body must be a third party body independent of the organisation or the marine equipment which it assesses. A body belonging to a business association or professional federation representing businesses involved in the design, manufacturing, provision, assembly, use or maintenance of marine equipment which it assesses, may, on condition that its independence and the absence of any conflict of interest are demonstrated, be considered a conformity assessment body.

4.—(1) A conformity assessment body, its top level management and the personnel responsible for carrying out the conformity assessment activities must not be the designer, manufacturer, or an authorised representative of a manufacturer, supplier, installer, purchaser, owner, user or maintainer of the marine equipment which is assessed.

(2) Sub-paragraph (1) does not preclude the use of products that are necessary for the operations of the conformity assessment body or the use of such products for personal purposes.

5. A conformity assessment body, its top level management and the personnel responsible for carrying out the conformity assessment tasks must not be directly involved in the design, manufacture or construction, the marketing, installation, use or maintenance of that marine equipment, or represent the parties engaged in those activities. They must not engage in any activity (including consultancy services) that may conflict with their independence of judgement or integrity in relation to conformity assessment activities for which they are designated.

6. A conformity assessment body must ensure that the activities of its subsidiaries or sub-contractors do not affect the confidentiality, objectivity or impartiality of its conformity assessment activities.

7. A conformity assessment body and its personnel must carry out conformity assessment activities with the highest degree of professional integrity and the requisite competence in the specific field and must be free from all pressures and inducements, particularly financial, which might influence their judgement or the results of their conformity assessment activities, particularly with regard to persons or groups of persons who have an interest in the results of those activities.

8. A conformity assessment body must be capable of carrying out all of the conformity assessment activities for which it has been designated, whether that assessment is carried out by the body itself or on its behalf and under its responsibility.

9. A conformity assessment body must have at its disposal—

(a) personnel with technical knowledge and sufficient and appropriate experience to perform the conformity assessment activities;

(b) descriptions of procedures in accordance with which conformity assessment is carried out, ensuring the transparency of and the ability to reproduce those procedures, and have appropriate policies and procedures in place that distinguish between tasks it carries out as an approved body and other activities;

(c) procedures for the performance of conformity assessment activities which take due account of the size of an undertaking, the sector in which it operates, its structure, the

(**a**) A list of the original parties to the agreement, and the text of the agreement, can be found at https://www.gov.uk/government/publications/cptpp-full-agreement-text.

degree of complexity of the marine equipment technology in question and the mass or serial nature of the production process.

10. A conformity assessment body must have the means necessary to perform the technical and administrative tasks connected with the conformity assessment activities in an appropriate manner and must have access to the necessary equipment and facilities.

11. The personnel responsible for carrying out conformity assessment must have—

(a) sound technical and vocational training, covering all conformity assessment activities in relation to which the conformity assessment body has been designated;

(b) satisfactory knowledge of the requirements of the assessments which the conformity assessment body carries out, and adequate authority to carry out those assessments;

(c) appropriate knowledge and understanding of the applicable requirements and testing standards and of the applicable provisions of these Regulations; and

(d) the ability to draw up certificates, records and reports demonstrating that the assessments have been carried out.

12. A conformity assessment body must be able to demonstrate the impartiality of its top level management and the personnel responsible for carrying out the conformity assessment activities.

13. The remuneration of the top level management and the personnel responsible for carrying out the conformity assessment activities must not depend on the number of assessments carried out or on the results of those assessments.

14. A conformity assessment body must have, and must satisfy the Secretary of State that it has, adequate civil liability insurance in respect of its activities.

15. A conformity assessment body must ensure that its personnel observe professional secrecy with regard to all information obtained in carrying out their tasks in accordance with these Regulations, and that proprietary rights are protected.

16. Paragraph 15 does not prevent the personnel from providing the information to the Secretary of State.

17. A conformity assessment body must participate in, or ensure that its personnel who are responsible for carrying out the conformity assessment activities are informed of, the relevant standardisation activities and the activities of any approved body co-ordination group that may be established and must apply as general guidance the administrative decisions and documents produced as a result of the work of that group.

18. A conformity assessment body must meet the requirements of standard EN ISO/IEC 17065:2012.

19. A conformity assessment body must ensure that testing laboratories used for conformity assessment purposes meet the requirements of standard EN ISO/IEC 17025:2017.

SCHEDULE 4

Regulation 4

Designation procedure

Application for designation

1.—(1) An application by a conformity assessment body to become an approved body must be made to the Secretary of State and be accompanied by—

(a) a description of—

(i) the conformity assessment activities that the conformity assessment body intends to carry out;

(ii) the conformity assessment module or modules in respect of which the conformity assessment body claims to be competent;

(iii) the marine equipment for which that body claims to be competent; and

(b) either—

(i) an accreditation certificate; or

(ii) the documentary evidence necessary for the Secretary of State to verify, recognise and regularly monitor the conformity assessment body's compliance with the approved body requirements.

(2) The Secretary of State must be satisfied that the conformity assessment body meets the approved body requirements and may accept an accreditation certificate, provided in accordance with paragraph 1(b), as sufficient evidence that the conformity assessment body meets the approved body requirements.

(3) In this Schedule—

"accreditation certification" means a certificate issued by the United Kingdom national accreditation body, attesting that a conformity assessment body meets the approved body requirements;

"conformity assessment modules" means the modules referred to in Schedule 2;

"GB RAMS" means Regulation (EC) 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93, as it has effect in domestic law(**a**);

"United Kingdom national accreditation body" means the body appointed by the Secretary of State in accordance with Article 4 of GB RAMS.

Designation procedure

2. The Secretary of State may designate as approved bodies only those conformity assessment bodies which have satisfied the approved body requirements.

Identification numbers and lists of approved bodies

3. The Secretary of State must—

(a) assign an identification number to each approved body;

(b) make and maintain an up-to-date public list of approved bodies, which will include the identification numbers that have been allocated to them and the conformity assessment activities that they carry out.

SCHEDULE 5

Regulation 12

United Kingdom Declaration of Conformity

1. A United Kingdom declaration of conformity must provide—

(**a**) OJ No. L 218, 13.8.2008, p. 30, amended by S.I. 2019/636.

(a) the unique identification number of the marine equipment in respect of which the declaration of conformity is issued;

(b) the name and address of the manufacturer;

(c) a statement that the declaration of conformity is issued under the sole responsibility of the manufacturer;

(d) the object of the declaration (identification of marine equipment allowing traceability; it may, where necessary for the identification of the marine equipment, include an image);

(e) that the object of the declaration described in sub-paragraph (d) is in conformity with the applicable international standards;

(f) references to the applicable international standards used or references to the specifications in relation to which conformity is declared;

(g) details of the approved body (name, number) which performed the intervention (details of the intervention) and issued the certificate;

(h) any additional information;

(i) a statement that the declaration of conformity has been signed for, and on behalf of the approved body in question, together with the name of the place it was signed and the date of its issue, and the name, function and signature of the person making the statement.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and restate or replace the Merchant Shipping (Marine Equipment) Regulations 2016 (S.I. 2016/1025). The Regulations also revoke the Merchant Shipping (Marine Equipment) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/470) and the Merchant Shipping (Marine Equipment) (Amendment) (UK and US Mutual Recognition Agreement) (EU Exit) Regulations 2019 (S.I. 2019/1304).

Part 1 (regulations 1 to 4) contains introductory provisions and a power to designate approved and nominated bodies.

Regulation 2 contains interpretation provisions. Regulation 3 applies the Regulations to all United Kingdom ships wherever they may be, other than Government ships. Regulation 4 gives the Secretary of State a power to designate approved and nominated bodies to carry out conformity assessment procedures. These procedures are used to determine whether equipment complies with specified standards. Regulation 4 also specifies, by reference to Schedule 3, the requirements a person must meet in order to become a nominated body and, by reference to Schedule 4, the process for applying for, and making, a designation as an approved body.

Part 2 (regulations 5 to 8) provides for requirements to apply to equipment placed on board a ship and for exemptions from those requirements.

Regulation 5 requires equipment placed on board a ship to meet the standards specified in Annexes 1 to 3 of Merchant Shipping Notice MSN 1874 and to be approved in accordance with the conformity assessment procedures in the Regulations. Regulation 5 also sets out certain circumstances in which equipment is deemed to comply with applicable standards. Regulations 6 and 7 enable the Secretary of State to allow equipment that does not meet applicable standards to be placed on board a ship in certain specified circumstances, subject to any restrictions or conditions imposed. Regulation 8 requires the Secretary of State to inspect equipment on a ship that transfers to the UK Register to ensure the equipment complies with its safety certificates and with applicable standards or is equivalent to equipment that complies with those standards.

Part 3 (regulations 9 to 14) makes provision for UK conformity procedures and related matters.

Regulation 9 makes provision for applications to approved bodies for UK conformity approval of equipment and details, by reference to Schedule 2, the procedures for doing so. Regulation 10 sets out the obligations of approved bodies in relation to the granting or refusal of UK conformity approval and prescribes, by reference to Schedule 2, the requirements that must be fulfilled for granting UK conformity approval. Regulation 11 provides for the amendment of conformity approvals. Regulations 12 and 13 require manufacturers of equipment to issue declarations of conformity and affix conformity marks as prescribed. Regulation 12 also requires that a declaration of conformity must provide the information specified in Schedule 5. Regulation 14 provides that a manufacturer located outside the UK may appoint an authorised representative situated in the UK.

Part 4 (regulations 15 and 16) makes provision for conformity approval of equipment on UK ships to which the principal conformity approval procedures do not apply and for related matters.

Regulation 15 requires a manufacturer to apply to a nominated body for type approval of equipment listed in Annex 2 of Merchant Shipping Notice 1874 in accordance with the procedures set out

in paragraph 10 of Merchant Shipping Notice 1874. Regulation 16 sets out the obligations of nominated bodies in relation to the granting or refusal of type approval and provides that the decision whether to grant type approval must be made in accordance with the requirements of paragraph 11 of Merchant Shipping Notice 1874.

Part 5 (regulations 17 to 20) sets out obligations on economic operators.

Regulation 17 sets out the manner in which regulations 18 to 20 apply. Regulation 18 imposes additional obligations on manufacturers in relation to the UK conformity approval process and applies these obligations to distributors and importers in specified circumstances. Regulation 19 imposes an obligation on importers which make equipment available on the market. Regulation 20 imposes obligations on economic operators to comply with certain requests from the Secretary of State regarding marine equipment.

Part 6 (regulations 21 to 25) makes provision for enforcement.

Regulation 21 enables approved bodies to restrict, suspend or withdraw their conformity approvals in certain circumstances. Regulation 22 allows the Secretary of State to carry out sample checks of equipment for market surveillance purposes. Regulation 23 enables the Secretary of State to take action where equipment complies with applicable international standards, but is nonetheless considered a threat to the safety of persons on board a ship or to the marine environment. Regulation 24 creates offences and provides penalties for breach of these Regulations, and provides a "reasonable steps" defence for those offences. Regulation 25 provides for the detention of ships in certain circumstances.

Part 7 (regulations 26 and 27) contains miscellaneous provisions.

Regulation 26 enables the Secretary of State to carry out market surveillance in accordance with paragraph 6 of Merchant Shipping Notice 1874. Regulation 27 introduces Schedule 1 which makes consequential amendments to and revocations of other legislation. Amongst other things, Schedule 1 amends the Merchant Shipping (Control and Management of Ships' Ballast Water and Sediments) Regulations 2022 to remove the provisions relating to type approval of ballast water management systems as type approval of such systems will fall within scope of these Regulations.

No impact assessment has been produced for these Regulations as no, or no significant, impact on the private, voluntary or public sector is foreseen. Instead, a de minimis assessment has been prepared and has been published, with an Explanatory Memorandum, alongside these Regulations at www.legislation.gov.uk.

Merchant Shipping Notices are published by the Maritime and Coastguard Agency. Copies may be downloaded from the MCA's website www.gov.uk/government/organisations/maritime-and-coastguard-agency or by e-subscription from mnotices@ecgroup.co.uk with 'Subscribe' in the subject heading, or from M-Notices Subscriptions, P.O. Box 362, Europa Park, Grays Essex RM17 9AY, tel 01375 484548, fax 01375 484556.

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