EXPLANATORY MEMORANDUM TO

THE MERCHANT SHIPPING (EPIRB AND PLB REGISTRATION AND RADIOCOMMUNICATIONS) (AMENDMENT) REGULATIONS 2026

2026 No. 306

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Department for Transport ("the Department") and is laid before Parliament by Command of His Majesty.

2. Declaration

2.1 Keir Mather, MP, Parliamentary Under-Secretary of State at the Department for Transport, (Minister for Aviation, Maritime and Decarbonisation), confirms that this Explanatory Memorandum meets the required standard.

2.2 Fraser Heasley, Director of UK Technical Maritime Services, at the Maritime and Coastguard Agency confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Paula English at the Maritime and Coastguard Agency can be contacted by email at the following address with any queries regarding the instrument: radio@mcga.gov.uk Alternatively, the Maritime and Coastguard Agency can be contacted by telephone: 0203 817 2000.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 These Regulations prescribe updated requirements for the registration of emergency position-indicating radio beacons ("EPIRBs") and new requirements for personal locator beacons ("PLBs") which are carried on, or carried by persons on board, United Kingdom ships and hovercraft, and watercraft.

4.2 These Regulations revoke the Merchant Shipping (EPIRB Registration) Regulations 2000 (S.I. 2000/1850) which prescribed registration requirements for EPIRBs alone and make consequential amendments to the Merchant Shipping (Watercraft) Order 2023 (S.I. 2023/35) to apply the new registration requirements to watercraft as well as to United Kingdom ships and hovercraft. These Regulations also amend three other instruments for specific separate purposes.

Where does the legislation extend to, and apply?

4.3 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales, Scotland and Northern Ireland.

4.4 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England and Wales, Scotland and Northern Ireland, and United Kingdom ships and hovercraft wherever they may be.

5. Policy Context

What is being done and why?

5.1 The Merchant Shipping (EPIRB Registration) Regulations 2000 ("the 2000 Regulations") became outdated following technological advancements and evolving international requirements. The Department therefore decided to replace the 2000 Regulations with the Merchant Shipping (EPIRB and PLB Registration) (Radiocommunications) (Amendment) Regulations 2026 ("the 2026 Regulations"). The 2026 Regulations aim to modernise the registration requirements for EPIRBs, introduce mandatory registration requirements for PLBs and strengthen compliance mechanisms.

5.2 The 2026 Regulations update existing registration requirements for EPIRBs to reflect changes in technology and introduce new registration requirements for PLBs to allow His Majesty's Coastguard ("HMCG") to take Search and Rescue ("SAR") action more efficiently. The 2026 Regulations implement these requirements for United Kingdom flagged ships and hovercraft, and for watercraft (by virtue of the amendments they also make to the Merchant Shipping (Watercraft) Order 2023). Watercraft include vessels such as jet skis that are not regulated as ships under the Merchant Shipping Act 1995. The 2026 Regulations also amend three other statutory instruments; this additional provision is described in paragraphs 5.5 to 5.9 below.

5.3 The 2000 Regulations did not impose a legal obligation to register PLBs; although PLB registration was strongly encouraged, it remained voluntary. However, unregistered PLBs can hinder the effectiveness of SAR operations, contributing to false alarms and diverting critical resources away from where they are required. The 2026 Regulations are intended to address this and make failure to register a PLB an offence. This reflects the previous and ongoing approach in relation to non-registration of EPIRBs and is considered necessary to support the more efficient and targeted emergency responses, ultimately enhancing public safety and reducing the risk of preventable fatalities due to insufficient intelligence.

5.4 Voluntary registration on the UK's online registration platform was already in place before the 2026 Regulations came into force. The objective of the new requirement for all United Kingdom PLBs used on ships, hovercraft and watercraft to be registered can be measured by ascertaining if there has been an increase in the number of registrations since the introduction of the 2026 Regulations. This supports the Maritime and Coastguard Agency's ("the MCA") strategic aims to protect lives at sea and rescue persons in distress by ensuring comprehensive EPIRB and PLB registration enables a more effective SAR response. The 2026 Regulations also meet the United Kingdom's approach to regulatory reform, by modernising and allowing for the use of new technologies, and at the same time easing the burden on businesses by allowing them to make minor cost savings because there will be no requirement for manufacturers to produce physical registration cards.

5.5 The 2026 Regulations amend four existing statutory instruments to ensure consistency with updated international and domestic maritime safety requirements, and to correct an error in one of those instruments. The Merchant Shipping (Radiocommunications) (Amendment) Regulations 2021 (S.I. 2021/1316) ("the 2021 Regulations") are amended to implement an amendment to Chapter IV (Radiocommunications) of the

Annex to the International Convention for the Safety of Life at Sea, 1974 ("SOLAS")[1] contained in International Maritime Organization ("IMO") Resolution MSC.496(105)[2]. This Resolution was adopted by the IMO on 28 April 2022 and came into force on 1 January 2024. Almost all the IMO amendments in Resolution MSC.496(105) took effect in the United Kingdom on 1 January 2024 by virtue of the ambulatory reference provision in the 2021 Regulations, but very limited changes to certain carriage requirements for radio equipment on ships were outside the scope of the ambulatory reference. The amendments made by the 2026 Regulations therefore implement those limited changes to Chapter IV of the Annex to SOLAS.

5.6 Although the Department acknowledges that these changes are implemented over two years after they came into force internationally, this has had no effect on the onboard operational requirements of operators or the MCA's ability to enforce breaches. This is because the very limited nature of those changes means that operators have in any event had to comply with those specific requirements as a necessary consequence of complying with the bulk of the amendments which took effect in the United Kingdom on 1 January 2024. The introduction of the package of radiocommunications measures in the 2026 Regulations was delayed by the United Kingdom general election in 2024, followed by the need for an extended consultation period in respect of the proposed new registration requirements which resulted from the need to consult a second time on those proposals (see paragraphs 7.1 to 7.9).

5.7 The Merchant Shipping (Radio Installations) Regulations 1998 (S.I. 1998/2070) ("the 1998 Regulations") are amended to remove provision which disapplies that instrument to ships operating only in category A, B, C and D waters. This disapplication provision resulted from an amendment to the 1998 Regulations by the 2021 Regulations in what the Department subsequently recognised was an error. Therefore, the 1998 Regulations are amended to remove that disapplication provision and restore the application of the 1998 Regulations to ships operating only in category A, B, C and D waters. The MCA is satisfied that this error has not had any practical effect on operators.

5.8 The Merchant Shipping (Watercraft) Order 2023 ("the 2023 Order") is amended to apply the new registration requirements to watercraft. The registration requirements for EPIRBs under the 2000 Regulations did apply to watercraft, so the principal effect of the amendments made by the 2026 Regulations is to extend to watercraft the new registration requirements for PLBs.

5.9 The Merchant Shipping (Fees) Regulations 2018 (S.I. 2018/1104) are amended for two purposes; amending the entry in that instrument for the 1998 Regulations and inserting an entry into that instrument for the 2021 Regulations.

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[1] The Convention and its Protocol of 1988 may be obtained in hard copy from the International Maritime Organization (IMO), 4 Albert Embankment, London SE1 7SR or found on the Foreign, Commonwealth and Development Office (FCDO) treaties database (https://treaties.fcdo.gov.uk/awweb/pdfopener?md=1&did=79786). The Convention was modified by its Protocol of 1978 (https://treaties.fcdo.gov.uk/awweb/pdfopener?md=1&did=68013), which was replaced and abrogated by the Protocol of 1988 (https://treaties.fcdo.gov.uk/awweb/pdfopener?md=1&did=69573) with respect to the parties to the 1988 Protocol. The amendments to the Convention are available in hard copy from the IMO or found on the FCDO treaties database (https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch).

[2] This is available from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or found on the Foreign, Commonwealth and Development Office treaties database at https://wwwcdn.imo.org/localresources/en/KnowledgeCentre/IndexofIMOResolutions/MSCResolutions/MSC.496(105).pdf.

What was the previous policy, how is this different?

5.10 The international obligations in Chapter IV of the Annex to SOLAS require the United Kingdom to ensure suitable arrangements are made to register maritime identities. Each EPIRB possesses a unique identity that must be registered. The unique identity can be used to link the EPIRB to a ship, hovercraft or watercraft as well as the emergency contact details. This information is accessible to SAR Rescue Coordination Centres on a 24-hour basis.

5.11 The 2000 Regulations required the owner and operator of United Kingdom ships to register every EPIRB carried on ships (regardless of whether the EPIRB was carried in accordance with other statutory requirements) with a competent authority, which in the United Kingdom is HMCG. The United Kingdom has maintained its own national EPIRB register since 2000. The owner or operator was required to ensure that the registered particulars were correct.

5.12 The 2000 Regulations did not make any provision for the registration of PLBs. The continued lack of PLB registration would likely have hampered SAR operations conducted by HMCG.

5.13 Cospas-Sarsat is a treaty based, non-profit, intergovernmental humanitarian cooperative of 45 nations and agencies, which operates the EPIRB service. Since the 2000 regulations were laid, Cospas-Sarsat has introduced second generation beacons. Consequently, the legislative framework required updating to reflect these advancements in EPIRB technology.

6. Legislative and Legal Context

How has the law changed?

6.1 The 2000 Regulations required the owner and the operator of every United Kingdom ship or hovercraft to ensure that every EPIRB carried on the ship or hovercraft was registered with HMCG and that the registered particulars were correct.

6.2 The 2023 Order makes safety provision in relation to watercraft. The 2023 Order made provision to apply the registration requirements for EPIRBs in the 2000 Regulations to watercraft as those requirements apply to United Kingdom ships and hovercraft.

6.3 The 2026 Regulations replace and update the 2000 Regulations in two respects. First, they make provision to update the registration requirements in respect of EPIRBs carried on United Kingdom ships or hovercraft. Secondly, they introduce new registration requirements for PLBs which are carried by persons on board United Kingdom ships and hovercraft.

6.4 These Regulations prescribe the primary obligations to register information about EPIRBs or PLBs and make provision for enforcement (e.g. bringing prosecution of offences for breach of the registration requirements or detention of vessels) but also give legal effect to Merchant Shipping Notice 1924 (M+F)[3] which prescribes in detail the information which is required to be registered in respect of EPIRBs and PLBs.

6.5 These Regulations replace provision in the 2023 Order in respect of the application of EPIRB requirements in the 2000 Regulations to watercraft and apply both the updated

[3] This is available from the MCA of Spring Place, 105 Commercial Road, Southampton SO15 1EG or at https://www.gov.uk/government/collections/merchant-shipping-notices-msns

registration requirements for EPIRBs and the new registration requirements for PLBs to watercraft as they apply to United Kingdom ships and hovercraft.

6.6 These Regulations also amend three other statutory instruments. They amend the 1998 Regulations to reverse an amendment made to that instrument by the 2021 Regulations. They amend the Merchant Shipping (Fees) Regulations 2018 to insert references in that instrument in relation to the 1998 and 2021 Regulations. They also amend the 2021 Regulations to give effect to discrete amendments to Chapter IV (Radiocommunications) of the Annex to SOLAS.

Why was this approach taken to change the law?

6.7 This is the only possible approach to introducing the new or updated requirements for EPIRB and PLB registration to ensure the effective monitoring of compliance with these important new safety requirements and that they can be enforced effectively.

6.8 This is also the only possible approach to making the legislative amendments described in paragraph 6.6. These amendments are necessary (for the reasons set out in paragraphs 5.5 to 5.8) and it is appropriate to include them in these Regulations because of their shared subject area (maritime radiocommunications).

7. Consultation

Summary of consultation outcome and methodology

7.1 An initial public consultation[4] was launched on GOV.UK and publicised on social media platforms, with direct notifications to 47 key stakeholders. Seven (7) responses were received.[5]

7.2 However, the response form on GOV.UK included an incorrect email address and despite this being rectified, the deadline for consultation responses being extended, and the consultation publicised again, this may have caused some responses to have not been re-submitted.

7.3 Given the low response rate, the Department considered that the intended audience may not have had a reasonable opportunity to respond. To summarise the initial consultation responses, most respondents felt that the proposed offences and penalties lacked proportionality and believed that non-registration of a PLB would result in either an immediate vessel detention or prison sentence. This is not the case, but it was therefore evident that guidance needed to provide greater detail and clarity.

7.4 There was also concern relating to the practicalities of registering PLBs when these are utilised on multiple ships, and stakeholders were keen that PLBs should be registered to an individual rather than a ship as changing registration details every time a person changed ships was impractical.

7.5 The Department therefore proposed reviewing the statutory package, taking into account stakeholder feedback before launching a second, shorter public consultation.

[4] Consultation on the draft Merchant Shipping (EPIRB and PLB Registration) (Radiocommunications) (Amendment) Regulations 2025 - GOV.UK (https://www.gov.uk/government/consultations/consultation-on-the-merchant-shipping-epirb-and-plb-registration-regulations-2025/consultation-on-the-draft-merchant-shipping-epirb-and-plb-registration-radiocommunications-amendment-regulations-2025)

[5] Consultation on the merchant shipping (EPIRB and PLB registration) regulations 2025 - GOV.UK (https://www.gov.uk/government/consultations/consultation-on-the-merchant-shipping-epirb-and-plb-registration-regulations-2025)

7.6 The second consultation[6] was published on GOV.UK, publicised on social media platforms and included extensive notification to 218 stakeholders, yielding 19 responses.

7.7 To summarise the second consultation responses[7], virtually all respondents agreed that the responsibility for the registration of PLBs should lie with the PLB owner and that the revised guidance provided enough information and guidance to meet stakeholder needs. The policy has been revised to reflect this.

7.8 There was still concern however from some respondents that the requirements are not clear and there may be challenges in ensuring compliance. These have been addressed by providing further clarification in the guidance. Some concern (but less than in response to the initial consultation) remain that the penalties are disproportionate. This stems from a continued belief that non-registration of a PLB would result in either an immediate ship detention or prosecution resulting in a prison sentence. This is still not the case. These outcomes would only likely arise in cases of a more serious breach of the registration requirements; in particular, a prosecution if brought at all would most likely result in a fine on conviction and a custodial sentence would only exceptionally be imposed in the most egregious cases. Nevertheless, the availability of this full suite of sanctions ensures the Department is capable of enforcing effectively for the purpose of all eventualities.

7.9 Colleagues in the Northern Ireland Assembly, the Scottish Government, and the Welsh Assembly were formally notified of the consultation. However, no responses were received from them.

8. Applicable Guidance

8.1 Detailed guidance to industry, operators and seafarers on the application of this instrument is published in Marine Guidance Note 665 (M+F) Amendment 1 can be found on the relevant page on gov.uk[8]

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument because the cost impacts of this measure fall below the threshold to conduct a full assessment and a De Minimis Assessment has therefore been undertaken in its place. Moreover, this measure is not contentious and does not have significant wider societal impacts. The De Minimis Assessment will be published alongside the Explanatory Memorandum on the legislation.gov.uk website and includes an estimation of the costs and benefits of this measure as well as an assessment of the impacts on both the private and public sectors. The total net social present value is estimated to be -£14.2m in the central scenario, ranging from -£4.9m to -£33.7m in the low and high scenarios. The business

[6] Consultation on the Merchant Shipping (EPIRB and PLB Registration) (Radiocommunications) (Amendment) Regulations 2026 - GOV.UK (https://www.gov.uk/government/consultations/consultation-on-the-merchant-shipping-epirb-and-plb-registration-radiocommunications-amendment-regulations-2026)

[7] Consultation Report: The Merchant Shipping (EPIRB and PLB Registration and Radiocommunications)(Amendment)Regulations 2026 (https://www.gov.uk/government/consultations/consultation-on-the-merchant-shipping-epirb-and-plb-registration-radiocommunications-amendment-regulations-2026/outcome/consultation-report-the-merchant-shipping-epirb-and-plb-registration-and-radiocommunications-amendment-regulations-2026)

[8] This is available from the MCA of Spring Place, 105 Commercial Road, Southampton SO15 1EG or at https://www.gov.uk/government/collections/marine-guidance-notices-mgns.

net present value is estimated at -£14.2m in the central scenario, ranging from -£4.9m to -£33.7m. This results in an equivalent annual net direct cost to business of £1.65m in the central scenario.

Impact on businesses, charities and voluntary bodies

9.2 There is no, or no significant, impact on business, charities or voluntary bodies because the associated costs of these Regulations, such as those arising from familiarisation or compliance, are expected to be minimal and well within the de minimis threshold. However, businesses are expected to benefit from a reduction in time taken to produce registration cards, although this benefit was not monetised due to data limitations. This is not expected to have any negative impacts on the safety of ships, maritime personnel or the natural environment.

9.3 These Regulations pose little to no risk of disproportionately affecting small, micro or medium businesses. Smaller vessels are expected to have smaller workforce. As a result, the number of PLBs required to be registered will be smaller and the costs arising from PLB inspections will be shorter too, compared to larger ships with larger crews. The impact on smaller or micro businesses is not disproportionate.

9.4 No exemptions are in place for micro or small businesses, so if any small, micro or medium businesses were in scope, then they would have to comply with the requirements in the same way as large businesses do. The costs of registering EPIRBs are related to the number of ships an operator owns, so the costs for small, micro and medium businesses are not likely to be disproportionate. An exemption has not been considered as this would not be compatible with the intended aim of these Regulations and the same safety standards need to be met regardless of firm size. There are also no significant environmental, social, cultural or equality impacts arising from these Regulations. Introduction of PLB registration has the potential to make the UK flag more appealing to those in the maritime environment.

9.5 There is no significant impact on the public sector as a result of these Regulations with only minor additional costs on the MCA, to account for MCA surveyor familiarisation costs. These have been estimated as part of the De Minimis Assessment.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The approach to monitoring this legislation is to review it through periodic assessments and stakeholder engagement.

10.2 The instrument does not include a statutory review clause and, in line with the requirements of the Small Business, Enterprise and Employment Act 2015, Keir Mather MP, Parliamentary Under-Secretary of State at the Department for Transport (Minister for Aviation, Maritime and Decarbonisation) has made the following statement:

"There is not expected to be a significant annualised net impact on business (greater than +/- £10 million net annualised) and in my view there are no other factors that would make it particularly desirable to include a review provision."

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

12.1 As the instrument is subject to negative procedure and does not amend primary legislation, no statement is required.

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts").