STATUTORY INSTRUMENTS

2026 No. 194

RETAINED EU LAW REFORM

MERCHANT SHIPPING

POLLUTION

The Merchant Shipping (International Safety Management (ISM) Code) Regulations 2026

Sift requirements satisfied	*10th February 2026*
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The Secretary of State makes these Regulations in exercise of the powers conferred by sections 85(1), (3) and (5) to (7), 86(1)(a) to (d), 128(5), 302(1) and 306A of the Merchant Shipping Act 1995(**a**) (the "1995 Act"), article 2(1), (2)(a) to (e) and (3) of the Merchant Shipping (Prevention of Pollution) (Law of the Sea Convention) Order 1996(**b**), article 2 of the Merchant Shipping (Control of Pollution) (SOLAS) Order 1998(**c**) and section 14(1) of the Retained EU Law (Revocation and Reform) Act 2023(**d**) (the "2023 Act").

The Secretary of State has consulted the persons referred to in section 86(4) of the 1995 Act in relation to these Regulations.

These Regulations are made with the consent of the Treasury in so far as is required under section 302(1) of the 1995 Act.

(**a**) 1995 c. 21. Sections 85 and 86 were amended by the Merchant Shipping and Maritime Security Act 1997 (c. 28), sections 8 and 29(2) and Schedule 7. Section 85 was also amended by the British Overseas Territories Act 2002 (c. 8), section 2(3). Section 128 was amended by the Merchant Shipping (Pollution) Act 2006 (c. 8), section 2(3). There are other amendments but none is relevant. Section 306A was inserted by the Deregulation Act 2015 (c. 20), section 106. Sections 85, 86, 302 and 306A are applied to hovercraft by the Hovercraft (Application of Enactments) Order 1989 (S.I. 1989/1350).
(**b**) S.I. 1996/282, amended by the Marine and Coastal Access Act 2009 (c. 23), Schedule 4, Part I, paragraph 3, S.I. 2015/664 and 2022/844. The Order applies to hovercraft by the Hovercraft (Application of Enactments) Order 1989 (S.I. 1989/1350).
(**c**) S.I. 1998/1500.The Order applies to hovercraft by the Hovercraft (Application of Enactments) Order 1989 (S.I. 1989/1350).
(**d**) 2023 c. 28.

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

The requirements of paragraph 6(2) of Schedule 5 to the 2023 Act (relating to the appropriate Parliamentary procedure for these Regulations) have been satisfied.

PART 1

Preliminary

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Merchant Shipping (International Safety Management (ISM) Code) Regulations 2026 and come into force on the 22nd day after the day on which they are laid before Parliament.

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

Amendments and revocations

2.—(1) Part 1 of the Schedule provides for amendments to legislation.

(2) Part 2 of the Schedule provides for revocations of legislation.

Interpretation

3.—(1) In these Regulations—

"the 1995 Act" means the Merchant Shipping Act 1995;

"additional ship verification" has the meaning given in regulation 16(10);

"additional verification" has the meaning given in regulation 13(10);

"anniversary date" means, in relation to any relevant document, the day and the month of each year which corresponds to the date of expiry of that document;

"annual verification" has the meaning given in regulation 13(10);

"Certifying Authority" means the Secretary of State or any person authorised by the Secretary of State in accordance with regulation 7 for the purpose of verification and certification required by these Regulations;

"Convention country" means a country or territory which is either a country the government of which is party to the SOLAS Convention or a territory to which the SOLAS Convention extends whether or not it is subject to the amendments to, or reservations in respect of, the SOLAS Convention;

"designated person" means a person designated by an ISM company in accordance with paragraph 4 of the ISM Code;

"Document of Compliance" means a document issued in accordance with paragraph 13.2 of the ISM Code;

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

"gross tonnage" means gross tonnage determined in accordance with regulation 6 or 12(1) of the Merchant Shipping (Tonnage) Regulations 1997(**a**);

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

"initial ship verification" has the meaning given in regulation 16(10);

"initial verification" has the meaning given in regulation 13(10);

"Interim Document of Compliance" means a document issued in accordance with paragraph 14.1 of the ISM Code;

"Interim Safety Management Certificate" means a document issued in accordance with paragraphs 14.2 and 14.4 of the ISM Code;

"interim ship verification" has the meaning given in regulation 17(7);

"interim verification" has the meaning given in regulation 14(7);

"intermediate ship verification" has the meaning given in regulation 16(10);

"ISM Code" means the International Management Code for the Safe Operation of Ships and for Pollution Prevention adopted by the IMO in 1993 by Assembly Resolution A.741(18)(**c**);

"ISM company" means, in relation to a ship—

(a) a person, who is not the owner of the ship, who has assumed responsibility for the operation of the ship from the owner and—

(i) in the case of a United Kingdom ship or a non-United Kingdom ship flying the flag of a Convention country, has agreed with the owner to take over all the duties and responsibilities imposed by the ISM Code; or

(ii) in the case of a non-United Kingdom ship flying the flag of a State which is not a Convention country, has agreed with the owner to take over all the duties and responsibilities which provide an equivalent level of compliance with the duties and responsibilities imposed by the ISM Code; or

(b) in all other cases, the owner of the ship;

"major non-conformity" means—

(a) an identifiable deviation that poses a serious threat to the safety of personnel or a ship, or a serious risk to the environment, that requires immediate corrective action; or

(b) a lack of effective and systematic implementation of a requirement of the ISM Code;

"Marine Guidance Note" means a note described as such and issued by the MCA and includes a reference to any document amending or replacing that note from time to time which is considered by the Secretary of State to be relevant and is specified in a Marine Guidance Note;

(**a**) S.I. 1997/1510, amended by S.I. 1998/1916, 1999/3206, 2020/362 and 2023/246; there are other amending instruments but none is relevant.

(**b**) The IMO is a special agency of the United Nations responsible for shipping safety and security, and the prevention of pollution.

(**c**) IMO Assembly Resolution A.741(18) was adopted on 4 November 1993. It was amended by IMO Resolutions MSC.104(73), MSC.179(79), MSC.195(80), MSC.273(85) and MSC.353(92). Copies of the ISM Code and IMO Resolutions are available from the IMO at 4 Albert Embankment, London, SE1 7SR, https://www.imo.org/en/publications/pages/home.aspx, email: sales@imo.org, telephone 0207 735 7611. IMO Resolutions are also available at https://www.imo.org/en/KnowledgeCentre/IndexofIMOResolutions/Pages/MSC.aspx.

"MCA" means the Maritime and Coastguard Agency which is an executive agency of the Department for Transport;

"Merchant Shipping Notice" means a notice described as such and issued by the MCA and includes a reference to any document amending or replacing that notice from time to time which is considered by the Secretary of State to be relevant and is specified in a Merchant Shipping Notice;

"non-United Kingdom ship" means a ship which is not a United Kingdom ship;

"prescribed fee" means the relevant fee prescribed by the Secretary of State under section 302 of the 1995 Act (fees) and specified in, or otherwise determined under, Schedule 1 to the Merchant Shipping (Fees) Regulations 2018(**a**);

"relevant document" means, except in regulation 23 (prohibition on non-United Kingdom ships proceeding or attempting to proceed on any voyage without a relevant document), a Document of Compliance, an Interim Document of Compliance, a Safety Management Certificate or an Interim Safety Management Certificate;

"renewal ship verification" has the meaning given in regulation 16(10);

"renewal verification" has the meaning given in regulation 13(10);

"RO Code" means the Code for Recognized Organizations adopted by IMO Resolution MSC.349(92)(**b**);

"Safety Management Certificate" means a document issued in accordance with paragraph 13.7 of the ISM Code;

"safety management system" means a structured and documented system enabling ISM company personnel to implement effectively the company's safety and environmental protection policy;

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

"STCW Code" means the Seafarers' Training, Certification and Watchkeeping Code(**d**);

(**a**) S.I. 2018/1104, amended by S.I. 2025/1103. There are other amendments to these Regulations but none is relevant.

(**b**) IMO Resolution MSC.349(92) was adopted on 21st June 2013. Copies of the RO Code and IMO Resolution are available from the IMO at 4 Albert Embankment, London, SE1 7SR, https://www.imo.org/en/publications/pages/home.aspx, email: sales@imo.org, telephone 0207 735 7611. IMO Resolutions are also available at https://www.imo.org/en/KnowledgeCentre/IndexofIMOResolutions/Pages/MSC.aspx.

(**c**) Cmnd 7874. Copies of the Convention, and amendments to it, may be obtained from the IMO at 4 Albert Embankment, London SE1 7SR, https://www.imo.org/en/publications/pages/home.aspx, email: sales@imo.org, telephone 0207 735 7611, or found on the Foreign, Commonwealth and Development Office (FCDO) treaties database (https://treaties.fco.gov.uk/awweb/pdfopener?md=1&did=79786). The Convention was modified by its Protocol of 1978 (Cmnd. 8277) (https://treaties.fco.gov.uk/awweb/pdfopener?md=1&did=68013), which was replaced and abrogated by the Protocol of 1988 (Cm 5044) (https://treaties.fco.gov.uk/awweb/pdfopener?md=1&did=69573) with respect to the parties to the 1978 Protocol. 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/10/11/2031/2878 (Cmnd 7874), HL/PO/JO/10/11/1959/2032 (Cmnd 8277) and HL/PO/JO/10/11/3156/2280 (Cm 5044).

(**d**) The STCW Code contains mandatory provisions in Part A of the Code and guidance in Part B. The Code was replaced in full in 2010 following a conference of the parties to the STCW Convention held in Manila, the Philippines ("the Manila Conference"). The Code has since been amended by IMO Resolutions MSC.374(93), MSC.397(95), MSC.417(97). The guidance in Part B of the Code has been amended by MSC.455(100) and MSC.478(102). The STCW Code and the amendments to it are available from the IMO at 4 Albert Embankment, London SE1 7SR or found on the Foreign, Commonwealth and Development Office treaties database (https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch). 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. IMO Resolutions are also available at https://www.imo.org/en/KnowledgeCentre/IndexofIMOResolutions/Pages/MSC.aspx.

"STCW Convention" means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978(**a**) and any reference to an "STCW Regulation" means a regulation contained in the Annex to that Convention and also constitutes a reference to the corresponding section of Part A of the STCW Code;

"surveyor" means a surveyor of ships, or any other person appointed by a Certifying Authority other than the Secretary of State, to be a surveyor;

"United Kingdom ship" has the meaning given in section 85(2) of the 1995 Act;

"valid" means, in relation to a relevant document, in force and "validity" is to be construed accordingly;

and references to "in writing" include the provision of such communication by electronic mail, facsimile or other means, which is capable of producing a document containing the text of any communication and in a form sufficiently permanent to be used for subsequent reference.

(2) In interpreting the ISM Code for the purposes of these Regulations, any reference in the ISM Code to a matter that is expressed as a matter that "should" be discharged, must be read as an obligation to discharge.

Ambulatory reference

4.—(1) In these Regulations, any reference to Chapter II-2(**b**) or Chapter X(**c**) of the SOLAS Convention, the STCW Convention, the ISM Code or the RO Code is to be construed as—

(a) a reference to that Chapter, the STCW Convention, the ISM Code or the RO Code, as modified from time to time; and

(b) if that Chapter, the STCW Convention, the ISM Code or the RO Code is replaced, a reference to the replacement.

(2) For the purposes of paragraph (1)—

(a) Chapter II-2 or Chapter X of the SOLAS Convention, the ISM Code and Parts 1 or 2 of the RO Code are modified or replaced if the modification or replacement takes effect in accordance with Article VIII of the SOLAS Convention;

(**a**) The STCW Convention was originally published in Cmnd.7543 and subsequently in Cmnd. 9266. An electronic copy of Cmnd. 9266 can be found at https://treaties.fcdo.gov.uk/awweb/awarchive?type=file&item=68238. A hard copy of Cmnd. 9266 is available for inspection free of charge but by appointment at the Parliamentary Archives, Houses of Parliament, London, SW1A 0PW (catalogue number: HL/PO/JO 10/11/2230/2631. The Annex to the STCW Convention was replaced in full in 2010 following a conference of the parties to the STCW Convention held in Manila, the Philippines ("the Manila Conference"). The STCW Convention has since been amended by IMO Resolutions MSC.396(95) and MSC.416(97). Copies of the STCW Convention and IMO Resolutions are available from the IMO at 4 Albert Embankment, London SE1 7SR; https://www.imo.org/en/publications/pages/home.aspx; email: sales@imo.org; telephone: 0207 735 7611. A copy of the STCW Convention may also be found on the Foreign, Commonwealth and Development Office treaties database (https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch). IMO Resolutions are available at https://www.imo.org/en/KnowledgeCentre/IndexofIMOResolutions/Pages/MSC.aspx.

(**b**) Chapter II-2 (fire protection, fire detection and fire extinction) in the Annex to the SOLAS Convention (see the footnote to the definition of the SOLAS Convention in regulation 3 of these Regulations). Chapter II-2 was replaced in full by IMO Resolution MSC.1(45) and further amended by IMO Resolutions MSC.6(48), MSC.13(57), MSC.22(59), MSC.24(60), MSC.27(61), MSC.31(63), MSC.57(67), MSC.99(73), MSC.134(76), MSC.194(80), MSC.201(81), MSC.216(82), MSC.256(84), MSC.269(85), MSC.291(87), MSC.307(88), MSC.308(88), MSC.338(91), MSC.365(93), MSC.380(94), MSC.392(95), MSC.403(96), MSC.404(96), MSC.409(97), MSC.410(97) and MSC.421(98). The amendments to Chapter II-2 are available from the IMO at 4 Albert Embankment, London SE1 7SR or found on the Foreign, Commonwealth and Development Office treaties database (https://treaties.fco.gov.uk/responsive/app/consolidatedSearch).IMO Resolutions are also available at https://www.imo.org/en/KnowledgeCentre/IndexofIMOResolutions/Pages/MSC.aspx.

(**c**) Chapter X (safety measures for high speed craft) in the Annex to the SOLAS Convention was adopted by Resolution I of the SOLAS Conference on 24th May 1994 and came into force on 1st January 1996. Resolution I is available from the IMO at 4 Albert Embankment, London SE1 7SR and can be found on the FCDO treaties database (https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch). Chapter X was amended by IMO Resolution MSC.99(73) (Cm 6001), which is also available from the IMO and at https://www.imo.org/en/knowledgecentre/indexofimoresolutions/pages/msc.aspx.

(b) Part 3 of the RO Code is modified or replaced if the modification or replacement is adopted by a Resolution of the Maritime Safety Committee of the IMO in accordance with the rules of procedure which apply to that Committee;

(c) the STCW Convention is modified or replaced if the modification or replacement takes effect in accordance with Article XII of the STCW Convention.

(3) A modification or replacement of a Chapter of the SOLAS Convention or of the ISM Code or of Part 1 or 2 of the RO Code has effect at the time such modification or replacement comes into force in accordance with Article VIII of the SOLAS Convention.

(4) A modification or replacement of Part 3 of the RO Code has effect at the time such modification or replacement comes into force in accordance with the Resolution under which it is adopted.

(5) A modification or replacement of the STCW Convention has effect at the time such modification or replacement comes into force in accordance with Article XII of the STCW Convention.

Application

5.—(1) Subject to paragraphs (2) and (3), these Regulations apply to—

(a) United Kingdom ships, wherever they may be; and

(b) non-United Kingdom ships while they are within United Kingdom waters.

(2) These Regulations do not apply to—

(a) passenger ships, other than ro-ro passenger ships and high speed passenger craft, operating exclusively in—

(i) categorised waters; or

(ii) sea area C;

(iii) sea area D; or

(iv) any combination of (i) to (iii);

(b) cargo ships, other than high speed cargo craft, which are—

(i) under 500 gross tonnage;

(ii) 500 gross tonnage or more, operating exclusively in categorised waters;

(iii) not propelled by mechanical means; or

(iv) wooden ships of primitive build;

(c) passenger submersible craft operating exclusively in—

(i) categorised waters; or

(ii) sea area C;

(iii) sea area D; or

(iv) any combination of (i) to (iii);

(d) ships of war and naval auxiliary ships;

(e) ships owned or operated by a State and engaged only on governmental non-commercial service;

(f) pleasure vessels;

(g) fishing vessels;

(h) ships solely navigating the Great Lakes of North America and the River St Lawrence as far east as a straight line drawn from Cap des Rosiers to West Point, Anticosti Island, and, on the north side of Anticosti Island, the 63rd meridian.

(3) These Regulations do not apply to a non-United Kingdom ship flying the flag of a State which is not a party to the SOLAS Convention if it would not have been in United Kingdom waters but for stress of weather or any other circumstances which the master(**a**), owner or charterer could not have prevented.

(4) Where persons are on board a ship as a consequence of—

(a) the circumstances described in paragraph (3); or

(b) an obligation laid upon the master to carry shipwrecked or other persons(**b**),

those persons are not to be taken into account for the purpose of determining the application to that ship of any provision of these Regulations.

(5) In this regulation—

"the 2000 Regulations" means the Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000(**c**);

"cargo ship" means any ship which is not a passenger ship;

"categorised waters" means the waters specified as Category A, B, C and D waters in Merchant Shipping Notice 1837(M) Amendment 3(**d**);

"fishing vessel" means a ship used for catching fish, whales, seals, walruses or other living resources of the sea;

"high speed cargo craft" means a high speed craft carrying not more than 12 passengers, which is capable of maintaining the main functions and safety systems of unaffected spaces after damage in any one compartment on board;

"high speed craft" has the meaning given in regulation 1.3 of Chapter X of the SOLAS Convention (safety measures for high speed craft: definitions) and includes a hovercraft;

"high speed passenger craft" means a high speed craft which carries more than 12 passengers;

"passenger" means a person other than—

(a) the master, a member of the crew or any other person employed or engaged in any capacity on board a ship on the business of that ship; or

(b) a child under one year of age;

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

"passenger submersible craft" means a passenger carrying mobile vessel which primarily operates under water and relies on surface support, including surface ships or shore-based facilities, for monitoring and for recharging—

(a) power supply;

(b) high pressure air; or

(c) life support;

(**a**) "master" has the meaning given in section 313(1) (definitions) of the 1995 Act.

(**b**) Regulation 33 of Chapter V of SOLAS places an obligation on the master to provide assistance to persons in distress at sea, which is implemented in the Merchant Shipping (Safety of Navigation) Regulations 2020 (S.I. 2020/673).

(**c**) S.I. 2000/2687, amended by S.I. 2020/1222. There are other amendments but none is relevant.

(**d**) Merchant Shipping Notice 1837(M) Amendment 3 is available at https://www.gov.uk/government/publications/msn-1837-m-amendment-2-categorisation-of-waters and in hard copy from the MCA of Spring Place, 105 Commercial Road, Southampton SO15 1EG (telephone 020 3817 2000 and email MarineTechnology@mcga.gov.uk).

"pleasure vessel" means—

(a) any vessel which at the time it is being used is—

(i) in the case of a vessel wholly owned by—

(aa) an individual or individuals, used only for the sport or pleasure of the owner or the immediate family or friends of the owner; or

(bb) a body corporate, used only for sport or pleasure and on which the persons on board are employees or officers of the body corporate, or their immediate family or friends; and

(ii) on a voyage or excursion which is one for which the owner does not receive any money for or in connection with operating the vessel or carrying any person, other than as a contribution to the direct expenses of the operation of the vessel incurred during the voyage or excursion; or

(b) any vessel wholly owned by or on behalf of a members' club formed for the purpose of sport or pleasure which, at the time it is being used, is used only for the sport or pleasure of members of that club or their immediate family, and for the use of which any charges levied are paid into club funds and applied for the general use of the club,

where, in the case of any vessel referred to in paragraph (a) or (b), no other payments are made by or on behalf of users of the vessel, other than by the owner; and in this definition "immediate family" means, in relation to an individual, the spouse or civil partner of the individual, and a relative of the individual or the individual's spouse or civil partner; and "relative" means brother, sister, ancestor or lineal descendant;

"ro-ro passenger ship" has the meaning given in regulation 3.42 of Chapter II-2 of the SOLAS Convention (Construction: Fire Protection, Fire Detection and Fire extinction: definitions);

"sea area C" means the sea area categorised as "Area C" in regulation 3A(1)(c) of the 2000 Regulations;

"sea area D" means the sea area categorised as "Area D" in regulation 3A(1)(d) of the 2000 Regulations;

and references to "passenger ship" and "cargo ship" do not include a passenger submersible craft.

Exemptions

6.—(1) Subject to paragraph (2), the Secretary of State may exempt a ship or class of ship from any of the requirements of these Regulations.

(2) An exemption under paragraph (1) may be granted only if it is compatible with the SOLAS Convention and if the Secretary of State is satisfied that compliance with any such requirement is either impracticable or unreasonable in the case of that ship or class of ship.

(3) An exemption under paragraph (1) may be granted subject to such terms as the Secretary of State thinks fit to specify to ensure the safety of the ship or class of ship.

(4) An exemption granted under paragraph (1) may, on the giving of reasonable notice, be altered or cancelled.

(5) An exemption granted under paragraph (1), or an alteration or cancellation under paragraph (4), must—

(a) be in writing;

(b) specify the date on which it takes effect; and

(c) specify the terms to which it is subject.

(6) Where an exemption is granted subject to specified terms under paragraph (3), it ceases to have effect if any of those terms are not complied with.

(7) Where an exemption is granted by the Secretary of State to a ship, or class of ship, under paragraph (1), the Secretary of State must, subject to payment of the prescribed fee—

(a) issue an exemption certificate in a form corresponding to the model given in the Appendix to the SOLAS Convention; and

(b) endorse the Safety Management Certificate or Interim Safety Management Certificate held by the ship, or each ship in the exempted class, in order to indicate the scope of the exemption granted.

Certifying Authorities

7.—(1) A person authorised by the Secretary of State as a Certifying Authority for the purposes of these Regulations must be authorised in accordance with—

(a) the SOLAS Convention; and

(b) the RO Code(**a**).

(2) Authorisation under paragraph (1) may be given conditionally or unconditionally and is subject to paragraph (4).

(3) Without prejudice to the generality of paragraph (2), conditions may impose limitations on any person's authorisation relating to—

(a) an individual ship;

(b) classes of ship; or

(c) the extent of any verification to be carried out by that person.

(4) The Secretary of State may specify, in relation to an individual ship or to a class of ship, that a verification, or part of a verification, may only be carried out by the Secretary of State and not by another Certifying Authority.

(5) A Certifying Authority other than the Secretary of State is not to be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown and its property is not to be regarded as property of, or held on behalf of, the Crown.

PART 2

Safety management requirements

Duty of owner of a United Kingdom ship where the owner delegates responsibility to an ISM company

8. If the ISM company in respect of any United Kingdom ship to which these Regulations apply is not the owner of that ship, the owner must report the full name and details of the ISM company to the Secretary of State(**b**).

(**a**) See regulation 3 for the definition of "RO Code" and the footnote to that definition which contains further information about the RO Code. The requirements of the RO Code are implemented by Regulation (EC) No. 391/2009 of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations (EUR. 391/2009), and related tertiary legislation.

(**b**) Marine Guidance Note 708 provides information on how these details may be reported.

Duty of ISM company

9. An ISM company which owns or has assumed responsibility for the operation of a ship to which these Regulations apply must—

(a) comply with each requirement of the ISM Code applicable to it; and

(b) take all reasonable steps to ensure that the ship is operated in accordance with the safety management system on the basis of which one of the following documents has been issued—

(i) in the case of a United Kingdom ship or a non-United Kingdom ship flying the flag of a Convention country, the Safety Management Certificate or Interim Safety Management Certificate; or

(ii) in the case of a non-United Kingdom ship flying the flag of a State which is not a Convention country, the document that demonstrates, to the satisfaction of the Secretary of State, an equivalent level of compliance with each requirement of the ISM Code applicable to that ship.

Duty of master

10. The master of a ship to which these Regulations apply must operate that ship in accordance with the safety management system on the basis of which one of the following documents has been issued—

(a) in the case of a United Kingdom ship or a non-United Kingdom ship flying the flag of a Convention country, the Safety Management Certificate or Interim Safety Management Certificate; or

(b) in the case of a non-United Kingdom ship flying the flag of a State which is not a Convention country, the document that demonstrates, to the satisfaction of the Secretary of State, an equivalent level of compliance with each requirement of the ISM Code applicable to that ship.

Duty of designated person

11. A designated person must, in relation to a ship to which these Regulations apply and for which that person is responsible—

(a) monitor the safe and efficient operation of the ship with particular regard to safety and pollution prevention aspects;

(b) take such steps as are necessary to ensure compliance with the ship's safety management system; and

(c) ensure that proper provision is made for that ship to be so manned, equipped and maintained that it is fit to operate in accordance with that system.

PART 3

Verification and certification requirements

Prohibition on ISM companies operating a United Kingdom ship without a Document of Compliance

12. An ISM company must not operate a United Kingdom ship unless that ISM company has been issued with a valid Document of Compliance or an Interim Document of Compliance.

Verification and Document of Compliance requirements in respect of ISM companies responsible for United Kingdom ships

13.—(1) Subject to payment of any prescribed fee, a Certifying Authority must, on being notified by a surveyor of the matters specified in paragraph (2), issue a Document of Compliance to a person who is, or intends to become, an ISM company in respect of a United Kingdom ship to which these Regulations apply.

(2) The matters referred to in paragraph (1) are that the surveyor—

(a) has carried out an initial verification or renewal verification; and

(b) is satisfied at the date of completion of the relevant verification that the person complies with each requirement of the ISM Code applicable to that person.

(3) Subject to payment of any prescribed fee, a Certifying Authority must, on being notified by a surveyor of the matters specified in paragraph (4), endorse a Document of Compliance which has been issued to an ISM company pursuant to paragraph (1).

(4) The matters referred to in paragraph (3) are that the surveyor—

(a) has carried out an annual verification; and

(b) is satisfied at the date of completion of that annual verification that the ISM company complies with each requirement of the ISM Code applicable to that ISM company.

(5) A Certifying Authority may at any time require that an ISM company is subjected to an additional verification.

(6) A Document of Compliance issued pursuant to this regulation, and any endorsement of it, must be in a form corresponding to the model given in the Appendix to the ISM Code.

(7) An ISM company must ensure that a copy of a Document of Compliance issued pursuant to this regulation is—

(a) held on board each United Kingdom ship to which it relates; and

(b) readily available for inspection at all times.

(8) For the purposes of paragraph (2)—

(a) an initial verification must take place—

(i) before the ship is put into operation; or

(ii) where an ISM company holds a valid Interim Document of Compliance, before the expiry of that document; and

(b) a renewal verification must take place before the expiry of an existing Document of Compliance.

(9) For the purposes of paragraph (4), an annual verification must take place within the period of six months—

(a) beginning with the three months ending with the end of the relevant anniversary date of the ISM company's Document of Compliance; and

(b) ending with the three months beginning with the day after the relevant anniversary date of the ISM company's Document of Compliance.

(10) In these Regulations—

"additional verification" means a verification other than an initial, annual or renewal verification and comprises the matters specified in the Annex to Marine Guidance Note 708 (M)(**a**);

"annual verification" means the verification of that description referred to in paragraph 13.4 of the ISM Code and comprises the matters specified in the Annex to Marine Guidance Note 708 (M);

"initial verification" means the verification of that description referred to in paragraph 13.3 of the ISM Code and comprises the matters specified in the Annex to Marine Guidance Note 708 (M);

"renewal verification" means the verification of that description referred to in paragraph 13.10 to 13.13 of the ISM Code and comprises the matters specified in the Annex to Marine Guidance Note 708 (M).

Interim verification and Interim Document of Compliance requirements in respect of ISM companies responsible for United Kingdom ships

14.—(1) Where the circumstances described in paragraph (2)(a) or (b) apply, a Certifying Authority may issue an Interim Document of Compliance instead of a Document of Compliance to a person who is, or intends to become, an ISM company in respect of a United Kingdom ship to which these Regulations apply.

(2) The circumstances referred to in paragraph (1) are those set out in the following paragraphs of the ISM Code—

(a) paragraph 14.1.1 (a company is newly established); or

(b) paragraph 14.1.2 (new ship types are to be added to an existing Document of Compliance).

(3) Subject to payment of any prescribed fee, a Certifying Authority must, on being notified by a surveyor of the matters specified in paragraph (4), issue an Interim Document of Compliance to a person to whom paragraph (1) applies.

(4) The matters referred to in paragraph (3) are that the surveyor—

(a) has carried out an interim verification; and

(b) is satisfied at the date of completion of the interim verification that the person complies with the relevant requirements of paragraph 14.1 of the ISM Code.

(5) An Interim Document of Compliance issued pursuant to this regulation must be in a form corresponding to the model given in the Appendix to the ISM Code.

(6) An ISM company must ensure that a copy of an Interim Document of Compliance issued pursuant to this regulation is—

(a) held on board each United Kingdom ship to which it relates; and

(b) readily available for inspection at all times.

(7) In these Regulations, "interim verification" means a verification of that description for the purpose of issuing an Interim Document of Compliance in the circumstances described in paragraph 14.1.1 or 14.1.2 of the ISM Code and comprises the matters specified in paragraph 14.1 of the ISM Code and in the Annex to Marine Guidance Note 708 (M).

(**a**) Marine Guidance Note 708 (M) is available at https://www.gov.uk/government/collections/marine-guidance-notices-mgns and in hard copy from the Maritime and Coastguard Agency at Spring Place, 105 Commercial Road, Southampton SO15 1EG, telephone 020 3817 2000 and email infoline@mcga.gov.uk.

Prohibition on United Kingdom ships proceeding or attempting to proceed on any voyage without a Safety Management Certificate

15. A United Kingdom ship to which these Regulations apply must not proceed or attempt to proceed to sea or on any voyage unless it has been issued with a valid Safety Management Certificate or Interim Safety Management Certificate.

Verification and Safety Management Certificate requirements in respect of United Kingdom ships

16.—(1) Subject to payment of any prescribed fee, a Certifying Authority must, on being notified by a surveyor of the matters specified in paragraph (2), issue a Safety Management Certificate in respect of a United Kingdom ship to which these Regulations apply.

(2) The matters referred to in paragraph (1) are that the surveyor—

(a) is satisfied that a valid Document of Compliance has been issued to the ISM company which owns or has assumed responsibility for the operation of that ship;

(b) has carried out an initial ship verification or a renewal ship verification in respect of that ship; and

(c) is satisfied at the date of completion of that verification that the ship complies with each requirement of the ISM Code applicable to it.

(3) Subject to payment of any prescribed fee, a Certifying Authority must, on being notified by a surveyor of the matters specified in paragraph (4), endorse a Safety Management Certificate which has been issued in respect of a United Kingdom ship pursuant to paragraph (1).

(4) The matters referred to in paragraph (3) are that the surveyor—

(a) has carried out an intermediate ship verification in respect of that ship; and

(b) is satisfied at the date of completion of that verification that the ship complies with each requirement of the ISM Code applicable to it.

(5) A Certifying Authority may at any time require that a United Kingdom ship is subjected to an additional ship verification.

(6) A Safety Management Certificate issued pursuant to this regulation, and any endorsement of it, must be in a form corresponding to the model given in the Appendix to the ISM Code.

(7) A Safety Management Certificate issued in respect of a ship pursuant to this regulation must be—

(a) held on board that ship; and

(b) readily available for inspection at all times.

(8) For the purposes of paragraph (2)—

(a) an initial ship verification must take place—

(i) before the ship is put into operation; or

(ii) where the ship has been issued with a valid Interim Safety Management Certificate, before the expiry of that certificate;

(b) subject to regulation 18(9) and (10), a renewal ship verification must take place before the expiry of an existing Safety Management Certificate.

(9) For the purposes of paragraph (4), an intermediate ship verification must take place during the period beginning with the day after the second anniversary date of the ship's Safety Management Certificate and ending with the third anniversary date of that Certificate.

(10) In these Regulations—

"additional ship verification" means a verification other than an initial ship verification, intermediate ship verification, or renewal ship verification and comprises the matters specified in the Annex to Marine Guidance Note 708 (M);

"initial ship verification " means the verification of that description referred to in paragraph 13.7 of the ISM Code and comprises the matters specified in the Annex to Marine Guidance Note 708 (M);

"intermediate ship verification" means the verification of that description referred to in paragraph 13.8 of the ISM Code and comprises the matters specified in the Annex to Marine Guidance Note 708 (M);

"renewal ship verification" means the verification of that description referred to in paragraphs 13.10 to 13.13 of the ISM Code relating to renewal of a Safety Management Certificate which comprises the matters specified in the Annex to Marine Guidance Note 708 (M).

Interim ship verification and Interim Safety Management Certificate requirements in respect of United Kingdom ships

17.—(1) Where the circumstances described in paragraph (2)(a), (b) or (c) apply, a Certifying Authority may issue an Interim Safety Management Certificate instead of a Safety Management Certificate, in respect of a United Kingdom ship to which these Regulations apply.

(2) The circumstances referred to in paragraph (1) are those set out in the following paragraphs of the ISM Code—

(a) paragraph 14.2.1 (new ships on delivery);

(b) paragraph 14.2.2 (when a company takes on responsibility for the operation of a ship which is new to the company); or

(c) paragraph 14.2.3 (when a ship changes flag).

(3) Subject to payment of any prescribed fee, a Certifying Authority must, on being notified by a surveyor of the matters specified in paragraph (4), issue an Interim Safety Management Certificate in respect of a United Kingdom ship to which paragraph (1) applies.

(4) The matters referred to in paragraph (3) are that the surveyor—

(a) is satisfied that a Document of Compliance or an Interim Document of Compliance has been issued to the ISM company which owns or has assumed responsibility for the operation of that ship;

(b) has carried out an interim ship verification in respect of that ship; and

(c) is satisfied at the date of completion of that verification that the ship complies with the requirements of paragraph 14.4 of the ISM Code.

(5) An Interim Safety Management Certificate issued pursuant to this regulation must be in a form corresponding to the model given in the Appendix to the ISM Code.

(6) An Interim Safety Management Certificate issued in respect of a ship pursuant to this regulation must be—

(a) held on board that ship; and

(b) readily available for inspection at all times.

(7) In these Regulations, an "interim ship verification" means the verification referred to in paragraph 14.4 of the ISM Code and comprises the matters specified in the Annex to Marine Guidance Note 708 (M).

Duration and validity of relevant documents

18.—(1) An Interim Document of Compliance issued pursuant to regulation 14(3) must be issued for a period of validity not exceeding 12 months beginning with the date of satisfactory completion of the interim verification.

(2) An Interim Safety Management Certificate issued pursuant to regulation 17(3) must be issued for a period of validity not exceeding six months beginning with the date of satisfactory completion of the interim ship verification.

(3) The period of validity of an Interim Safety Management Certificate specified in paragraph (2) may be extended by a Certifying Authority for a period of up to six months.

(4) A Document of Compliance issued pursuant to regulation 13(1) must be issued for a period of validity not exceeding five years beginning with the date of satisfactory completion of the initial verification.

(5) A Safety Management Certificate issued pursuant to regulation 16(1) must be issued for a period of validity not exceeding five years beginning with the date of satisfactory completion of the initial ship verification.

(6) Where a renewal verification or a renewal ship verification has been satisfactorily completed within a period of three months before the date of expiry of an existing Document of Compliance or Safety Management Certificate (as the case may be), the new Document of Compliance or Safety Management Certificate must be issued for a period of validity—

(a) beginning with the date of the satisfactory completion of the verification; and

(b) ending at the end of a period not exceeding five years beginning with the day after the date of expiry of the existing Document of Compliance or Safety Management Certificate.

(7) Where a renewal verification or a renewal ship verification has been satisfactorily completed more than three months before the date of expiry of an existing Document of Compliance or Safety Management Certificate (as the case may be), the new Document of Compliance or Safety Management Certificate must be issued for a period of validity beginning with the date of completion of the verification and ending with the last day of a period not exceeding five years.

(8) Where a renewal ship verification has been satisfactorily completed after the date of expiry of a Safety Management Certificate, the new Safety Management Certificate must be issued for a period of validity not exceeding five years beginning with the day after the date of expiry of the existing Safety Management Certificate.

(9) Where a renewal ship verification has been satisfactorily completed and a new Safety Management Certificate cannot be issued or placed on board the ship before the date of expiry of the existing Safety Management Certificate, a Certifying Authority may extend, by way of endorsement, the existing Safety Management Certificate for a further period of validity not exceeding five months beginning with the day after the date of expiry of the existing Safety Management Certificate.

(10) Where, on the date of expiry of its existing Safety Management Certificate, a ship is not in the port in which a Certifying Authority has agreed to carry out a renewal ship verification, that Certifying Authority may, where it is appropriate to do so, extend the validity of the existing Safety Management Certificate for a period not exceeding three months beginning with the day after the date of expiry of that certificate, solely for the purpose of allowing that ship to complete the voyage to the agreed port.

(11) A ship to which paragraph (10) applies must not leave the agreed port of verification unless the Certifying Authority has issued a new Safety Management Certificate.

(12) The period of validity of a new Safety Management Certificate issued in the circumstances described in paragraph (11) begins with the day after the date of expiry of the existing Safety Management Certificate before the extension of validity under paragraph (10).

(13) A Document of Compliance is only valid in respect of the types of ship expressly specified in it.

(14) A relevant document ceases to be valid if—

(a) it has been suspended or cancelled in accordance with regulation 19 (cancellation or suspension of relevant documents);

(b) it does not display endorsements showing that—

(i) in the case of a Document of Compliance, a satisfactory annual verification has been carried out in accordance with regulation 13(4) (verification and Document of Compliance requirements); or

(ii) in the case of a Safety Management Certificate, a satisfactory intermediate ship verification and (if required) an additional ship verification, has been carried out in accordance with regulation 16(4) and (5) (verification and Safety Management Certificate requirements); or

(c) the period of validity of that document, including any extension in accordance with this regulation, has expired.

Cancellation or suspension of relevant documents

19.—(1) A Certifying Authority may suspend or cancel a Document of Compliance or an Interim Document of Compliance which has been issued to an ISM company which owns or has assumed responsibility for the operation of a United Kingdom ship, where that Certifying Authority has reason to believe that—

(a) the Document of Compliance or Interim Document of Compliance has been issued on the basis of false or erroneous information;

(b) in the case of a Document of Compliance, an application for the annual verification required by regulation 13(9) (verification and Document of Compliance requirements) has not been made before the end of the period specified in that regulation; or

(c) there is evidence of a major non-conformity.

(2) A Certifying Authority may suspend or cancel a Safety Management Certificate or an Interim Safety Management Certificate which has been issued in respect of a United Kingdom ship where that Certifying Authority has reason to believe that—

(a) the Safety Management Certificate or Interim Safety Management Certificate has been issued on the basis of false or erroneous information;

(b) in the case of a Safety Management Certificate, an application for the intermediate ship verification required by regulation 16(4)(a) (verification and Safety Management Certificate requirements) has not been made within the period specified in regulation 16(9); or

(c) there is evidence of a major non-conformity.

(3) Where a Certifying Authority has suspended or cancelled a Document of Compliance or an Interim Document of Compliance that has been issued to an ISM company which owns or has assumed responsibility for the operation of a United Kingdom ship, that Certifying Authority must suspend or cancel any associated Safety Management Certificate or Interim Safety Management Certificate which has been issued in respect of that ship.

(4) Where a Certifying Authority decides to suspend or cancel a relevant document, that Certifying Authority must notify the relevant ISM company of the grounds for suspension or cancellation.

(5) A notice given under paragraph (4) is only valid if—

(a) it is given in writing;

(b) it specifies the date on which it takes effect;

(c) in the case of a suspension, it specifies the terms on which it is given; and

(d) the ISM company was given the opportunity to make representations before the notice was given, unless that Certifying Authority considers that urgent safety or pollution prevention considerations require the notice to be given immediately.

(6) A Certifying Authority may require a Document of Compliance or an Interim Document of Compliance issued to an ISM company which has expired or been cancelled, and any associated Safety Management Certificate or Interim Safety Management Certificate issued in respect of any United Kingdom ship which is owned by that ISM company or for which that company is responsible, to be surrendered.

(7) No person may—

(a) intentionally alter a relevant document;

(b) intentionally make a false relevant document;

(c) in connection with any verification referred to in regulation 13 (verification and Document of Compliance requirements), 14 (Interim verification and Interim Document of Compliance requirements), 16 (verification and Safety Management Certificate requirements) or 17 (Interim ship verification and Interim Safety Management Certificate requirements), knowingly or recklessly furnish false information;

(d) with intent to deceive, use, lend, or allow to be used by another, a relevant document; or

(e) fail to surrender a Document of Compliance or an Interim Document of Compliance and any associated Safety Management Certificate or Interim Safety Management Certificate which has been required to be surrendered pursuant to paragraph (6).

Issue, endorsement, suspension or cancellation of relevant documents by another Convention country

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

(a) conduct a verification of an ISM company which owns or has assumed responsibility for the operation of a United Kingdom ship to verify compliance by that company with each requirement of the ISM Code applicable to that company;

(b) conduct a verification of a United Kingdom ship to verify compliance by that ship with each requirement of the ISM Code applicable to that ship;

(c) issue or endorse a Document of Compliance or an Interim Document of Compliance, if satisfied that an ISM company which owns or has assumed responsibility for the operation of a United Kingdom ship is complying with each requirement of the ISM Code applicable to that company;

(d) issue or endorse a Safety Management Certificate or an Interim Safety Management Certificate, if satisfied that a United Kingdom ship is complying with each requirement of the ISM Code applicable to that ship;

(e) include a statement in the relevant document that it has been issued by that government and has the same effect as if it had been issued by the Secretary of State;

(f) cancel or suspend a relevant document which that government has issued in relation to the operation of a United Kingdom ship, when notified by the Secretary of State that—

(i) in respect of a Document of Compliance, an application has not been made for the annual verification required by paragraph 13.4 of the ISM Code;

(ii) in respect of a Safety Management Certificate, an application has not been made for the intermediate verification required by paragraph 13.8 of the ISM Code; or

(iii) the Secretary of State has evidence of a major non-conformity.

Issue and endorsement of relevant documents on behalf of another Convention country

21.—(1) The Secretary of State may, at the request of the government of another Convention country conduct a verification in respect of—

(a) an ISM company which owns or has assumed responsibility for the operation of a ship registered in that country, to verify compliance by the ISM company with each requirement of the ISM Code applicable to that company;

(b) a ship which is registered in that country, to verify compliance by that ship with each requirement of the ISM Code applicable to that ship.

(2) If the Secretary of State has verified compliance pursuant to paragraph (1)(a) or (b), the Secretary of State may, at the request of the relevant government and subject to payment of any prescribed fee by the relevant ISM company, issue, or, where appropriate, endorse—

(a) in the case of paragraph (1)(a), a Document of Compliance or an Interim Document of Compliance in respect of that ISM company;

(b) in the case of paragraph (1)(b), a Safety Management Certificate or an Interim Safety Management Certificate in respect of the relevant ship,

in accordance with Part B of the ISM Code.

(3) A relevant document issued in accordance with a request referred to in paragraph (2) must contain a statement that it has been so issued and has the same effect as if it had been issued by the relevant government and not by the Secretary of State.

(4) The Secretary of State may, at the request of the government of another Convention country, suspend or cancel a relevant document which the Secretary of State has issued pursuant to paragraph (2).

Arbitration

22.—(1) If an applicant is dissatisfied with the outcome of any verification carried out pursuant to these Regulations, that applicant may serve a written notice on the responsible person within 21 days beginning with the day after receiving notice of that outcome—

(a) stating that there is a dispute in relation to the verification; and

(b) requesting that the dispute be referred to a single arbitrator.

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

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

(a) a party, after giving written notice to the other party; or

(b) the parties jointly,

but this paragraph does not apply in Scotland.

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

(a) a person who holds a certificate to act as—

(i) a master or chief mate on a seagoing ship of 3,000 gross tonnage or more, in accordance with STCW Regulation II/2; or

(ii) a chief engineer officer or second engineer officer on a seagoing ship powered by main propulsion machinery of 3,000kW propulsion power or more, in accordance with STCW Regulation III/2;

(b) a person who holds a certificate of competency equivalent to a certificate referred to in sub-paragraph (a);

(c) a naval architect;

(d) a qualified person;

(e) a person with special experience of shipping matters; or

(f) a member of the Chartered Institute of Arbitrators.

(5) An arbitrator appointed under this regulation has the powers of an inspector conferred by section 259 of the 1995 Act for the purpose of carrying out their functions under this regulation.

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

(a) any reference to an arbitrator is to be construed as a reference to an arbiter; and

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

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

(8) In this regulation—

"applicant" means a person who—

(a) was required by a Certifying Authority to undergo an additional verification in accordance with regulation 13(5) (verification and Document of Compliance requirements in respect of ISM companies responsible for United Kingdom ships);

(b) is responsible for the operation of a ship which was required by a Certifying Authority to undergo an additional ship verification in accordance with regulation 16(5) (verification and Safety Management Certificate requirements in respect of United Kingdom ships); or

(c) made an application for any verification referred to in—

(i) regulation 13(8) or (9) (initial, annual and renewal verifications in respect of ISM companies responsible for United Kingdom ships);

(ii) regulation 14(4) (interim verification in respect of ISM companies responsible for United Kingdom ships);

(iii) regulation 16(8) or (9) (initial, intermediate and renewal ship verifications in respect of United Kingdom ships); or

(iv) regulation 17(4) (interim ship verifications in respect of United Kingdom ships);

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

"qualified person" means—

(**a**) Merchant Shipping Notice M.1613 is available at https://www.gov.uk/government/publications/msn-1613-ms-survey-and-certification-regulations-1995-arbitration-process and in hard copy from the MCA at Spring Place, 105 Commercial Road, Southampton, SO15 1EG, telephone 020 3817 2000 and email: MarineTechnology@mcga.gov.uk.

(a) a person who satisfies the judicial appointment eligibility on a 7-year basis within the meaning of section 50 of the Tribunals, Courts and Enforcement Act 2007 (judicial appointment eligibility condition)(**a**);

(b) a person who is an advocate or solicitor in Scotland of at least 7 years' standing; or

(c) a person who is a member of the Bar of Northern Ireland or a solicitor of the Supreme Court of Northern Ireland of at least 7 years' standing; and

"responsible person" means a Certifying Authority responsible for the issue of the relevant document in connection with which the verification required by these Regulations was carried out.

Prohibition on non-United Kingdom ships proceeding or attempting to proceed on any voyage without a relevant document

23.—(1) An ISM company must not operate a non-United Kingdom ship in United Kingdom waters unless that company has been issued with a valid compliance document in relation to ships of that ship's type.

(2) A non-United Kingdom ship must not proceed or attempt to proceed to sea or on any voyage from a port in the United Kingdom unless there is in force a valid certificate in respect of that ship.

(3) An ISM company must ensure that a copy of a compliance document which has been issued to that ISM company, and the certificate which has been issued in respect of a non-United Kingdom ship operated by that ISM company, is—

(a) held on board that ship; and

(b) readily available for inspection at all times.

(4) For the purposes of this regulation, a relevant document ceases to be valid if—

(a) it has been suspended or cancelled—

(i) in accordance with Part B of the ISM Code, in relation to a non-United Kingdom ship flying the flag of a Convention country; or

(ii) by the State which issued the relevant document, in relation to a non-United Kingdom ship flying the flag of a State which is not a Convention country;

(b) it does not display endorsements showing that satisfactory verifications have been carried out—

(i) in accordance with Part B of the ISM Code, in relation to a non-United Kingdom ship flying the flag of a Convention country; or

(ii) by the State which issued the relevant document, in relation to a non-United Kingdom ship flying the flag of a State which is not a Convention country; or

(c) the period of validity of that document, including any extension—

(i) in accordance with Part B of the ISM Code, in relation to a non-United Kingdom ship flying the flag of a Convention country; or

(ii) by the State which issued the relevant document, in relation to a non-United Kingdom ship flying the flag of a State which is not a Convention country,

has expired.

(5) In this regulation—

(**a**) 2007 c. 15.

"certificate" means—

(a) in the case of non-United Kingdom ship flying the flag of a Convention country, a Safety Management Certificate or an Interim Safety Management Certificate—

(i) issued—

(aa) in accordance with Part B of the ISM Code; or

(bb) by the Secretary of State in respect of that ship in accordance with regulation 21(2)(b) (issue and enforcement of relevant documents on behalf of another Convention country); and

(ii) where appropriate, endorsed by the government of the relevant Convention country or by the Secretary of State; and

(b) in the case of a non-United Kingdom ship flying the flag of a State which is not a Convention country, a document which demonstrates, to the satisfaction of the Secretary of State, an equivalent level of compliance with each requirement of the ISM Code applicable to that ship;

"compliance document" means—

(a) in the case of a non-United Kingdom ship flying the flag of a Convention country, a Document of Compliance or an Interim Document of Compliance—

(i) issued—

(aa) in accordance with Part B of the ISM Code; or

(bb) issued by the Secretary of State in respect of that ship in accordance with regulation 21(2)(a); and

(ii) where appropriate, endorsed by the government of the relevant Convention country or by the Secretary of State; and

(b) in the case of a non-United Kingdom ship flying the flag of a State which is not a Convention country, a document which demonstrates, to the satisfaction of the Secretary of State, an equivalent level of compliance with each requirement of the ISM Code applicable to the ISM company which operates that ship; and

"relevant document" means a compliance document or a certificate.

PART 4

Enforcement

Offences

24.—(1) Any contravention of the following regulations is an offence by an ISM company—

(a) regulation 9 (duty of ISM company);

(b) regulation 12 (prohibition on operating a United Kingdom ship without a Document of Compliance);

(c) regulation 13(7) (duty to hold Document of Compliance on board ship);

(d) regulation 14(6) (duty to hold Interim Document of Compliance on board ship);

(e) regulation 15 (prohibition on proceeding or attempting to proceed on any voyage without a valid Safety Management Certificate);

(f) regulation 16(7) (duty to hold Safety Management Certificate on board ship);

(g) regulation 17(6) (duty to hold Interim Safety Management Certificate on board ship);

(h) regulation 23(1) or (2) (prohibition on non-United Kingdom ships proceeding or attempting to proceed on any voyage without a relevant document).

(2) Any contravention of the following regulations is an offence by the master—

(a) regulation 10 (duty of master);

(b) regulation 15;

(c) regulation 16(7);

(d) regulation 17(6);

(e) regulation 23(2).

(3) Any contravention of regulation 11 (duty of designated person) is an offence by a designated person responsible for that contravention.

(4) Any contravention of regulation 19(7) (falsification of a relevant document etc.) is an offence by the person in question.

Penalties

25.—(1) An offence under regulation 24(1) (offences by an ISM company) is punishable—

(a) on summary conviction—

(i) in England and Wales by a fine; and

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

(b) on conviction on indictment by a fine.

(2) An offence under regulation 24(2) or (3) (offences by a master or designated person) is punishable—

(a) on summary conviction—

(i) in England and Wales by a fine; and

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

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

(3) An offence under regulation 24(4) (offence relating to falsification of relevant document etc.) is punishable—

(a) on summary conviction—

(i) in England and Wales by a fine; and

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

(b) on conviction on indictment by imprisonment for a term not exceeding six months, or a fine, or both.

Defences

26. It is a defence for a person charged with an offence comprising a contravention of regulations 9 (duty of ISM company), 10 (duty of master), 11 (duty of designated person) or 19(7) (falsification of relevant documents etc.) to show that that person took all reasonable steps to avoid the commission of the offence.

Detention

27.—(1) A ship may be detained where the person with power to detain the ship has clear grounds for believing that there is a contravention of any of the requirements of these Regulations in relation to that ship.

(2) Section 284 of the 1995 Act (enforcing detention of ship)(**a**) applies where a ship is liable to be detained under this regulation as if—

(a) references to the detention of a ship under the 1995 Act were references to the detention of the ship in question under this regulation;

(b) references to the owner of the ship were references to the ISM company; and

(c) subsection (7) were omitted.

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

(a) states the grounds for the detention; and

(b) requires the terms of the notice to be complied with until the ship is released by any person mentioned in section 284(1) of the 1995 Act.

(4) Subject to paragraph (5), section 96 (references of detention notices to arbitration)(**b**) and section 97 (compensation in connection with invalid detention of a ship) of the 1995 Act apply in relation to a detention notice served pursuant to this regulation as they apply in relation to detention notices served pursuant to section 95 (power to detain dangerously unsafe ship)(**c**).

(5) For the purposes of paragraph (4)—

(a) section 96 of the 1995 Act applies as if—

(i) subsection (3) were omitted;

(ii) the words "as a dangerously unsafe ship" in subsection (5) were omitted;

(iii) subsection (11) were omitted; and

(b) sections 96 and 97 of the 1995 Act apply as if "the relevant inspector" means a person serving the detention notice pursuant to this regulation.

(6) Subject to paragraph (7), where a non-United Kingdom ship is detained, the Secretary of State must immediately inform the ship's flag administration, in writing.

(7) If it is not possible to inform the ship's flag administration in accordance with paragraph (6), the Secretary of State must inform the Consul of the State of the flag administration, or in the absence of a Consul, the nearest diplomatic representative of the State of the flag administration.

(8) Where a ship is detained under paragraph (1) but the relevant contravention has ceased, a person having power to detain the ship must, at the request of the ISM company or master, immediately release the ship—

(a) if no proceedings for any of the offences referred to in regulation 24 (offences) are instituted within the period of seven days beginning with the day on which the ship is detained;

(b) if proceedings for any such offence, having been instituted within that period, are concluded without the relevant defendant being convicted;

(c) if either—

(**a**) Section 284 was amended by Schedule 1 to the Merchant Shipping and Maritime Security Act 1997 (c. 28) and S.I. 2015/664.

(**b**) Section 96(7) was amended by Part 1 of Schedule 10 to the Tribunals, Courts and Enforcement Act 2007 (c. 15) and by Schedule 11 to the Constitutional Reform Act 2005 (c. 4). Section 96(10) was repealed by Schedule 4 to the Arbitration Act 1996 (c. 23).

(**c**) Section 95 was amended by Schedule 1 to the Merchant Shipping and Maritime Security Act 1997 (c. 28).

(i) the sum of £30,000 is paid to the Secretary of State by way of security, or

(ii) security which, in the opinion of the Secretary of State, is satisfactory and is for an amount of not less than £30,000 is given to the Secretary of State,

by or on behalf of the relevant defendant;

(d) where the relevant defendant is convicted of an offence referred to in regulation 24, if any costs or expenses ordered to be paid by that person, and any fine imposed on that person, have been paid; or

(e) if the release is ordered by a court or tribunal referred to in article 292 of the United Nations Convention on the Law of the Sea 1982(**a**), and any bond or other financial security ordered to be posted by such court or tribunal has been posted.

(9) The Secretary of State must repay any sum paid pursuant to paragraph (8)(c) or release any security so given—

(a) if no proceedings for an offence referred to in regulation 24 are instituted within the period of seven days beginning with the day on which the sum is paid or the security is given; or

(b) if proceedings for such an offence, having been instituted within that period, are concluded without the relevant defendant being convicted.

(10) Where a sum has been paid, or security has been given, by any person pursuant to paragraph (8)(c) and the relevant defendant is convicted of an offence referred to regulation 24, the sum so paid or the amount made available under the security must be applied as follows—

(a) first in payment of any costs or expenses ordered by the court to be paid by the relevant defendant;

(b) next in payment of any fine imposed by the court,

and any balance must be repaid to the first-mentioned person.

(11) Section 145 of the 1995 Act (interpretation of section 144) applies for the purposes of paragraphs (8) to (10) as if—

(a) references to the master or owner of a ship were references to the relevant defendant; and

(b) references to an offence under section 131 were references to an offence referred to in regulation 24.

(12) In this regulation "flag administration" means the administration of the State whose flag a ship is entitled to fly.

(**a**) The United Nations Convention on the Law of the Sea 1982 was originally published in Cmnd. 8941 and subsequently in Cm 4524. Copies of the Convention may be obtained from the United Nations (email doalos@un.org), and at www.un.org/Depts/los/convention_agreements/texts/unclos/unclos_e.pdf or found on the Foreign, Commonwealth and Development Office (FCDO) treaties database (https://treaties.fcdo.gov.uk/data/Library2/pdf/1999-TS0081.pdf).

We consent to the making of these Regulations

Taiwo Owatemi
Christian Wakeford
2nd March 2026 Two of the Lords Commissioners of His Majesty's Treasury

Signed by authority of the Secretary of State for Transport

Keir Mather
Parliamentary Under-Secretary of State
4th March 2026 Department for Transport

SCHEDULE

Regulation 2

Amendments and revocations

PART 1

Amendments

Merchant Shipping (Domestic Passenger Ships) (Safety Management Code) Regulations 2001

1. In regulation 3(2) of the Merchant Shipping (Domestic Passenger Ships) (Safety Management Code) Regulations 2001(**a**), for "Merchant Shipping (International Safety Management (ISM) Code) Regulations 2014" substitute "Merchant Shipping (International Safety Management (ISM) Code) Regulations 2026".

Merchant Shipping (Fees) Regulations 2018

2. The Merchant Shipping (Fees) Regulations 2018 are amended as follows.

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)—

(a) in Section I (construction and equipment), in the entry for the Merchant Shipping (Special Measures to Enhance Maritime Safety) Regulations 2024(**b**), in the third column, insert "2026/194");

(b) in Section N (safety management)—

(i) in the entry for the Merchant Shipping (Domestic Passenger Ships) (Safety Management Code) Regulations 2001, in the third column, for "2014/1512" substitute "2026/194";

(ii) at the end of the first column, for "The Merchant Shipping (International Safety Management (ISM) Code) Regulations 2014" substitute "The Merchant Shipping (International Safety Management (ISM) Code) Regulations 2026"; and

(iii) at the end of the second column, for "2014/1512" substitute "2026/194".

Merchant Shipping (Special Measures to Enhance Maritime Safety) Regulations 2024

4. In regulation 8(2)(a)(i) of the Merchant Shipping (Special Measures to Enhance Maritime Safety) Regulations 2024, for sub-paragraph (aa) substitute—

"(aa) the Document of Compliance and Safety Management Certificate issued under the Merchant Shipping (International Safety Management (ISM) Code) Regulations 2026;".

(**a**) S.I. 2001/3209. Regulation 3(2) was amended by S.I. 2014/1512.
(**b**) S.I. 2024/280.

PART 2

Revocations

5. The following legislation is revoked—

(a) Regulation (EC) No. 336/2006 of the European Parliament and of the Council of 15 February 2006 on the implementation of the International Safety Management Code within the Community and repealing Council Regulation (EC) No. 3051/95(**a**);

(b) Commission Regulation (EC) No. 540/2008 of 16 June 2008 amending Annex II to Regulation (EC) No. 336/2006 of the European Parliament and of the Council on the implementation of the International Safety Management (ISM) Code within the Community, as regards format of forms(**b**);

(c) The Merchant Shipping (International Safety Management (ISM) Code) Regulations 2014(**c**).

(**a**) EUR 2006/336.
(**b**) EUR 2008/540.
(**c**) S.I. 2014/1512, amended by S.I. 2018/1221 and 2022/1219.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke, replace and consolidate within a single instrument the legislation that gives effect to Chapter IX of the International Convention for the Safety of Life at Sea, 1974 (the "SOLAS Convention"), requiring compliance by the companies that own, or are responsible for operating, ships with the International Safety Management Code (the "ISM Code"). The legislation that is revoked, replaced and consolidated by this instrument comprises—

- Regulation (EC) No. 336/2006 of the European Parliament and of the Council of 15 February 2006 on the implementation of the International Safety Management Code within the Community repealing Council Regulation (EC) No. 3051/95 (EUR 336/2006);
- Commission Regulation (EC) No. 540/2008 of 16 June 2008 amending Annex II to Regulation (EC) No. 336/2006 of the European Parliament and of the Council on the implementation of the International Safety Management (ISM) Code within the Community, as regards format of forms (EUR 540/2008); and
- the Merchant Shipping (International Safety Management (ISM) Code) Regulations 2014 (S.I. 2014/1512).

The new Regulations continue to extend the application of the ISM Code beyond the international requirements under Chapter IX of the SOLAS Convention, which apply to ships engaged in international voyages, to certain ships operating on domestic voyages. The scope of the new Regulations remains generally the same as the legislation which they replace, when that legislation was originally made. But changes have been made to deal with gaps that have arisen since the United Kingdom left the European Union and with an omission that has been identified in S.I. 2014/1512 in respect of roll-on/roll-off ferries operating in United Kingdom internal waters (known as Categorised Waters). The new Regulations update procedural and enforcement provisions to bring them into line with the approach in other more recent legislation implementing SOLAS Convention obligations, including the creation of a new offence relating to falsification of documents.

Part 1 provides that future amendments to the provisions of the SOLAS Convention and certain other international instruments referred to in the Regulations will be automatically given effect in domestic law by way of the ambulatory reference provision in regulation 4, made under the power in section 306A of the Merchant Shipping Act 1995. Regulation 5 provides that the Regulations apply to passenger ships and to cargo ships of 500 gross tonnage and above and that in the case of United Kingdom registered ships they apply to such ships anywhere in the world but only apply to non-United Kingdom ships when they are in UK waters. There are certain exceptions, including government ships on non-commercial service, fishing vessels and pleasure vessels. The Secretary of State may grant exemptions under regulation 6.

Part 2 requires ISM companies which own or operate ships to which the Regulations apply to comply with the ISM Code and imposes separate duties on the master of the ship and designated persons within the ISM company relating to the safe operation of the ship (regulations 8 to 11).

Part 3 of the Regulations deals with verification and certification of ISM companies and ships. Regulations 12 to 17 set out verification requirements for ISM companies and United Kingdom ships for which they are responsible, and the procedures for the issuing of Documents of Compliance and Safety Management Certificates. Regulations 18 and 19 deal with duration, validity, suspension and cancellation of Documents of Compliance and Safety Management

Certificates. Regulations 20 and 21 provide for verification and certification of United Kingdom ships by other SOLAS Convention countries and for the Secretary of State to verify and certify ships flagged to other SOLAS Convention countries, and their ISM companies. Regulation 22 provides for arbitration of disputes relating to verification. Regulation 23 prohibits non-United Kingdom ships in United Kingdom waters from proceeding to sea or on any voyage without relevant documentation.

Part 4 provides that contraventions of certain requirements are offences and for the detention of ships which do not comply with the Regulations.

Part 1 of the Schedule makes consequential amendments to other legislation and Part 2 lists legislation being revoked.

Merchant Shipping Notices 1387(M) Amendment 3 and M.161 and Marine Guidance Note 708 (M), referred to in these Regulations, are available from the Maritime and Coastguard Agency (MCA) at Spring Place, 105 Commercial Road, Southampton SO15 1EG (telephone 020 3817 2000 and email MarineTechnology@mcga.gov.uk) and on https://www.gov.uk/government/collections/merchant-shipping-notices-msns and https://www.gov.uk/government/collections/marine-guidance-notices-mgns.

Copies of the SOLAS Convention, the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (the "STCW Convention), the ISM Code and the Code for Recognized Organizations (the "RO Code") may be obtained in copy from the International Maritime Organization ("IMO"), 4 Albert Embankment, London SE1 7SR. The SOLAS Convention and the STCW Convention are also available, together with the United Nations Convention on the Law of the Sea, 1982 ("UNCLOS"), from the Foreign, Commonwealth and Development Office ("FCDO") treaties database (https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch/). The text of IMO Resolutions amending the SOLAS Convention, the STCW Convention, the ISM Code and the RO Code may be obtained from the IMO and are available at https://www.imo.org/en/knowledgecentre/indexofimoresolutions/pages/default.aspx.

Future amendments to the SOLAS Convention, the STCW Convention, the ISM Code and the RO Code may be obtained in copy from the IMO. Future amendments to the SOLAS Convention and STCW Convention, may, after coming into force in the United Kingdom, also be obtained from the FCDO treaties database. Until such publication is made on the FCDO treaties database, an amendment will be available from the MCA and on https://www.gov.uk. An amendment will be publicised in advance of its in-force date by means of a Written Ministerial Statement to both Houses of Parliament and by way of a Marine Guidance Note, which will be available in copy from the MCA and on https://www.gov.uk/government/collections/marine-guidance-notices-mgns.

An Explanatory Memorandum and a de minimis assessment have been prepared and are published alongside this instrument at www.legislation.gov.uk.

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