EXPLANATORY MEMORANDUM TO

THE MERCHANT SHIPPING (MARITIME LABOUR CONVENTION AND MISCELLANEOUS AMENDMENTS) REGULATIONS 2026

2026 No. 260

1. Introduction

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

1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

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 Lars Lippuner, Director UK Customer Services at the Maritime and Coastguard Agency, an Executive Agency of the Department for Transport, confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Sophie Peacey at the Maritime and Coastguard Agency can be contacted by email at the following address with any queries regarding the Instrument: mlc@mcga.gov.uk Alternatively, the Agency can be contacted by telephone: 0203 81 72000.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 This Instrument makes miscellaneous amendments to the Merchant Shipping (Maritime Labour Convention) (Minimum Requirements for Seafarers etc.) Regulations 2014 in order to implement certain amendments to the Maritime Labour Convention. This Instrument also revokes assimilated law in a number of other merchant shipping instruments to omit United Kingdom government ships from their scope.

Where does the legislation extend to, and apply?

4.2 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.

4.3 The territorial application of this Instrument (that is, where the instrument produces a practical effect) is England and Wales, Scotland and Northern Ireland, and all United Kingdom ships, whether within UK waters or anywhere else in the world, and other ships whilst in United Kingdom waters.

5. Policy Context

What is being done and why?

5.1 During the COVID-19 pandemic seafarers were required to carry on working to deliver essential supplies, while travel restrictions and border controls designed to contain the pandemic meant they sometimes had to stay on board the ship for many months longer than expected. In some cases, this deprived seafarers of their statutory rights to medical care and to shore leave. The impacts on seafarers around the world between 2020 – 2021 were brought to the attention of the International Labour Organization (ILO) and on 6th June 2022, a total of eight amendments to the Maritime Labour Convention (MLC) were approved by the 110th session of the International Labour Conference.

5.2 The MLC amendments came into force internationally on 23rd December 2024 and the Department acknowledges, with regret, that the implementation of the requirements is approximately 14 months late. Developing these Regulations took longer than anticipated due to policy and legal complexities including in relation to the use of Retained EU Law Act powers to revoke assimilated law. Additionally, during the drafting of the instrument, it was identified that the Government did not, following the repeal of section 2(2) of the European Communities Act 1972 ("the ECA"), have the powers to implement all of the amendments which resulted in some delays in finalising the instrument.

5.3 Two of those MLC amendments are implemented domestically by this Instrument, namely the placing of a duty on shipowners to ensure that seafarers on ships have access to social connectivity on board and ensuring that they have access to a balanced diet for the period of their engagement.

5.4 An amendment to the Merchant Shipping (Maritime Labour Convention) (Minimum Requirements for Seafarers etc.) Regulations 2014 (SI 2014/1613) ("the Minimum Requirements Regulations") will help to improve social connectivity and reduce the isolation that many seafarers feel when at sea for months at a time. Limited social connectivity has been cited as having a negative impact on the mental health and wellbeing of seafarers in many seafarer surveys and is regularly reported on in the Seafarers Happiness Index.[1]

5.5 Significant variations in the provision of food and drink across the international shipping industry led to the MLC amendment requiring shipowners to provide a diet for seafarers on board their ships which is nutritionally balanced, as well as adequate and varied. This is also being implemented by amendment to the Minimum Requirements Regulations.

5.6 There are two amendments to the MLC that are not implemented by this Instrument. These are to introduce a new obligation for employment agencies and businesses that recruit seafarers. They must inform seafarers about the system of protection available if the agency, business, or shipowner fails to meet their obligations. The other concerns financial security documentation. Under the amendment, the required financial security documents for a ship may be issued in the name of the registered owner, where the registered owner differs from the shipowner. The Employment Rights Act 2025 (c. 36) contains additional powers to implement amendments to the MLC which are intended to be used to give effect to these requirements in a separate instrument. At the time of finalising this Instrument the timelines of this receiving

[1] Further information is available via https://www.seafarershappinessindex.org/.

Royal Assent were uncertain so the amendments using these powers have not been included in this Instrument.

5.7 Two of the MLC amendments not being implemented by this Instrument include provisions which are already in force in United Kingdom legislation: a requirement for personal protective equipment to be provided which properly fits the user, and for drinking water to be provided free of charge. These requirements are contained in the Merchant Shipping and Fishing Vessels (Personal Protective Equipment) Regulations 1999 (S.I. 1999/2205), regulation 6(2)(c) and the Minimum Requirements Regulations, regulation 34(2), respectively.

5.8 The remaining two MLC amendments that are not implemented in this Instrument relate to information to be provided about when access to medical care ashore must be provided, and to a requirement on governments to facilitate the repatriation of seafarers including the remains of a seafarer who has died. These requirements reflect existing UK practice and further domestic legislation is not required.

5.9 A number of Merchant Shipping Regulations are being amended by this Instrument to disapply them in relation to government ships as set out in paragraphs 6.4 to 6.9. These amendments are not expected to have any practical impact on stakeholders.

What was the previous policy, how is this different?

5.10 The regulations on crew accommodation included in the MLC cover all aspects of life for seafarers on board (as life on ships was twenty years ago). It was given effect in United Kingdom law by the Minimum Requirements Regulations. Shipowners were required to make provision for recreation, with supporting guidance referring to telephone communications and email and internet "if available at reasonable charges." In the intervening years, shipping has become more digitalised with computer systems containing all reference information and instruction through the ship's safety management systems. Provision for communication and internet access has focussed largely on operational and commercial requirements for the ship. However, globally the world of personal finance, entertainment and personal communication has advanced to being largely conducted digitally. This has led to an increased demand for seafarers to have social connectivity for social use.

5.11 The regulation on food and catering covered the basic requirements for the provision of food and water whilst on board, including a nutritious and varied diet. The inclusion of provision for a balanced diet highlights that it is the combination of types and content of food and drink that improves the conditions of seafarers on board.

5.12 Other amendments are made by this Instrument to address anomalies which have occurred as a result of the United Kingdom's exit from the European Union or deal with consequential matters. These are explained further in Section 6.

6. Legislative and Legal Context

How has the law changed?

6.1 The MLC came into force internationally on 20th August 2013. The United Kingdom ratified the MLC on 7th August 2013 and legislation implementing its requirements came into force on 7th August 2014. The MLC was designed to be reviewed and updated regularly to meet the changing needs of seafarers in the shipping industry. It has been updated four times (in 2014, 2016, 2018 and 2022) and this Instrument partially implements the 2022 amendments, approved by the 110th session of the International Labour Conference on 6th June 2022.

6.2 This Instrument amends the Minimum Requirements Regulations to include a requirement for social connectivity on ships, and it enhances the requirements relating to food and catering to include the mandatory provision of a balanced diet.

6.3 The amendments referred to in paragraphs 6.1 and 6.2 are being made under powers in section 85 and 86 of the Merchant Shipping Act 1995 ("the 1995 Act") as they relate to health and safety matters.

6.4 In implementing the requirements under the MLC, the UK instruments also applied the requirements to State operated ships in order to comply with EU obligations except for those ships on non-commercial government service. The legislation applied to both United Kingdom and non-United Kingdom State owned ships while in United Kingdom waters, and in both cases while on commercial service. In fact, no United Kingdom government ships in commercial service were in operation at the time that those instruments were made and that remains the case today. United Kingdom government ships which are not in commercial service (such as those operated by the Ministry of Defence or Home Office) are surveyed and inspected through internal government mechanisms.

6.5 Various other merchant shipping instruments also apply to United Kingdom government ships in order to comply with EU obligations.

6.6 The implementation of requirements in relation to government ships was achieved through the power in section 2(2) of the ECA. This was because the alternative regulation making powers in the 1995 Act (for example, the health and safety powers under sections 85 and 86) were not available without registering specific ships pursuant to Orders in Council made under section 308 of that Act; there would have been no basis for making such Orders in Council as no such government ships were operating on commercial service at that time.

6.7 Although the provision in each instrument relating to UK government ships on commercial service could remain unamended, if it became necessary after 23rd June 2026 to amend or revoke such provision, it would be difficult to do so as there is no extant power in Merchant Shipping legislation to do so and because the power in section 2(2) of the ECA was repealed under section 1 of the European Union (Withdrawal Act) 2018.

6.8 The Department is therefore relying on powers contained in the Retained EU Law (Revocation and Reform) Act 2023 ("the 2023 Act") to revoke provisions in relation to government ships now in the relevant legislation being amended by this Instrument. If it is necessary to make specific provisions in relation to United Kingdom government ships in commercial use in the future, the Department will do so by making an Order in Council under section 308 of the 1995 Act.

6.9 The instruments amended by this Instrument do not affect the application of those (amended) instruments to ships on commercial service operated by other States and those ships may still be subject to port State control inspections in the United Kingdom.

6.10 This Instrument makes consequential amendments to the Merchant Shipping (Fees) Regulations 2018 (the "Fees Regulations") under section 302 of Merchant Shipping Act 1995 in order to ensure that amendments to relevant Regulations made by this Instrument are reflected in the Fees Regulations.

Why was this approach taken to change the law?

6.11 This is the only possible approach to make the necessary changes to implement the amendments to the MLC. The United Kingdom has implemented the MLC through legislation and must update the relevant implementing legislation to take account of the changes to the MLC and to discharge its obligations under the convention in its current form.

7. Consultation

Summary of consultation outcome and methodology

7.1 A public consultation on the MLC amendments to be implemented in UK legislation ran for six weeks from 11th December 2024 to 22nd January 2025.[2] Twenty-five responses were received, around half of these were from recruitment and placement service providers, three responses were from recognised organisations and three more were from members of the United Kingdom Tripartite Working Group.

7.2 The comments were taken into account when finalising both the legal provisions and supporting guidance. These responses broadly supported the changes that were proposed. The seafarer representative responses supported the amendments but raised concerns about the cost of the social connectivity provisions to seafarers as there is no mandatory provision to limit fees for social connectivity. Shipowner representative responses supported the amendments but raised concerns on the availability of social connectivity when outside of the shipowner's control. Concerns were raised by multiple recruitment and placement services, primarily serving the superyacht industry, on the changes to the system of protection, citing lack of suitable insurance providers as a key concern. However, these concerns relate to the underlying existing requirements of the Merchant Shipping (Maritime Labour Convention) (Recruitment and Placement) Regulations 2014 and are being addressed separately through the United Kingdom Tripartite Working Group. The changes to the system of protection is not being addressed in this Instrument, there will be a separate instrument that implements this amendment.

7.3 The MCA chairs the United Kingdom's Maritime Labour Convention Tripartite Working Group (MLC TWG), the membership of which includes the United Kingdom Chamber of Shipping, representing shipowners, and Nautilus International and the National Union of Rail, Maritime and Transport Workers, representing seafarers. In advance of approval of the MLC amendments at the ILO, the MCA discussed the proposed amendments through the MLC TWG. Discussions with the MLC TWG took place on the implementation of the amendments. Generally, new requirements relating to crew accommodation are not applied retrospectively to vessels built before the requirement came into force. This is to avoid the need to retrofit existing ships, which can be very expensive and have unintended consequences. However, in this case, the MLC TWG took the view that the requirement for social connectivity, which as part of the recreational provisions, falls under crew accommodation within the MLC, should apply to both new ships and existing ships. This Instrument therefore includes this requirement.

[2] Available from - https://www.gov.uk/government/consultations/consultation-on-implementation-of-the-mlc-2006-amendments-2022

8. Applicable Guidance

8.1 Guidance to shipowners on the new requirements is contained in Marine Guidance Note (MGN) 706[3]. Several Merchant Shipping Notices and Marine Guidance Notes have also been updated to reflect the changes in the requirements.

8.2 The Guidance has been discussed with the Maritime Labour Convention Tripartite Working Group (see paragraph 7.3 of this Explanatory Memorandum).

8.3 Guidance for shipowners on providing appropriate food on board, including ensuring a balanced diet is available in Merchant Shipping Notice (MSN) 1845(M)[4].

8.4 Guidance on internet provision and social connectivity is published in Marine Guidance Notice (MGN) 707 (M)[5].

8.5 Guidance on medical care which did not require legislative implementation has been updated and contained in Marine Guidance Notice (MGN) 482[6].

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for the MLC amendments implementing legislative package (this Instrument plus the other separate instrument) because there is a low level of impact per business, significantly below the £10m threshold for publication of an impact assessment. A De Minimis Assessment has been completed and is published alongside this Explanatory Memorandum[7].

Impact on businesses, charities and voluntary bodies

9.2 The impact on business, charities or voluntary bodies is low with an annual net direct cost to business of £2.6m. The main costs are familiarisation costs to firms and seafarers for the new regulatory documents that they need to read, and the benefits comprise the emotional and mental wellbeing of seafarers due to enhanced social connectivity enabled by internet provision daily.

9.3 The legislation does impact small or micro businesses.

9.4 However, in general the smallest companies are expected to operate smaller vessels operating close to shore, where seafarers have regular access to social connectivity through mobile phone networks and land-based facilities. No exemptions have been adopted for small or micro businesses. Seafarers should have the right to expect compliance with minimum global standards for living and working conditions, regardless of the size of their employer or the company for which they are working.

9.5 There is no, or no significant, impact on the public sector because checks in respect of compliance with the new requirements will be absorbed into existing MLC compliance inspections undertaken by the MCA.

[3] https://www.gov.uk/government/publications/mgn-706-m-mlc-2006-implementation-of-the-2022-amendments
[4] https://www.gov.uk/government/publications/msn-1845-m-amendment-2-food-and-catering-provision-of-food-and-fresh-water
[5] https://www.gov.uk/government/publications/mgn-707-m-mlc-2006-provision-of-social-connectivity-and-internet-access
[6] https://www.gov.uk/government/publications/mgn-482-m-amendment-2-mlc-2006-medical-care
[7] DMA available alongside this Explanatory Memorandum at https://www.legislation.gov.uk/.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The approach to monitoring this legislation is to keep under review the outcome of MLC compliance checks by the MCA and to monitor seafarer complaints to identify those relating to these amendments. In addition, the MCA will evaluate the impacts of the amendments through consultation with industry using the representative organisations referred to in paragraph 7.1.

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:

"This Instrument does not include a statutory review clause since most of the amendments made by the Instrument are to regulations which already incorporate review clauses, and in respect of the remaining amendments, all of which concern the removal of Government ships from other regulations, it would be considered disproportionate taking into account the economic impact of these amendments".

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 This Instrument was laid before Parliament on the 27 January 2026 for sifting by the Sifting Committees as it includes changes made under the Retained EU Law (Revocation and Reform) Act 2023 and it was proposed it should be subject to approval under the negative resolution procedure. The relevant Sifting Committees of the House of Commons and the House of Lords confirmed they were content with that proposal on4 February and 10 February 2026, respectively.

11.2 This Instrument supersedes the draft instrument of the same title which was laid for sifting on 2 September 2025 (and updated on 5 September 2025). A subsequent legal review found that the powers cited in the original draft Instrument were insufficient to make all of the proposed amendments The draft Instrument was therefore withdrawn and re-laid on 27 January 2026 with certain amendments removed from it; these removed amendments will be included in a separate instrument made using powers from the Employment Rights Act 2025. This is explained in paragraph 5.6 above.

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 made, in part, under sections 14(1) and 20(1)(b) of the Retained EU Law (Revocation and Reform) Act 2023 and therefore relates to the reform of assimilated law. In particular, this applies to certain Merchant Shipping instruments that were previously made wholly or in part under section 2(2) of the European Communities Act 1972. The proposed amendments to some assimilated law in those instruments will remove provisions in connection with government ships with consequential changes being made where appropriate.

13.2 The Parliamentary Under-Secretary of State at the Department for Transport and Minister for Aviation, Maritime and Decarbonisation, Keir Mather MP has made the following statement regarding use of legislative powers in the Retained EU Law Revocation and Reform) Act 2023:

"In my view the Merchant Shipping (Maritime Labour Convention and Miscellaneous Amendments) Regulations 2026 ("the Regulations") should be subject to annulment in pursuance of a resolution of either House of Parliament (i.e. the negative procedure).

This is the case because the only amendments made by the Regulations under sections 14(1) and 20(1)(b) of the Retained EU Law (Revocation and Reform) Act 2023 ("the 2023 Act") concern the removal of Government ships from various pieces of merchant shipping legislation and this is not expected to have any practical impact.