EXPLANATORY MEMORANDUM TO

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

2026 No. 598

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.

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 (MCA), 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 MCA can be contacted by email at the following address with any queries regarding this 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 amendments to the Merchant Shipping (Maritime Labour Convention) (Minimum Requirements for Seafarers etc.) Regulations 2014 ("the Minimum Requirements Regulations") and the Merchant Shipping (Maritime Labour Convention) (Recruitment and Placement) Regulations 2014 ("the Recruitment and Placement Regulations") in order to implement certain amendments to the Maritime Labour Convention.

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 6 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 23 December 2024 and the Department acknowledges, with regret, that the implementation of the requirements is approximately 18 months late. Developing these Regulations took longer than anticipated due to policy and legal complexities including in relation to whether the use of powers in the Retained EU Law (Revocation and Reform) Act 2023 could be used to give effect to these amendments. It was decided these powers were not sufficient to implement all of the amendments. Therefore, new powers were included in the Employment Rights Act 2025 that will allow the Department to make amendments related to the MLC, including this Instrument but also any future amendments adopted by the ILO.

5.3 Two of those MLC amendments are implemented domestically by this Instrument. One concerns financial security documentation and clarifies that the required financial security documents for a ship must be issued in the name of the registered owner, where the registered owner differs from the shipowner. The other amendment introduces a new obligation for employment agencies and employment businesses that recruit seafarers. They must inform seafarers, prior to or in the process of engagement, about the system of protection available to them in the event of the agency, business, or shipowner failing to meet their obligations.

5.4 Two of the MLC amendments not implemented by this Instrument include placing 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. These amendments are implemented by the Merchant Shipping (Maritime Labour Convention and Miscellaneous Amendments) Regulations 2026 (S.I. 2026/260).

5.5 Two of the MLC amendments not 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.

5.6 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.

What was the previous policy, how is this different?

5.7 United Kingdom practice has been to accept evidence of shipowner's security and abandonment security for MLC purposes where that evidence is issued in the name of the registered owner of the ship which aligns with the international position. Amendments to the MLC text were adopted to make this position clearer. The context behind this amendment is that some port state control officers in some jurisdictions issue deficiency notices to ships calling at their ports for alleged non-compliance with

the financial security document requirements on the grounds that the owner of the ship named on the financial security certificate (i.e. the registered owner) is different from the party named on the Declaration of Maritime Labour Compliance (i.e. the shipowner), which sets out how the shipowner meets the requirements of the MLC.

The amendment to the Minimum Requirements Regulations makes it clearer in the legislation that the documentary evidence provided must be in the name of the shipowner or the registered owner if that is different from the shipowner to align with the amended text of the MLC. This clarification should prevent the occurrence of alleged non-compliance identified during port state control inspections on international voyages.

5.8 Existing policy requires employment agencies and businesses operating as recruitment and placement services for seafarers to have a system of protection, in the form of insurance or an equivalent appropriate measure, to compensate the seafarer for monetary loss which the seafarer may incur. This loss may be because of the failure of the employment agency, employment business or shipowner to meet its obligations to the seafarer. While it may be implied that seafarers should be made aware of the system of protection in place for their benefit, this was not explicit in the Recruitment and Placement Regulations. This instrument introduces an explicit requirement that the seafarer be notified, prior to or in the process of engagement, of their rights under this system of protection by the employment agencies or employment businesses operating as recruitment and placement services for seafarers.

6. Legislative and Legal Context

How has the law changed?

6.1 The MLC came into force internationally on 20 August 2013. The United Kingdom ratified the MLC on 7 August 2013 and legislation implementing its requirements came into force on 7 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 6 June 2022.

6.2 See paragraph 5.3 for details on the two amendments this Instrument implements.

6.3 Additionally, this Instrument amends the Merchant Shipping (Fees) Regulations 2018 (S.I. 2018/1104) with a consequential amendment in Schedule 1 to note this Instrument as an amending instrument of the Merchant Shipping (Maritime Labour Convention) (Minimum Requirements for Seafarers etc.) Regulations 2014 (S.I. 2014/1613).

Why was this approach taken to change the law?

6.4 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. Consideration was given to revoking and replacing the MLC implementing legislation, however this would have been a disproportionate approach to implement only a few changes.

7. Consultation

Summary of consultation outcome and methodology

7.1 A public consultation on how the 2022 MLC amendments should be implemented in UK legislation ran for six weeks from 11 December 2024 to 22 January 2025.[1] 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's Maritime Labour Convention Tripartite Working Group (MLC TWG).

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. Concerns were raised by multiple recruitment and placement services, primarily serving the superyacht industry, on the changes to the system of protection requirements, citing lack of suitable insurance providers as a key concern. However, these concerns relate to the underlying existing requirements of the Recruitment and Placement Regulations and are being addressed separately through the MLC TWG.

7.3 The MCA chairs the 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.

8. Applicable Guidance

8.1 Guidance to shipowners on the new requirements is contained in Marine Guidance Note (MGN) 706[2]. 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 MLC TWG (see paragraph 7.3 of this Explanatory Memorandum).

8.3 Guidance for recruitment and placement services, including the requirement to inform seafarers of their rights under the system of protection is available in Marine Guidance Note MGN 475 (M)[3]

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 Merchant Shipping (Maritime Labour Convention and Miscellaneous Amendments) Regulations 2026) 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[4].

[1] Available from - https://www.gov.uk/government/consultations/consultation-on-implementation-of-the-mlc-2006-amendments-2022
[2] https://www.gov.uk/government/publications/mgn-706-m-mlc-2006-implementation-of-the-2022-amendments
[3] https://www.gov.uk/government/publications/mgn-475-m-amendment-2-mlc-2006-recruitment-and-placement
[4] DMA available alongside this Explanatory Memorandum at https://www.legislation.gov.uk/.

Impact on businesses, charities and voluntary bodies

9.2 The impact of the 2022 amendments 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 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.

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 7.3.

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 the amendments made by the Instrument are to regulations which already incorporate review clauses."

10.3

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

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

13. The Relevant European Union Acts

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