EXPLANATORY MEMORANDUM TO

THE MERCHANT SHIPPING (POLAR CODE) (SAFETY) REGULATIONS 2025

2025 No. 1234

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

3. Contact

3.1 Pete Rollason at the Maritime & Coastguard Agency (MCA) can be contacted by email at the following address with any queries regarding the instrument: marinetechnology@mcga.gov.uk. Alternatively, the MCA can be contacted by telephone: 0203 817 2450.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 This instrument revokes and replaces the Merchant Shipping (Polar Code) (Safety) Regulations 2021 (S.I. 2021/1401) ("the 2021 Regulations"), which implemented the polar waters safety requirements of Chapter XIV in the Annex to the International Convention for the Safety of Life at Sea, 1974 ("the SOLAS Convention") and the International Code for Ships Operating in Polar Waters ("the Polar Code") into United Kingdom law. It also implements amendments to Chapter XIV and the Polar Code, which come into force internationally on 1st January 2026, into United Kingdom law. The amendments introduce specific safety measures for specified categories of ship operating in the polar waters of the Arctic and Antarctic which are additional to the general international framework for ships under the SOLAS Convention; the relevant ships are fishing vessels of 24 metres or more in length overall, cargo ships of at least 300 but under 500 gross tonnage and pleasure yachts of 300 gross tonnage or more not engaged in trade ("the additional categories of ship").

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 United Kingdom ships operating, or intending to operate, in polar waters and to non-United Kingdom ships which commence a voyage from, or end a

voyage in, a port in the United Kingdom and, as part of that voyage, operate, or intend to operate, in polar waters.

5. Policy Context

What is being done and why?

5.1 The SOLAS Convention contains the minimum safety standards for the construction, equipment and operation of merchant ships to ensure the safety of lives at sea. As a party to the SOLAS Convention, the United Kingdom is obligated in international law to give effect to the Convention in national law. The parties to the Convention have agreed amendments to Chapter XIV and to the Polar Code (which is given mandatory effect by Chapter XIV) to address the safety of the additional categories of ship when they are operating in polar waters. The amendments ensure that these specific categories of ship are subject to bespoke safety of navigation and voyage planning requirements, which enhance the safety of seafarers and ships in polar waters, and, additionally, are required to take into account existing performance standards and operational assessment requirements (specified in paragraphs 1.4 and 1.5 of chapter 1 in part 1-A of the Polar Code).

5.2 The Polar Code contains a comprehensive set of requirements for cargo ships of 500 gross tonnage or more, and for passenger ships, operating in polar waters. It was developed to supplement existing International Maritime Organization (IMO) instruments, with the aim of enhancing the safety of ships and reducing the risks to people and the environment in the remote and fragile polar regions. Navigating in polar waters can involve hazards not typically encountered elsewhere, including severe weather, limited hydrographic data and ice conditions. The remoteness of these areas also complicates emergency response and pollution control efforts, making them more difficult and costly. In addition, extreme cold can impair the performance of ship components such as deck machinery, emergency systems, and sea suctions, while ice may place increased physical stress on the hull, propulsion system, and other structural elements.

5.3 The Polar Code adopts a goal-based approach and addresses a wide range of matters relevant to ships operating in polar regions, including ship design and construction, equipment, operations, crew training, search and rescue, and environmental protection.

What was the previous policy, how is this different?

5.4 The safety requirements of the Polar Code for cargo ships of 500 gross tonnage or more, and for passenger ships, operating in polar waters were previously implemented in the 2021 Regulations. This framework is not being disturbed and the requirements are implemented in this instrument in the same way as they were under the 2021 Regulations, except that polar waters seafarer training requirements and the survey and certification requirements for United Kingdom ships are now implemented in different legislation. This is explained further in section 6. The environmental protection provisions of the Polar Code continue to be implemented through the legislation that gives effect to Annexes I, II, IV and V of the MARPOL Convention (the International Convention for the Prevention of Pollution from Ships, 1973), which relate respectively to oil pollution, noxious liquid substances, sewage, and garbage.

5.5 Although there are currently only six ships under the United Kingdom flag certified to operate in the polar regions, there are more than 300 ships within the additional

categories of ship and it is possible that more of these ships may operate in polar waters in the future.

5.6 It is therefore appropriate that there should be a minimum level of safety requirements that these ships should comply with when they are operating in polar waters. As such, the United Kingdom supported the development of these important safety measures in the IMO.

5.7 The United Kingdom is obligated, as a party to the SOLAS Convention, to implement the requirements of Chapter XIV of the Convention and the Polar Code into national law. The 2021 Regulations implemented the original polar safety requirements, and this instrument implements the updated requirements. The only policy change relates to the legislative structure, which is explained in section 6.

6. Legislative and Legal Context

How has the law changed?

6.1 This instrument revokes and replaces the 2021 Regulations in order to implement the international obligations described in section 5, including recent amendments to Chapter XIV and the Polar Code (specified in paragraph 6.3) coming into force on 1st January 2026, which is the same date as the instrument comes into force.

Why was this approach taken to change the law?

6.2 This is the only possible approach to make the necessary changes. To ensure that the international requirements are enforceable against United Kingdom ships, and also non-United Kingdom ships when they are in a United Kingdom port before proceeding to, or after returning from, polar waters, legislation is the only option.

6.3 The Polar Code was adopted by IMO Resolution MSC.385(94), with amendments to it adopted by MSC.538(107); amendments to Chapter XIV were adopted by MSC.532(107)[1]. The relevant amending text is annexed to each Resolution. These are the amendments implemented in the instrument (as described in paragraph 5.1).

6.4 The 2021 Regulations have been fully replaced rather than amended in order to provide a clearer and more coherent legal framework. Two key changes have also been made to improve legal clarity. The first is to move the implementation of the seafarer polar waters training and certification requirements in chapter 12 of the Polar Code to the Merchant Shipping (Standards of Training, Certification and Watchkeeping) Regulations 2022 (S.I. 2022/1342) ("the 2022 Regulations"), subject to one exception. This is appropriate because chapter 12 contains cross-references to the seafarer training requirements under the International Convention on Standards of Training, Safety and Watchkeeping, 1978 ("the STCW Convention"). Consolidating all relevant seafarer training requirements within the 2022 Regulations creates a more logical and consistent legislative structure. The exception referred to is the obligation on the ship operator and master to ensure familiarity of the crew with the Polar Water Operational Manual, which is contained in regulation 12(2) of the instrument.

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1 https://wwwcdn.imo.org/localresources/en/KnowledgeCentre/IndexofIMOResolutions/MSCResolutions/MSC%20386%2094.pdf
https://wwwcdn.imo.org/localresources/en/KnowledgeCentre/IndexofIMOResolutions/MSCResolutions/MSC.538(107).pdf
https://wwwcdn.imo.org/localresources/en/KnowledgeCentre/IndexofIMOResolutions/MSCResolutions/MSC.532(107).pdf

6.5 Similarly, the survey and certification requirements for United Kingdom ships undertaking voyages in polar waters are now incorporated into the Merchant Shipping (Survey and Certification) Regulations 2015 (S.I. 2015/508) ("the 2015 Regulations").

Ambulatory reference

6.6 In the same way as the 2021 Regulations, the instrument includes an ambulatory reference provision (in regulation 5) to ensure that future amendments to the particular provisions of Chapter XIV or the Polar Code which are cross-referenced in the Regulations are automatically incorporated into United Kingdom law. Ambulatory provision for the same purpose is also inserted into the 2015 Regulations (regulation 3(4)), which ensures that references to polar certification, as well as all SOLAS certificates, in the 2015 Regulations, remain up to date. The references to STCW Convention polar waters training requirements and certification are also ambulatory under the 2022 Regulations (regulation 4).

6.7 These ambulatory provisions ensure that United Kingdom domestic law remains in line with the international requirements. The United Kingdom will continue to be able to scrutinise and, if necessary, object to, any proposed amendments in an international arena (that is, in the IMO) and to assess the impact of the changes well before any amendment is due to come into force. This will inform decision making. United Kingdom industry and workers' representatives are also involved at the stage at which the United Kingdom negotiating strategy is formulated so will be able to influence it. If the United Kingdom objects to an amendment to a cross-referenced provision which is due to come into force internationally, then the Secretary of State will make amending secondary legislation to prevent that amendment from becoming incorporated into domestic law by way of ambulatory reference.

6.8 An amendment that is accepted by the United Kingdom will be publicised in advance of its in force date by a Parliamentary Statement to both Houses of Parliament, and by a Marine Guidance Note, which will be available from the Maritime & Coastguard Agency (MCA) from Spring Place, 105 Commercial Road, Southampton, SO15 1EG, and at https://www.gov.uk/government/collections/marine-guidance-notices-mgns.

6.9 Once a future amendment to Chapter XIV or the Polar Code comes into force it can be obtained in hard copy from the IMO of 4 Albert Embankment, London SE1 7SR, or found on the IMO's Index of Resolutions[2]. The IMO publish convention amendments following adoption by the relevant IMO Committee, so they will generally be available online ahead of the international acceptance and in force dates. The relevant amendment will also be available on the Foreign, Commonwealth and Development Office online treaties database once the amendment is in force internationally[3]. Until such publication is made on the treaties database, amendments will be available from the MCA of Spring Place, 105 Commercial Road, Southampton SO15 1EG (telephone: 0203 817 2450) and on https://www.gov.uk.

Sanctions

6.10 United Kingdom merchant ships are subject to a survey and certification regime under the 2015 Regulations and compliance with polar waters safety requirements is checked at the time of survey. The instrument provides for criminal offences in the event of a failure to comply with the regulatory requirements (in regulation 13). A

[2] https://www.imo.org/en/knowledgecentre/indexofimoresolutions/pages/default.aspx
[3] https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch/

ship may also be detained under regulation 14 where there are clear grounds to believe that it does not comply with the requirements of the instrument.

6.11 These sanctions are applicable in respect of both United Kingdom ships and non-United Kingdom ships visiting United Kingdom ports which are intending to operate in, or have returned from, polar waters. The Maritime & Coastguard Agency is a prosecuting authority, acting on behalf of the Secretary of State; it has the power to investigate potential offences and, where necessary, bring prosecutions.

7. Consultation

Summary of consultation outcome and methodology

7.1 A six-week public consultation was undertaken from 12th June 2025 to 23rd July 2025 and published on gov.uk. This included a number of questions for which feedback was sought. As well as the general public, the consultation was specifically directed towards the Chamber of Shipping, the Superyacht Builders Association, Scottish Fishermen's Federation and the National Federation of Fishermen's Organisations, as these are the industry bodies representing the sectors of the shipping industry that are now brought into scope of the regulatory requirements for operations in polar waters. Specific questions were asked relating to any cost implications or unintended consequences, the effectiveness as a deterrent to non-compliance of the proposed offences and penalties, and the effectiveness of the associated guidance.

7.2 The number of United Kingdom flagged vessels expected to operate within polar waters is deemed to be low. This is because currently only six of the total number of passenger ships and cargo ships of ≥500GT on the United Kingdom flag (478) are polar certified and none of these ships will be affected by the replacement Regulations because they already comply with the 2021 Regulations. The new Regulations bring into scope fishing vessels ≥24m, pleasure vessels ≥300GT and cargo ships of at least 300 but under 500 gross tonnage, operating or intending to operate in polar waters, for the purposes of safety of navigation and voyage planning, and the requirement to take into account requirements for performance standards and operational assessment, only. Therefore, 303 ships of these types on the United Kingdom flag will come into scope if they choose to operate in polar waters. Based on existing numbers of United Kingdom ships operating in polar waters, as mentioned above, this would suggest that up to three additional vessels from the new categories of ships will choose to operate in polar waters.

7.3 Four responses were received to the consultation from industry stakeholders, trade bodies and individual operators. The comments were broadly supportive of the instrument and the accompanying guidance, and no respondent identified any unintended consequences that the instrument might produce. The main comment raised related to the standard of the polar training requirements for seafarers. This subject did not form part of the consultation questions and has been answered under section 5 of the Consultation outcome report, "Additional comments". The United Kingdom's training standards have been carefully mapped to the minimum requirements set out in the STCW Convention and STCW Code[4]. These standards ensure that vessels operating in polar waters continue to meet international obligations for the safe operation of crew, tailored to vessel type and operational context. The United Kingdom's approach has been developed collaboratively with a wide range of

[4] The International Convention on the Standards of Training, Certification and Watchkeeping for Seafarers, 1978 and the Seafarers' Training, Certification and Watchkeeping Code.

stakeholders, including vessel operators, seafarers, regulators, and training institutions.

7.4 The MCA made publicly available the results of the public consultation in the form of a consultation outcome report, which includes the MCA's response to all the comments received. The consultation outcome report was published on gov.uk[5] and is available in hard copy from the MCA of Spring Place, 105 Commercial Road, Southampton SO15 1EG (telephone: 0203 817 2450).

8. Applicable Guidance

8.1 Marine Guidance Note (MGN) 637 Amendment 1 is published on gov.uk[6] and is available in hard copy from the MCA (the contact information is set out in paragraph 7.4). This MGN provides information on the instrument, including detail on the individual requirements, as well as on the training and survey and certification elements. The guidance also contains information on obtaining an approval from the MCA for anything in part 1-A of the Polar Code requiring the consent of the flag State; for example, acceptable means for removing ice in areas where ice accretion is likely to occur. Part 1-B of the Polar Code also contains some additional guidance on the safety provisions of the Code. Merchant Shipping Notice (MSN) 1866 (M) Amendment 2[7] provides information on the training for seafarers in polar waters and requirements for the approval of training providers and is published alongside this instrument; it is also available in hard copy from the MCA.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument because the direct impacts on business were assessed at under £10 million per year. Instead, a de minimis assessment was conducted, and this has found that the impacts and potential compliance costs arising from this instrument are low. The de minimis assessment is published alongside this instrument.

9.2 The low level of impact on business was calculated as less than £0.1 million in best and worst case scenarios as it was projected that no more than three of the potential ships being brought into scope would choose to operate in polar waters in the short to medium term.

Impact on businesses, charities and voluntary bodies

9.3 There is no, or no significant, impact on business, charities or voluntary bodies because costs arising from this safety instrument, such as familiarisation and training costs, were assessed as low given the small number of ships that it is likely to impact, and were weighed against benefits, such as the likelihood of fewer inspections in the ports of other States.

9.4 The legislation does impact small or micro businesses.

9.5 It is not possible to exempt small or micro businesses from the requirements of these Regulations. The safety-related provisions of the Polar Code are designed to ensure

[5] https://www.gov.uk/government/consultations/consultation-on-the-merchant-shipping-polar-codesafety-regulations/outcome/annex-d-polar-regs-consultation-outcome-report-2025
[6] https://www.gov.uk/government/collections/marine-guidance-notices-mgns
[7] https://www.gov.uk/government/collections/merchant-shipping-notices-msns

that ships operating in polar waters are adequately constructed, equipped and manned. In the interests of safety, it is therefore not possible to justify different requirements in these areas because a company has fewer employees. It is estimated that around 3% of ships on the United Kingdom Shipping Register are owned by companies which may employ fewer than 50 people. The vast majority of companies owning United Kingdom registered ships are large multinational companies, or subsidiaries of such companies, and would therefore fall outside of the scope of the small firms' impact test in any event.

9.6 There is no, or no significant, impact on the public sector because the familiarisation and training costs for MCA surveyors and inspectors have been assessed as low and compliance is expected to be high.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

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

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

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

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

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

13. The Relevant European Union Acts

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