EXPLANATORY MEMORANDUM TO

THE SEAFARERS' WAGES (AMENDMENT) REGULATIONS 2026

2026 No. 244

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 for Aviation, Maritime and Decarbonisation at the Department for Transport confirms that this Explanatory Memorandum meets the required standard.

2.2 Dave Whyte, Deputy Director for Maritime People and Safety, at the Department for Transport confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Katie Parr at the Department for Transport telephone: 07815453344 or email: katie.parr@dft.gov.uk can be contacted with any queries regarding the instrument.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 This instrument updates the National Minimum Wage equivalence ("NMWe") rates in the Seafarers' Wages Regulations 2024 (the "2024 Regulations") so that they align with the new National Minimum Wage rates from 1 April 2026.

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 UK wide.

4.3 The territorial application of this instrument (that is, where the instrument produces a practical effect) is UK wide.

5. Policy Context

What is being done and why?

5.1 The 2024 Regulations provide for the rate at which seafarers working on services in scope of the Seafarers' Wages Act 2023 must be remunerated for work undertaken in UK waters. The rate is the same as the National Minimum Wage rates, which are uprated annually on 1 April. This instrument is necessary to amend the existing rates so that they align with the new rates coming into force from 1 April 2026.

What was the previous policy, how is this different?

5.2 The changes to the NMWe rates are:

	21 and over	18-20	Under 18	Apprentice
Current rates from April 2025	£12.21	£10.00	£7.55	£7.55
New rates from April 2026	£12.71	£10.85	£8.00	£8.00

6. Legislative and Legal Context

How has the law changed?

6.1 The instrument amends the rates in regulation 14(1) of the 2024 Regulations.

Why was this approach taken to change the law?

6.2 This is the only possible approach to make the necessary changes.

7. Consultation

Summary of consultation outcome and methodology

7.1 There was a public consultation on the 2024 Regulations. The government response was published on gov.uk.[1] A hard copy can be inspected by appointment at the Department for Transport.[2]

7.2 The Low Pay Commission carries out a wide-ranging consultation and fact-finding exercise before arriving at its recommendations for the National Minimum Wage, including taking written and oral evidence and making a series of visits throughout the UK. Details of this consultation are referred to in its letter of recommendation to the Prime Minister and Secretary of State Business and Trade.[3] A hard copy can be inspected by appointment at the Department for Business and Trade.[4]

8. Applicable Guidance

8.1 The Seafarers' Wages Regulations Guidance[5] published on gov.uk will be updated with the changes.

[1] https://assets.publishing.service.gov.uk/media/67078d4c080bdf716392f0fb/government-response-to-the-seafarers-wages-regulations-consultation-part-1-and-2.pdf
[2] Department for Transport, Great Minster House, 33 Horseferry Road, London SW1P 4DR
[3] https://assets.publishing.service.gov.uk/media/691f3e9c2b1627c20b710842/LPC_rates_recommendations_letter_October_2025.pdf
[4] Department for Business and Trade, Old Admiralty Building, Admiralty Place, London, SW1A 2DY
[5] https://www.gov.uk/government/publications/complying-with-seafarer-wage-requirements

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 The impact of this legislation is considered in the enactment impact assessment for the Seafarers' Wages Act 2023 which was updated prior to the making of the 2024 Regulations. The net direct cost to business per year is estimated to be £2.57m. The impact assessment is published alongside the 2024 Regulations on the legislation.gov.uk website.

Impact on businesses, charities and voluntary bodies

9.2 The impact on business is that the legislation will increase costs for operators who do not already pay their seafarers at a level or above the NMWe to their seafarers. However, those that already pay above that level will benefit from a levelling of the playing field with their competitors.

9.3 It is not expected that many small or micro businesses will be impacted by the policy. The number of small businesses in scope is believed to be below 15, and no micro businesses are believed to be in scope.

9.4 If small businesses were in scope of the policy, it is expected that they would account for a disproportionately small share of the costs. Exemptions for small businesses were considered, but it was concluded that on equity and efficiency grounds, this would not be justified. Seafarers should not be paid less because they work for a small business, and exempting small businesses would risk market distortion.

9.5 There are no additional costs to the public sector as a result of these changes.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 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 of 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".

10.2 A statutory review clause is included in the 2024 Regulations. There will be a Post Implementation Review 5 years from the date they came into force, on 1 December 2024. The Department for Transport will continue to engage with stakeholders during this time to monitor the impacts of the legislation.

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.