
STATUTORY INSTRUMENTS

2013 No. 1785

**The Merchant Shipping (Maritime Labour Convention)
(Survey and Certification) Regulations 2013**

Interpretation

2.—(1) In these Regulations—

“the Act” means the Merchant Shipping Act 1995,

“anniversary date” means the day and the month of each year which will correspond to the [F1 original date of expiry] of the relevant certificate,

“certifying authority” means—

- (a) the Secretary of State, or
- (b) an organisation which has an agreement with the Secretary of State pursuant to Article 5(2) of Directive [2009/15/EC](#) of the European Parliament and of the Council of 23rd April 2009 on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations ^{M1} which authorises it to undertake surveys of ships under these Regulations,

“controlled waters” means the waters specified by the Merchant Shipping (Prevention of Pollution) (Limits) Regulations 1996 ^{M2} as areas within which the jurisdiction and rights of the United Kingdom are exercisable,

“Convention State” means a State, other than the United Kingdom, which is a Party to the Maritime Labour Convention,

“Declaration of Maritime Labour Compliance” means, in relation to a ship, the Part 1 and Part 2 documents drawn up and issued in accordance with the Maritime Labour Convention, in the forms corresponding to the relevant models given in Appendix A5-II of the Convention and having the contents, duration and validity specified in Regulation 5.1.3 and Standard A5.1.3 of the Convention,

“fishing vessel” has the meaning given in section 313 of the Act,

“gross tonnage” means gross tonnage as determined under the Merchant Shipping (Tonnage) Regulations 1997 ^{M3},

“Maritime Labour Certificate” and “interim Maritime Labour Certificate” mean, in relation to a ship, a certificate of that name issued in accordance with the Maritime Labour Convention, in a form corresponding to the relevant model given in Appendix A5-II of that Convention and having the contents, duration and validity specified in Regulation 5.1.3 and Standard A5.1.3 of that Convention,

“the Maritime Labour Convention” means the Convention adopted on 23rd February 2006 by the General Conference of the International Labour Organization ^{M4},

“the MCA” means the Maritime and Coastguard Agency, an executive agency of the Department for Transport,

“Merchant Shipping Notice” means a notice described as such and issued by the MCA and any reference to a particular Merchant Shipping Notice includes a reference to a Merchant

Shipping Notice amending or replacing that Notice which is considered by the Secretary of State to be relevant from time to time,

“pleasure vessel” means—

- (a) any vessel which at the time it is being used is—
 - (i) [^{F2}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 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 [^{F3}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,

“proper officer” has the meaning given in section 313 of the Act,

“relevant inspector” means any of the persons mentioned in section 258(1) of the Act,

“sea-going” in relation to a United Kingdom ship means—

- (a) a ship which operates outside the waters specified as Category A, B, C and D waters in Merchant Shipping Notice 1837(M) ^{M5},
- (b) a ship to which the Merchant Shipping (Survey and Certification) Regulations 1995 ^{M6} apply and in respect of which no exemption granted under regulation 2(2) of those Regulations applies,
- (c) a ship to which regulation 4 of the Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) Regulations 1998 ^{M7} applies and which falls within the description given in paragraph (3) of that regulation, or
- (d) a high speed craft in respect of which a permit to operate outside waters of Categories A, B, C or D has been issued in accordance with [^{F4}regulation 14 of the Merchant Shipping (High Speed Craft) Regulations 2022],

“seafarer” means any person, including a master, who is employed or engaged or works in any capacity on board a ship and whose normal place of work is on a ship,

“ship” includes hovercraft,

“shipowner” means—

- (a) in relation to a ship which has a valid Maritime Labour Certificate [^{F5}or interim Maritime Labour Certificate], the person identified as the shipowner on that certificate,

- (b) in relation to any other ship, the owner of the ship or, if different, any other organisation or person such as the manager, or the bareboat charterer, that has assumed the responsibility for the operation of the ship from the owner,

“the United Kingdom Maritime Labour Convention standards” means the [F6 requirements imposed in relation to United Kingdom ships by the provisions specified in column 2 of the instruments listed in column 1 of the table contained in the Schedule], and

“United Kingdom ship” means a ship which is—

- (a) a United Kingdom ship within the meaning of section 85(2) of the Act,
(b) a Government ship within the meaning of section 308(4) of the Act which is ordinarily engaged in commercial maritime operations, or
(c) a hovercraft registered under the Hovercraft Act 1968 M8.

(2) In the application of these Regulations to a hovercraft, a reference to the master of a ship includes a reference to the captain of the hovercraft.

Textual Amendments

- F1** Words in reg. 2 substituted (23.4.2019) by [The Merchant Shipping \(Maritime Labour Convention\) \(Extension of Maritime Labour Certificate\) \(Amendment\) Regulations 2019 \(S.I. 2019/716\)](#), regs. 1(1), **2(2)** (with reg. 1(2))
- F2** Words in reg. 2(1) substituted (6.4.2018) by [The Merchant Shipping \(Maritime Labour Convention\) \(Miscellaneous Amendments\) Regulations 2018 \(S.I. 2018/242\)](#), regs. 1, **4(2)(a)**
- F3** Word in reg. 2(1) substituted (6.4.2018) by [The Merchant Shipping \(Maritime Labour Convention\) \(Miscellaneous Amendments\) Regulations 2018 \(S.I. 2018/242\)](#), regs. 1, **4(2)(b)**
- F4** Words in reg. 2(1) substituted (19.12.2022) by [The Merchant Shipping \(High Speed Craft\) Regulations 2022 \(S.I. 2022/1219\)](#), reg. 1(1), **Sch. para. 15** (with reg. 4(2)-(4))
- F5** Words in reg. 2(1) inserted (7.8.2014) by [The Merchant Shipping \(Maritime Labour Convention\) \(Consequential and Minor Amendments\) Regulations 2014 \(S.I. 2014/1614\)](#), regs. 1, **14(2)**
- F6** Words in reg. 2(1) substituted (12.7.2018) by [The Merchant Shipping \(Maritime Labour Convention\) \(Compulsory Financial Security\) \(Amendment\) Regulations 2018 \(S.I. 2018/667\)](#), regs. 1, **3(2)**

Marginal Citations

- M1** OJ No L 131, 28.5.2009, p 47.
- M2** [S.I. 1996/2128](#), amended by [S.I. 1997/506](#).
- M3** [S.I. 1997/1510](#), amended by [S.I. 1998/1916](#), [S.I. 1999/3206](#) and [S.I. 2005/2114](#).
- M4** Cmnd. 7049.
- M5** Merchant Shipping Notice 1837(M) specifies which waters are Category A, B, C and D waters for the purposes of regulation 3(2)(a) of [S.I. 1992/2356](#), as the notice which currently supersedes Merchant Shipping Notice M1504 pursuant to regulation 2 of those Regulations.
- M6** [S.I. 1995/1210](#), amended by [S.I. 2004/302](#), [S.I. 2005/2114](#) and [S.I. 2010/1075](#); there are other amending instruments but none is relevant.
- M7** [S.I. 1998/2771](#), amended by [S.I. 2002/1473](#) (and see [regulation 3](#) of these Regulations); there is another amending instrument which is not relevant.
- M8** 1968 c.59.

Changes to legislation:

There are currently no known outstanding effects for the The Merchant Shipping (Maritime Labour Convention) (Survey and Certification) Regulations 2013, Section 2.