
STATUTORY INSTRUMENTS

2023 No. 1216

**The Merchant Shipping (Small Workboats
and Pilot Boats) Regulations 2023**

PART 1

Preliminary

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Merchant Shipping (Small Workboats and Pilot Boats) Regulations 2023 and come into force on 13th December 2023.

(2) These Regulations extend to England and Wales, Scotland and Northern Ireland.

Revocation

2. The following Regulations are revoked—

- (a) the Merchant Shipping (Small Workboats and Pilot Boats) Regulations 1998(1);
- (b) the Merchant Shipping (Small Workboats and Pilot Boats) (Amendment) Regulations 2016(2).

Interpretation

3.—(1) In these Regulations—

“the 1995 Act” means the Merchant Shipping Act 1995;

“bulk cargo” has the same meaning as in regulation 2(1) of the Merchant Shipping (Carriage of Cargoes) Regulations 1999(3);

“certificate” means a workboat certificate or a pilot boat certificate;

“Certifying Authority” has the meaning given to it in regulation 10 (certifying authorities);

“competent harbour authority” has the meaning given to it in section 1 of the Pilotage Act 1987(4);

“dedicated pilot boat” means a small vessel used, or intended to be used, solely as a pilot boat;

“load line length” means the greater of the following distances—

- (a) 96% of the total length on a waterline at 85% of the least moulded depth measured from the top of the keel, or
- (b) the length from the fore-side of the stem to the axis of the rudder stock on that waterline,

(1) [S.I. 1998/1609](#), amended by [S.I. 2006/2055](#), [2013/1785](#), [2015/782](#), [2016/354](#), [2018/1221](#), [2020/501](#) and [673](#), [2022/1342](#), [2023/568](#).

(2) [S.I. 2016/354](#).

(3) [S.I. 1999/336](#).

(4) [1987 c. 21](#). Section 1 was amended by the Transport and Works (Scotland) Act [2007 \(asp 8\)](#), Schedule 3 and the Marine Navigation Act [2013 \(c. 23\)](#), section 1.

and where the stem contour is concave above the waterline at 85% of the least moulded depth, both the forward terminal of the total length and the fore-side of the stem respectively must be taken at the vertical projection to that waterline of the aftermost point of the stem contour (above that waterline). In ships designed with a rake of keel the waterline on which this length is measured must be parallel to the designed waterline;

“Marine Guidance Note” means a note described as such and issued by the Maritime and Coastguard Agency and includes a reference to any document amending or replacing that note which is considered by the Secretary of State to be relevant from time to time and is specified in a Marine Guidance Note;

“Maritime and Coastguard Agency” means the Maritime and Coastguard Agency, an executive agency of the Department for Transport which operates under that name;

“Merchant Shipping Notice” means a notice described as such and issued by the Maritime and Coastguard Agency and includes a reference to any document amending or replacing that Notice which is considered by the Secretary of State to be relevant from time to time and is specified in a Merchant Shipping Notice;

“owner” means, in relation to a vessel, the person who owns the vessel, not being the competent harbour authority;

“passenger” means any person carried on a ship except—

- (a) a person employed or engaged in any capacity on the business of the ship,
- (b) a person on board the ship either in pursuance of the obligation laid upon the master to carry shipwrecked, distressed or other persons, or by reason of any circumstance that neither the master nor the owner nor the charterer (if any) could have prevented or forestalled, or
- (c) a child of under one year of age;

“pilot boat” means a small vessel employed, or intended to be employed, in pilotage services;

“pilot boat certificate” means a pilot boat certificate issued in accordance with section 4.3 of the Workboat Code Edition 3;

“pilot boat endorsement” means, in relation to a workboat certificate, an endorsement that authorises the workboat to be operated as a pilot boat;

“remote operation centre” means any location other than a remotely operated unmanned vessel from which a remotely operated unmanned vessel is operated;

“remotely operated unmanned vessel” means a small vessel that—

- (a) is operated from a remote operation centre, and
- (b) is not carrying any person at the time that it is operated;

“similar stage of construction” means a stage at which—

- (a) construction identifiable with a specific vessel begins, and
- (b) assembly of that vessel has commenced, comprising at least 1% of the estimated mass of all structural material;

“small vessel” means a vessel of less than 24 metres in load line length or, in the case of a vessel the keel of which was laid or which was at a similar stage of construction before 21st July 1968, less than 150 tons;

“surveyor” means a surveyor of ships, or any other person appointed by a Certifying Authority other than the Secretary of State, to be a surveyor;

“tons” means—

- (a) in the definition of “small vessel”, the gross tons, measured in accordance with the Merchant Shipping (Tonnage) Regulations 1967⁽⁵⁾ as they were in force on 20st July 1968, and
- (b) in all other cases, gross tons, measured in accordance with regulation 14 (measurement and certification) of the Merchant Shipping (Tonnage) Regulations 1997⁽⁶⁾;

“United Kingdom vessel” has the same meaning as that given in section 85(2) of the 1995 Act in relation to a “United Kingdom ship” which applies as if for each occurrence of the word “ship” there were substituted the word “vessel”;

“voyage” means a journey of any kind;

“workboat” means a small vessel in commercial use other than for sport or pleasure, including a dedicated pilot boat;

“workboat certificate” means a workboat certificate issued in accordance with section 4.3 of the Workboat Code Edition 3;

“Workboat Code Edition 3” means the document entitled “The Workboat Code Edition 3, The Safety of Small Workboats and Pilot Boats — A Code of Practice”⁽⁷⁾ published by the Maritime and Coastguard Agency, and includes a reference to any document amending or replacing that document which is considered by the Secretary of State to be relevant from time to time and is specified in a Merchant Shipping Notice.

(2) Where a vessel is managed by a person other than the owner, whether on behalf of the owner or some other person, or on their own behalf, a reference in these Regulations to the owner must be construed as including a reference to that person.

(3) In these Regulations, “compliance survey”, “annual survey”, “intermediate survey”, “renewal survey” and “emergency survey” have the same meaning as an “examination” of that type in section four of the Workboat Code Edition 3.

Application

4.—(1) Subject to paragraph (2), these Regulations apply to the following vessels—

- (a) workboats which are United Kingdom vessels wherever they may be,
- (b) other workboats operating from United Kingdom ports whilst in United Kingdom waters,
- (c) pilot boats, not being workboats, which are United Kingdom vessels wherever they may be, and
- (d) remotely operated unmanned vessels—
 - (i) which are United Kingdom vessels wherever they may be, or
 - (ii) operating from United Kingdom ports whilst in United Kingdom waters.

(2) These Regulations do not apply to—

- (a) a workboat or pilot boat carrying more than 12 passengers;
- (b) hovercraft or submersible vessels;
- (c) vessels carrying bulk cargo.

(3) These Regulations only apply where the owner or master of a vessel applies for certification of the vessel exclusively under these Regulations.

⁽⁵⁾ S.I. 1967/172; relevant amending instrument is S.I. 1967/1093. The instrument was revoked by S.I. 1982/841.

⁽⁶⁾ S.I. 1997/1510, to which there are amendments not relevant to these Regulations.

⁽⁷⁾ The Workboat Code Edition 3, The Safety of Small Workboats and Pilot Boats – A Code of Practice is available at the following address: <https://www.gov.uk/government/collections/small-craft-codes-of-practice>.

Provisions disapplied

5.—(1) The Regulations listed in the first column of the table in Schedule 1 (statutory instruments disapplied) do not apply to a vessel which meets the conditions set out in paragraph (2) to the extent specified in the third column of that table.

(2) The conditions are that the vessel—

- (a) has been surveyed and issued with a certificate in accordance with these Regulations, and
- (b) in the case of a vessel the keel of which was laid or which was at a similar stage of construction on or after 7th August 2014, complies with the standards set out in—
 - (i) Annex 1 to Marine Guidance Note MGN 601(M)(8) where the vessel is less than 200 tons, or
 - (ii) Annex 1 to Marine Guidance Note MGN 602(M)(9) where the vessel is 200 tons or more but less than 500 tons.

Exemptions

6.—(1) This regulation does not apply in relation to the requirement to hold a certificate under regulation 9.

(2) Subject to paragraph (1), any provision in these Regulations or the Workboat Code Edition 3, does not apply in respect of a vessel if, in exceptional circumstances, the Secretary of State grants an exemption from those provisions because it is either impracticable or unreasonable for that vessel to comply.

(3) An exemption under paragraph (2) may be granted subject to such safety requirements as the Secretary of State thinks fit to ensure the overall safety of the vessel, its occupants or any other person or the environment.

(4) An exemption granted under paragraph (2) may, on the giving of reasonable notice, be altered or cancelled.

(5) Where an exemption under paragraph (2) is granted subject to safety requirements under paragraph (3), the exemption ceases to have effect if those requirements are not complied with.

(6) An exemption granted under paragraph (2), or an alteration or cancellation under paragraph (4), must—

- (a) be in writing,
- (b) specify the date on which it takes effect, and
- (c) specify such safety requirements, if any, on which it is given.

(7) The requirement that an exemption granted under paragraph (2), or an alteration or cancellation under paragraph (4), be in writing is satisfied where the text of the exemption, alteration or cancellation is—

- (a) transmitted by electronic means,
- (b) received in legible form, and
- (c) capable of being used for subsequent reference.

(8) The expiry of the validity of an exemption granted under paragraph (2), or an alteration under paragraph (4), must not be later than the expiration date specified for the certificate relevant to the vessel in regulation 13 (duration of a certificate).

(8) MGN 601(M) is available at the following address: [MGN 601 MLC Crew accommodation for small vessels < 200GT - GOV.UK \(www.gov.uk\)](#).

(9) MGN 602(M) is available at the following address: [MGN 602 MLC Substantial equivalence for accommodation for 200GT to < 500GT vessels - GOV.UK \(www.gov.uk\)](#).

(9) This regulation applies to a Certifying Authority who is not the Secretary of State but only in relation to anything required under the Workboat Code Edition 3 that is authorised by the Secretary of State.

Equivalent standards to those in the Workboat Code Edition 3

7.—(1) Where these Regulations or the Workboat Code Edition 3 require that—

- (a) a particular fitting, material, appliance or apparatus, or a type of fitting, material, appliance or apparatus be fitted on, or carried in, a vessel,
- (b) a particular arrangement be made on, or in relation to, a vessel, or
- (c) any particular provision be made in relation to a vessel,

the Secretary of State may approve any other fitting, material, appliance or apparatus, arrangement or other provision if satisfied that it is at least as effective as that required by these Regulations or the Workboat Code Edition 3, as the case may be.

(2) An approval given under paragraph (1) may, on the giving of reasonable notice, be continued, altered or cancelled.

(3) Any approval given under paragraph (1), or a continuation, alteration or cancellation under paragraph (2), must—

- (a) be in writing,
- (b) specify the date on which it takes effect, and
- (c) specify the terms, if any, on which it is given.

(4) The requirement that the approval referred to in paragraph (1), or a continuation, alteration or cancellation under paragraph (2), be in writing is satisfied where the text of the approval, continuation, alteration or cancellation is—

- (a) transmitted by electronic means,
- (b) received in legible form, and
- (c) capable of being used for subsequent reference.

(5) This regulation applies to a Certifying Authority who is not the Secretary of State but only in relation to anything required under the Workboat Code Edition 3 that is authorised by the Secretary of State.