



MCA flags up revisions for UK workboats

The UK regulator may be changing course with respect to new standards for workboats, after a Maritime & Coastguard Agency consultation met a resounding thumbs down from industry. CJC Managing Associate, [Helen McCormick](#), explains.

The Maritime & Coastguard Agency was adopting a conciliatory tone in early September after a chorus of negative feedback greeted its invitation to comment on the 'Workboat Code Edition 3' for smaller craft.

The Merchant Shipping (Small Workboats and Pilot Boats) Regulations 2023 seeks to revoke and remake 1998 legislation (S.I. 1998/1609), with industry views sought last year concerning Edition 3 of the Code, which will provide the legal underpinning for sub-24m vessels operating commercially in UK waters.



The original Code of Practice for the Safety of Small Workboats and Pilot Boats set a national standard and was generally accepted by industry and recognised internationally. It was also used by other national maritime administrations as a basis for vessel standards, with UK flagged workboats having therefore been able to win contracts across Europe.

Consultation on Edition 3 of the Workboat Code was carried out from 6 October 2022 until 29 December 2022, with some 94 responses received from individuals and organisations, consisting of hundreds of individual comments. The initiative is reckoned to have drawn more comment from industry than any UK domestic maritime legislation to date.

In developing Edition 3 of the Code, the MCA's intention has been to help clarify workboat survey and inspection requirements and make provision for the emergence of autonomous vessels. An MCA Workboat Code 3 presentation at Seaworks Southampton in June prompted industry representatives to express how far short of its target the regulator was adjudged to have fallen.

Plain speaking on Code

The Maritime Journal reported Ben Sutcliffe, Chairman of certifying body YDSA, as suggesting that the UK regulator had mistakenly assumed that most boats would be upgrading to Code 3 from Code 2, when this was often not the case. Stuart Gladwell, CEO of SCMS, asked why MCA had not sought sector expertise on topics covered, such as un-crewed operations and future fuels, nor taken up offers of help.

However, the criticisms levelled during the tense symposium represented more than an airing of industry frustrations. In fact, opposition to MCA's response to industry has coalesced around the Workboat Association - the body central to originating the Workboat Code, Brown Code in 1994, and a key global ambassador of the UK flag on the topic ever since.

Pulling no punches, WBA CEO Kerrie Forster told the Seaworks symposium: “For the first time since our origination, we do not stand behind the UK flag and new workboat code as it currently stands.”

By 8th September, MCA was hosting representatives of the Workboat Association and the British Tug Owners Association at a workshop covering the final stages before publication of Workboat Code 3.

In a circular previewing the event, the WBA felt able to advise members that “the MCA informed the group that significant steps had been taken to revise areas of the Public Consultation Draft WBC3”.

Hopefully, one such step will cover the central cost concerns expressed by industry participants in the consultation process. In one key exchange, the majority of 60 industry participants expressed the belief that small and/or micro business(es) would be disproportionately affected by the new Code’s expectations for vessels built to earlier standards. In answer, MCA said that revising transitional arrangements will mean that “the concerns raised over these costs will be negated”, without giving further explanation.

Decoding cost implications

In fact, the extraordinary divergence between MCA’s assessment of how much it will cost for vessels to meet Workboat Code Edition 3 and that projected by industry will surely make it the hardest area of disagreement to reconcile. The consultation summary itself records that the majority of those expressing a preference did not agree with MCA’s assessments.

In a typical scenario, where the new code requires a vessel to instal a larger/heavier anchor, MCA’s costing only considers the anchor itself, for example. In reality, such a project would also involve costings for chain sizing, windlass capability, locker enlargement, engineering consultancy and dry dock time.

The MCA suggests that the entire UK fleet could be brought into line for £800,000. WBA’s Forster, meanwhile, has suggested that bringing the entire fleet into line with Edition 3 could cost closer to £1 billion. Should the work needed to bring a vessel into line with the revised Code also include repositioning and adding bulkheads or line tanks, Forster suggests that MCA’s £800,000 budget might not be enough to cover a single project.

With the September 8th meeting held under Chatham House rules, outputs remain confidential, with only the regulatory timeline offered for public consumption. MCA indicated that the new WBC3 and its underpinning law (Statutory Instrument) will be discussed in Parliament in late November, at which time the Code will be made publicly available, with its entry into UK regulation expected to follow mid-late December 2023.

In the meantime, UK industry’s expectations must be tempered by those present at the meeting. According to Richard Brooks, Workboat Association Chair: “Having seen some of the key changes that the MCA have been working on, knowledgeable that any significant regulatory change of this nature will incur some cost to operators, I am confident that we should be informing members not to panic.”

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