

Research Briefing

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Ports and Shipping FAQs



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Summary

In general, civilian maritime transport policy is reserved to the UK Parliament. Ports policy is devolved to the devolved administrations. Individual ports are known as Statutory Harbour Authorities (SHAs). These are created by specific local legislation, usually Harbour Acts or Orders. Devolved administrations can amend the powers of SHAs.

This paper answers FAQs on the following topics:

Responsibilities and strategy

Devolution, departments, and agencies with maritime policy responsibilities; Maritime 2050.

Ports

Statutory harbour authorities; harbour directions; port closures, Freeports.

Shipping

UK-flagged ships, tonnage tax; international treaties; decarbonisation; shipping lanes.

Ferries

Passenger rights; passenger ship safety.

Seafarers' rights

National minimum wage, redundancies, unfair dismissal.

1 Responsibilities and strategy

1.1 Who is responsible for maritime policy in the UK?

Reserved powers

In general, civilian maritime transport policy is reserved to the UK Parliament, and is managed by the UK Government where there is a need for consistent provision across the UK.¹ UK-wide maritime transport policy is managed by the **Department for Transport (DfT)**.

The main legislation which provides for UK shipping, including ship registration, safety, pollution and liability applies UK-wide, along with the relevant provisions relating to navigation (lighthouses), salvage and wrecks, and security. These incorporate international commitments entered into by the UK Government for the whole of the United Kingdom.²

The **Home Office and Border Force** also have UK-wide cross-departmental duties affecting maritime policy, notably in the immigration and customs checks carried out at UK ports by Border Force.³

The **Maritime and Coastguard Agency (MCA)**, an executive agency of the DfT, manages the coastal search and rescue emergency service for the entire UK.⁴ It also carries out the UK's 'Port State' functions, to implement and enforce the UK's obligations under international treaties such as [Safety of Life at Sea \(SOLAS\)](#) and [Prevention of Pollution from Ships \(MARPOL\)](#).⁵ The MCA also maintains the register of UK-flagged ships.⁶

¹ [Section E3, Schedule 5, Scotland Act 1998](#); [Section E3, Schedule 1, Wales Act 2017](#); [Section 3, Schedule 3, Northern Ireland Act 1998](#) See the Commons Library Briefing CBP-8544 [Reserved matters in the United Kingdom](#) for more information

² Specifically the [Merchant Shipping Act 1995](#); [Aviation and Maritime Security Act 1990](#); and [Merchant Shipping and Maritime Security Act 1997](#). See Question 3.4 on the UK's international maritime treaty commitments

³ Border Force [About us](#) [Accessed 22 June 2022]

⁴ Maritime and Coastguard Agency [About us](#) [Accessed 22 June 2022]

⁵ IMO Treaty [International Convention for the Safety of Life at Sea \(SOLAS\)](#), 1974 [Accessed 23 June 2022]; IMO Treaty [International Convention for the Prevention of Pollution from Ships \(MARPOL\) 1973](#) [Accessed 23 June 2022]

⁶ MCA [UK Ship Register](#) [Accessed 23 June 2022]

Marine environment

Environmental matters are devolved so in England, the **Department for Environment Food & Rural Affairs** (DEFRA) and its agencies - notably the **Marine Management Organisation** (MMO) – have responsibility for protecting the marine environment, which can also affect shipping and ports.⁷ The devolved equivalents are the **Marine Scotland Directorate**, the **Welsh Government Marine and Fisheries** division and the **Department of Agriculture, Environment & Rural Affairs** (DAERA) in Northern Ireland.⁸

Ports

Ports policy is devolved. However, in Great Britain, the main ports legislation pre-dates Scottish and Welsh devolution settlements and has not been changed since. The GB devolved administrations now manage ports policy in the respective nations but largely follow the same processes.⁹ Management of ports is carried out under the Harbours Act 1964 in Great Britain, and the Harbours Act (Northern Ireland) 1970, in Northern Ireland.¹⁰

Ports around the UK are managed by [Statutory Harbour Authorities](#) (SHAs) who are the local legal entities with powers to manage a harbour area. These powers vary depending on the size and type of the port, but usually include charging fees for vessels, maintaining harbour infrastructure and, in some cases, dredging the waters in their area.

In England, the [Marine Management Organisation](#) manages changes to the powers of SHAs in England, or the creation of new ports.¹¹ In Scotland, this function is carried out by [Transport Scotland](#).¹² In Wales, this is carried out

⁷ MMO [About Us](#) [Accessed 15 July 2022]

⁸ [Marine Scotland Directorate: What we do](#) [Accessed 26 July 2022]; [Welsh Government: Marine and fisheries](#) [Accessed 26 July 2022]; [Department of Agriculture, Environment & Rural Affairs \(DAERA\): Marine](#) [Accessed 26 July 2022]

⁹ In Wales, responsibility for fishing ports only was devolved to the Welsh Government, but from 1 April 2018, powers in the Wales Act 2017, particularly in [Section 30](#), mean that all ports wholly in Wales are now the responsibility of the Welsh Government. The one exception is reserved trust ports in Wales (Milford Haven is the only one of these) for which the UK government retains responsibility. See Statement UIN HCWS639 [[Transport Infrastructure for our global future: A Study of England's Port Connectivity](#)] 24 April 2018

¹⁰ The [Harbours Act 1964](#) applies only to Great Britain. [Harbours Act \(Northern Ireland\) 1970](#)

¹¹ DfT Policy paper [General Lighthouse Authorities' relationship with the Secretary of State for Transport](#) 29 June 2017; IMO Treaty [International Convention for the Safety of Life at Sea](#) (SOLAS), 1974 [Accessed 23 June 2022]

¹² DfT Policy paper [General Lighthouse Authorities' relationship with the Secretary of State for Transport](#) 29 June 2017; IMO Treaty [International Convention for the Safety of Life at Sea](#) (SOLAS), 1974 [Accessed 23 June 2022]

by the **Welsh Government**¹³, and in Northern Ireland it is done by **the Department for Infrastructure**.¹⁴

Lighthouses

Across the UK and the Republic of Ireland, lighthouses are maintained by three **General Lighthouse Authorities** (GLAs):

- Trinity House (which provides marine navigation aids for England, Wales, the Channel Islands and Gibraltar)
- Northern Lighthouses (for Scotland and the Isle of Man)
- Irish Lights (for Northern Ireland and Ireland)

The DfT co-ordinates the GLAs' functions, which are mostly funded by 'light dues' – fees paid by the shipping industry. The provision of lighthouses delivers on the UK's and Ireland's responsibilities under the Safety of Life at Sea Convention (SOLAS) 1974.¹⁵

Maritime Statistics

The DfT regularly compiles and publishes a range of [Maritime and shipping statistics](#), which relate to the whole of the UK.¹⁶

Maritime UK

[Maritime UK](#) is the 'umbrella body' for the industry and acts as a key intermediary for engagement with the Government. Its members are: Belfast Maritime Consortium, British Marine, British Ports Association, CLIA UK & Ireland, Institute of Chartered Shipbrokers, Maritime London, Maritime UK South West, Mersey Maritime, Nautilus International, Port Skills and Safety, Shipping Innovation, Society of Maritime Industries, Solent LEP, The Baltic Exchange, The Seafarers' Charity, The Workboat Association, Trinity House, UK Chamber of Shipping and the UK Major Ports Group.¹⁷

¹⁵ DfT Policy paper [General Lighthouse Authorities' relationship with the Secretary of State for Transport](#) 29 June 2017; IMO Treaty [International Convention for the Safety of Life at Sea](#) (SOLAS), 1974 [Accessed 23 June 2022]

¹⁶ DfT Policy paper [General Lighthouse Authorities' relationship with the Secretary of State for Transport](#) 29 June 2017; IMO Treaty [International Convention for the Safety of Life at Sea](#) (SOLAS), 1974 [Accessed 23 June 2022]

¹⁷ DfT Policy paper [General Lighthouse Authorities' relationship with the Secretary of State for Transport](#) 29 June 2017; IMO Treaty [International Convention for the Safety of Life at Sea](#) (SOLAS), 1974 [Accessed 23 June 2022]

¹⁶ DfT Collection [Maritime and shipping statistics](#) 8 June 2022

¹⁷ Maritime UK [About Us](#) [Accessed 7 July 2022]

1.2

What is Maritime 2050?

Maritime 2050 is the first long-term strategy for the UK’s maritime industries.¹⁸ Following consultation between Government and the maritime industry, it was launched by the then Transport Secretary Chris Grayling on 24 January 2019.¹⁹ As set out in the strategy’s Ministerial foreword, the purpose of the strategy was to produce a cohesive plan allowing the UK to capitalise on its potential, make the most of new technological developments, and take the UK into the second half of the 21st century “as a global leader, promoting a liberalised trading regime”.²⁰

The Strategy is structured around seven high-level “themes”, for each of which there are short-, medium- and long-term objectives. The seven themes are:

- **UK competitive advantage** – working in close collaboration with the sector, the government aims to “identify and take action when needed to retain its competitive advantage”²¹
- **Technology** – “to utilise advancements and changes in maritime technology to make the sector a cleaner, safer and more efficient place to work with the creation of highly skilled job opportunities at sea and on shore”²²
- **People** – to create a diverse maritime workforce focussing on “good maritime welfare that will set a global benchmark” and maintaining the “world leading training offer in maritime colleges and universities”²³
- **Environment** – creating an “environmentally sustainable sector, reducing impacts as close to zero as possible while leading the way on green finance and setting international standards”²⁴
- **Infrastructure** – as technology develops, being able to adapt and “future proofing to ensure the interoperability of systems and protection against potential vulnerabilities”²⁵
- **Trade** – making trade easier to remove barriers and “maintain and enhance our maritime professional services success in the face of competition”²⁶

¹⁸ Maritime [UK Maritime 2050 Progress Report: Where are we now?](#) June 2021

¹⁹ DfT Policy paper [Maritime 2050: navigating the future](#) 24 January 2019

²⁰ DfT Policy paper [Maritime 2050: navigating the future](#) 24 January 2019, Ministerial foreword

²¹ DfT Policy paper [Maritime 2050: navigating the future](#) 24 January 2019, Para 22

²² DfT Policy paper [Maritime 2050: navigating the future](#) 24 January 2019, Para 31

²³ DfT Policy paper [Maritime 2050: navigating the future](#) 24 January 2019, Para 36

²⁴ DfT Policy paper [Maritime 2050: navigating the future](#) 24 January 2019, Para 42

²⁵ DfT Policy paper [Maritime 2050: navigating the future](#) 24 January 2019, Para 59

²⁶ DfT Policy paper [Maritime 2050: navigating the future](#) 24 January 2019, Para 48

- **Security** – anticipating and responding to potential future security threats, “providing business continuity free from interference and disruption”²⁷

Also set out in the Strategy are five “core values” for UK maritime, which are described as “underpinning the work” of Maritime 2050.²⁸ These values are:

- A premium brand that does not compromise on safety;
- A balanced set of priorities;
- A commitment to a rules-based approach;
- A truly global United Kingdom; and
- Real partnership between government and industry.²⁹

Within the thematic chapters of the strategy, recommendations are set out to provide objectives for the lifetime of Maritime 2050. There are a total of 184 recommendations, which are a mixture of actions for the Government and for the sector.

In June 2021, the halfway mark for Maritime 2050’s short-term recommendations, Maritime UK produced a progress report which said that despite the challenges of Covid-19, some early progress had already been made.³⁰ In March 2022, the Transport Select Committee launched an inquiry into Maritime 2050, its objectives, implementation and effects. The inquiry is expected to conclude in 2022.³¹

²⁷ DfT Policy paper [Maritime 2050: navigating the future](#). 24 January 2019, Para 66

²⁸ DfT Policy paper [Maritime 2050: navigating the future](#). 24 January 2019, Para 7

²⁹ DfT Policy paper [Maritime 2050: navigating the future](#). 24 January 2019, Para 7

³⁰ Maritime [UK Maritime 2050 Progress Report: Where are we now?](#) June 2021

³¹ Transport Select Committee Press Release [Committee scrutinises the Government’s maritime policy](#) 1 March 2022

2 Ports

2.1 How are ports owned in the UK?

In terms of ownership, there are three kinds of ports in the UK, private ports, municipal ports and trust ports:

- **Trust Ports** are managed by a local independent board and do not have shareholders or owners. They are required to be operated in the interests of their users and any financial surpluses generated should be re-invested into the port.³² Examples include Dover, Aberdeen, Tyne, Milford Haven, the Port of London Authority, and Belfast.
- **Private ports** are private entities, often owning large trust ports which were privatised in the 1990s.³³ These include ABP (who own Southampton, Hull, Port Talbot and others), Peel Ports (Liverpool, Clydeport, London Medway and others), Forth Ports (Tilbury, Forth), and DP World. There are also smaller private ports such as Portland and Newhaven.³⁴
- **Municipal ports** are publicly-owned by the local authority. Sometimes these are trust ports that have gone out of business and been taken over by local councils. These tend to be smaller ports, with some exceptions like Portsmouth International Port, Sunderland and Orkney.

In June 2022, the UK Government estimated that there were 181 private ports, 170 municipal ports and 75 trust ports in the UK.³⁵ There is no official UK-wide publicly available list of all ports, although a privately-maintained list can be seen at [Ports.org.uk](https://ports.org.uk).³⁶ Generally the ownership status of ports is not subject to regular change.

³² DfT [Trust Ports](#) [Accessed 24 June 2022]

³³ Many ports were privatised in the 1990s, particularly after the introduction of the [Ports Act 1991](#), however the process effectively stopped under the Blair Labour Government. For further historical information on this see Commons Library briefing [SN-00010 Ports: privatisation of trust ports](#), 2 January, 2013

³⁴ ABP [About Us](#) [Accessed 24 June 2022]; Peel Ports [Our Ports](#) [Accessed 24 June 2022]; Forth Ports [Our Ports](#) [Accessed 24 June 2022]; [Ports and Harbours of the UK](#) [Accessed 23 June 2022]

³⁵ PQ 19688 [[Harbour Authorities](#)], answered on 21 June 2022

³⁶ [Ports and Harbours of the UK](#) [Accessed 23 June 2022]

2.2

What is a Statutory Harbour Authority and how does it get its powers?

Statutory Harbour Authorities (SHAs) are the statutory bodies responsible for the management and running of a harbour. An SHA's powers, duties and geographic area of jurisdiction are set out in local Acts of Parliament, or a Harbour Order under the Harbours Act 1964 (in Great Britain) or the Harbours Act (Northern Ireland) 1970, in Northern Ireland.³⁷ As legal entities, regardless of their ownership structure (i.e. Trust, Private or Municipal), all ports in Great Britain are called Statutory Harbour Authorities. In Northern Ireland they are called Harbour Authorities.

The Acts or harbour orders which create SHAs are all individual, unique pieces of legislation. Many of them pre-date the 1964 and 1970 Acts, and some can be very old.³⁸ A port's Harbour Order (or Act) will usually contain provisions regarding making charges to port users, dredging, laying down moorings, granting tenancies, and dealing with obstructions in the harbour area.

2.3

What are Harbour Orders?

In Great Britain, Harbour Orders are delegated legislation made under powers in the Harbours Act 1964. They are used to either create a new SHA through a Harbour Empowerment Order (HEO), or more commonly, to amend an existing SHA's powers through a Harbour Revision Orders (HRO). An HRO might be used to modify the management structure of a Harbour Authority, to extend or change geographical jurisdiction of a port, or to build new installations.³⁹

Unlike most other types of legislation, in Great Britain it is the SHA staff themselves who draft a Harbour Order, having obtained appropriate legal advice. They then submit their Harbour Order application to the relevant public authority for verification and public consultation, before it comes into force. In England, this public authority is the [Marine Management Organisation](#) who process and verify Harbour Order applications in England. In Scotland, the processing of HROs is carried out by [Transport Scotland](#). In Wales, this is carried out by the Welsh Government.⁴⁰

In Northern Ireland, Harbour Orders are drafted by staff in the Department for Infrastructure, in consultation with the Harbour Authority concerned and any

³⁷ The [Harbours Act 1964](#) applies only to Great Britain. [Harbours Act \(Northern Ireland\) 1970](#)

³⁸ The same is true of Harbour Authorities in Northern Ireland, many of which pre-date the [Harbours Act \(Northern Ireland\) 1970](#)

³⁹ MMO Guidance [Harbour Orders](#) 12 January 2022

⁴⁰ MMO Guidance [Harbour Orders](#) 12 January 2022.

other Harbour Authorities which may be affected by it.⁴¹ The definitions and rules set out for Great Britain in Questions 2.4-2.8 below do not apply in Northern Ireland.

Under the DfT's Port Marine Safety Code, all UK SHAs⁴² have both an 'open port duty' and 'conservancy' duty:⁴³

- The open port duty means that any port must be open to anyone to load/unload goods or passengers, on payment of fees.⁴⁴
- The conservancy duty means that a port's waterways must be maintained to sufficient navigable depths and kept in good condition.⁴⁵ The conservancy duty can often entail dredging to keep navigational channels open. The statutory basis for dredging would depend on what is laid out in the local acts or harbour order(s) for the SHA.

2.4 Where can I see Statutory Harbour Authorities on a map?

A [map showing the geographic jurisdiction of all SHAs in England](#) has been created by the MMO. Marine Scotland has produced a similar [map for all SHAs in Scotland](#), and the [Welsh Government has produced one for Wales](#). There is currently no available equivalent for Northern Ireland.⁴⁶

2.5 What is a Competent Harbour Authority?

In Great Britain, a Competent Harbour Authority (CHA) is a harbour authority which has statutory pilotage powers, granted under the Pilotage Act 1987.⁴⁷ The CHA will often also be an SHA. Pilotage means that a skilled marine pilot with local knowledge of a harbour area can board and manoeuvre ships through a CHA area. This is common for ports on rivers and estuaries where such knowledge is needed to ensure a ship's safe passage. For example, ABP is the Competent Harbour Authority for much of the waters of the Solent around Southampton and the Isle of Wight. Within those waters are several

⁴¹ In accordance with [Section 1 of the Harbours Act \(Northern Ireland\) 1970](#). Note that SHAs are known simply as 'Harbour Authorities' in Northern Ireland.

⁴² Note that SHAs are known simply as 'Harbour Authorities' in Northern Ireland.

⁴³ DfT, MCA Guidance [Port marine safety code](#) 3 November 2016

⁴⁴ This is set out in statute in [Section 33 of the Harbours, Docks and Piers Clauses Act 1847](#)

⁴⁵ This is set out in statute in [Section 198 of the Merchant Shipping Act 1995](#)

⁴⁶ MMO [Maps](#) [Accessed 24 June 2022], Marine Scotland [Maps](#) [Accessed 24 June 2022], Welsh Government [Wales Marine Planning Portal](#) [Accessed 28 June 2022]. Please note that filters may need to be applied to see 'Statutory Harbour Limits' and these maps may not be entirely comprehensive. There is no similar map currently available for Northern Ireland.

⁴⁷ [Pilotage Act 1987](#)

SHAs including ABP's cruise ship terminal as well as others such as Fawley Oil Terminal and DP World's Container Terminal.⁴⁸

2.6 What are harbour directions?

Harbour directions are a legal power that SHAs in Great Britain can acquire and use to help them manage their harbour. Harbour directions are a quicker way - rather than applying for a change in byelaws - for SHAs to acquire new powers that they may require, but that their local enabling legislation does not provide them with already.⁴⁹ The Marine Navigation Act 2013 modified the Harbours Act 1964 by adding a new section 40A, which provides the Secretary of State (or Welsh or Scottish Ministers) with the power to designate an SHA with the power to make harbour directions.⁵⁰

Harbour directions could be used, for example:

1. to prescribe where and how vessels are to moor and move within the harbour;
2. to ensure ships above a certain size have working radios to allow communication between harbour master and ship;
3. to specify requirements for no deficiency in machinery; or,
4. to ensure sufficient people with relevant experience crew specific types of ship.⁵¹

In England, there have been two rounds of applications for SHAs to acquire harbour direction powers (in 2014/15 and 2016/17).⁵² These rounds were subject to a consultation period before being approved by the Secretary of State and legislated for via statutory instrument.⁵³

⁴⁸ ABP [Port Maps and Charts](#) [Accessed 27 June 2022]

⁴⁹ See Para 2, DfT Consultation Response [Harbours Act 1964 section 40A: Consultation on a second round of applications from harbour authorities to be designated with the power to give harbour directions](#) March 2017

⁵⁰ [Section 5 of the Marine Navigation Act 2013](#). Note that neither this Act nor the Harbours Act 1964 apply to Northern Ireland.

⁵¹ Transport Scotland Guidance [Harbour Directions Powers](#) [Accessed 24 June 2022] [PDF]

⁵² DfT Consultation outcome [Power to give harbour directions: second round 2016](#) applications 20 April 2017. See DfT, MCA Guidance [Port marine safety code](#) 3 November 2016, Para 4.8 for more information on Harbour Directions.

⁵³ [The Harbour Directions \(Designation of Harbour Authorities\) Order 2015](#) and [The Harbour Directions \(Designation of Harbour Authorities\) Order 2017](#)

2.7

How can I raise issues with the running of a port?

In Great Britain, anyone has a right to raise objections or make representations if and when an SHA applies for a Harbour Revision Order, or for harbour direction powers (see Question 2.6 above). At other times, SHAs across the UK should have engagement and complaints procedures in place for local stakeholders and residents to use.

If an SHA applies for a Harbour Revision Order (HRO), there is a consultation process where stakeholders can raise concerns or objections with the SHA's plans. An HRO might mean substantial changes to a port, as it may be used to modify its management structure, change its geographical jurisdiction, or build new installations.⁵⁴ The applicant SHA should publicise their proposals to the local community by placing notices in the local area.⁵⁵

There is a 42-day consultation period where the Marine Management Organisation (MMO) – or its equivalent in Scotland or Wales as relevant – can receive objections to a proposed HRO and share them with the applicant SHA.⁵⁶ If the applicant SHA cannot satisfy a complainant's objections, then the MMO will adjudicate and come to a decision. In some cases the MMO may refer the decision to a public inquiry.⁵⁷

Even if a SHA is not considering a specific change to its powers via a formal HRO, the DfT still encourages them to engage with stakeholders as an ongoing process.⁵⁸ Such engagement can be particularly important for Trust ports, who are not formally accountable to shareholders (as Private ports are) or local authorities (as Municipal ports are).

Transport Scotland has published Trust port specific guidance [Modern Trust Ports for Scotland: Guidance for Good Governance](#).⁵⁹ The DfT has published [Ports good governance guidance](#) for SHAs for England and Wales, with specific recommendations for Trust ports, notably on the importance of meritocratic selection of board members, and commercial accountability.⁶⁰ It also says that Trust ports should have clear methods for complaints to be raised and dealt with, but that if complaints cannot be resolved then a

⁵⁴ MMO Guidance [Harbour Orders](#) 12 January 2022

⁵⁵ MMO Guidance [Harbour Orders](#) 12 January 2022

⁵⁶ In Scotland, the processing of HROs is carried out by [Transport Scotland](#). In Wales, this is carried out by the [Welsh Government](#), and in Northern Ireland it is done by [European Programmes and Gateways \(EPG\) Unit and the Department for Infrastructure](#).

⁵⁷ MMO Guidance [Submitting Objections/Representations to Harbour Orders](#) 16 December 2021

⁵⁸ DfT Guidance [Good governance guidance for ports](#) 5 March 2018

⁵⁹ Transport Scotland Guidance [Modern Trust Ports for Scotland: Guidance for Good Governance](#) 29 Nov 2012

⁶⁰ DfT Guidance [Good governance guidance for ports](#) 5 March 2018

complainant can draw them to the attention of the DfT, who can consider them and decide whether to take the matter up with the SHA itself.⁶¹

The Ports good governance guidance recommends a range of approaches all SHAs should consider using to provide information to and develop relationships with stakeholders. These include:

- websites, regularly updated with information about the SHA and its activities, as well as information about how to contact the harbour (including complaints)
- social media
- formal advisory committees of port users
- advisory committees for local communities
- public forums and meetings
- direct communications, such as newsletters
- consultation on specific projects or subjects
- community engagement programmes and partnerships, including the use of port community funds where a port contributes financially to a fund that helps support a range or benefits for the local community.
- the publication of Port ‘Master Plans’ which outline an SHA’s future strategy.⁶²

2.8

What happens when a port is about to close?

In Great Britain, the legal process for winding down a port by a Statutory Harbour Authority (SHA) is called a Harbour Closure Order. Section 17E of the Harbours Act 1964 (as amended) provides that, in Wales and Scotland, the power to make closure orders lies with the respective devolved administration.⁶³ The DfT provides statutory guidance about how an SHA in England should be formally relieved of some or all of its statutory functions where the harbour “is no longer viable, commercially or otherwise.”⁶⁴ Transport Scotland has similar guidance for SHAs in Scotland.⁶⁵ There is currently no equivalent guidance for Wales.

⁶¹ DfT Guidance [Good governance guidance for ports](#) 5 March 2018, Para 3.46-3.48

⁶² DfT Guidance [Good governance guidance for ports](#) 5 March 2018, Para 2.15

⁶³ [Section 17E, Harbours Act 1964](#)

⁶⁴ DfT Guidance [Harbour closure and pilotage function removal orders](#) 12 May 2016

⁶⁵ Transport Scotland [Guidance On Harbour Closure Orders](#) 5 Feb 2016. Equivalent guidance for Wales and Northern Ireland is not currently publicly available.

In England, an SHA considering closure should contact the DfT, as well as relevant local authorities and stakeholders, as early as possible, to outline its plans to wind down harbour operations and relinquish its SHA status, which the Secretary of State will then consider.⁶⁶ The Secretary of State will decide whether to grant the closure order and revoke a harbour authority's SHA status, based on the following factors:

- a change in the local economic area, reducing demand for the use of the harbour
- physical restrictions in terms of the size of vessels that can access its facilities making ongoing usage unviable;
- a decline in the number of vessels using the area; or,
- a change in the type of vessels using the area⁶⁷

Once a formal application has been submitted the SHA should then publicise the fact on its website. While this is not a statutory requirement, the DfT says it is good practice to do so. There is also a requirement for a 42-day consultation period with relevant bodies such as the Maritime and Coastguard Agency, British Ports Association, local authorities, and neighbouring SHAs.⁶⁸

In some cases, a Statutory Harbour Authority (SHA) may also be a Competent Harbour Authority (CHA) (See Question 2.5). Such an authority might maintain its pilotage responsibilities for the wider area as CHA, whilst relinquishing its SHA responsibilities. The opposite may also be true, and an authority might remain an SHA but be relieved of its pilotage duties as CHA.⁶⁹

2.9 What are freeports and where will they be?

Freeports are a form of special economic zone where different trade and taxation rules apply. Freeports in England are centred around one or more air, rail, or seaport, but can extend up to 45km beyond such port(s).⁷⁰ The UK Government is planning a series of freeports in England and has also committed to establishing at least one Freeport in each of Scotland, Wales, and Northern Ireland as soon as possible.⁷¹ Two 'green freeports' are planned

⁶⁶ Since this guidance was published, the UK Government is now responsible for port policy (including Harbour Closure Orders) in Wales. 1 April 2018, powers in the Wales Act 2017, particularly in [Section 30](#), mean that all ports wholly in Wales are now the responsibility of the Welsh Government.

⁶⁷ DfT Guidance [Harbour closure and pilotage function removal orders](#) 12 May 2016, Para 1.6

⁶⁸ DfT Guidance [Harbour closure and pilotage function removal orders](#) 12 May 2016, Para 3.3

⁶⁹ DfT Guidance [Harbour closure and pilotage function removal orders](#) 12 May 2016

⁷⁰ DLUHC Guidance [Freeports](#) 24 May 2022

⁷¹ DLUHC Guidance [Freeports](#) 24 May 2022

in Scotland, in partnership between the UK and Scottish governments. So far no freeports have been confirmed for Wales or Northern Ireland.⁷²

In June 2022 the Government confirmed the following eight freeport zones were being planned in England, and clarified which existing ports/airports they will contain, and the ownership status of those ports:

- **East Midlands:** East Midlands Airport
- **Freeport East:** Port of Felixstowe – Private; Port of Ipswich – Private; Port of Mistley – Private; Harwich Haven (includes Harwich International Port within the Harbour Authority area which is privately operated) – Trust
- **Humber Freeport:** Port of Hull – Private; Port of Immingham – Private; Port of Goole – Private; Port of Grimsby - Private
- **Liverpool City Region Freeport:** Port of Liverpool – Private; Port of Birkenhead – Private; Port Garston – Private; Port Weston – Private; Manchester Ship Canal (including Port Salford) – Private; Liverpool John Lennon Airport
- **Plymouth and South Devon Freeport:** ABP Millbay Docks – Private; Sutton Harbour – Private; Port of Plymouth – Municipal; Cattewater Harbour – Trust
- **Solent Freeport:** Port of Southampton (includes DP World Southampton terminal) – Private; Solent Gateway/Port of Marchwood – MoD owned but privately leased; Portsmouth International Port – Municipal; Southampton Airport
- **Teesside Freeport:** Teesport and Hartlepool (includes Redcar Bulk Terminal, Port of Middlesbrough, and Port of Hartlepool) – Private; Teesside International Airport
- **Thames Freeport** London Gateway – Private; Port of Tilbury (including Tilbury2) - Private⁷³

Further information can be found in the Library briefing on [UK Government policy on freeports](#).⁷⁴

⁷² DLUHC Policy paper [Green Freeports in Scotland: bidding prospectus](#) 17 June 2022

⁷³ PQ 19687 [[Freeports](#)], answered on 16 June 2022

⁷⁴ Commons Library briefing CBP-8823, [UK Government policy on freeports](#)

3 Shipping

3.1 What does it mean for shipowners to have a UK-flagged ship?

Masters and managers of UK-flagged ships must comply with UK merchant shipping regulations and administrative procedures on issues such as employment practices, working hours, shore leave and health and safety onboard.⁷⁵

For a shipowner, the choice of a ship's flag is a key commercial decision. Owners will often base their choice of flag on the fees and taxes associated with registering to a particular country, the services and naval protection that flag may confer, and the flag's global reputation. A poor flag reputation can mean a ship is more likely to be inspected by the port state control regimes in foreign ports. Port state control is the inspection of foreign ships in national ports to verify that the ship and its equipment comply international requirements.⁷⁶

Across the world, there are groupings of port states, such as the Tokyo MOU (representing port states in East Asia) and the Paris MOU (representing port states in Europe) who produce black, grey and white lists. These lists rank flag states in terms of their vessels' adherence to national and global standards. White lists denote 'quality' flags, black lists denote flags with poor performance.⁷⁷ Currently, the UK is 'white-listed' on both the Paris and Tokyo MOU – the highest ranking.⁷⁸

⁷⁵ See MCA [A Master's Guide to the UK Flag](#) February 2015 [PDF]

⁷⁶ Port State Control (PSC) is the inspection of foreign ships in national ports to verify that the ship and its equipment comply international requirements. See IMO [Port State Control](#) [Accessed 28 July 2022]

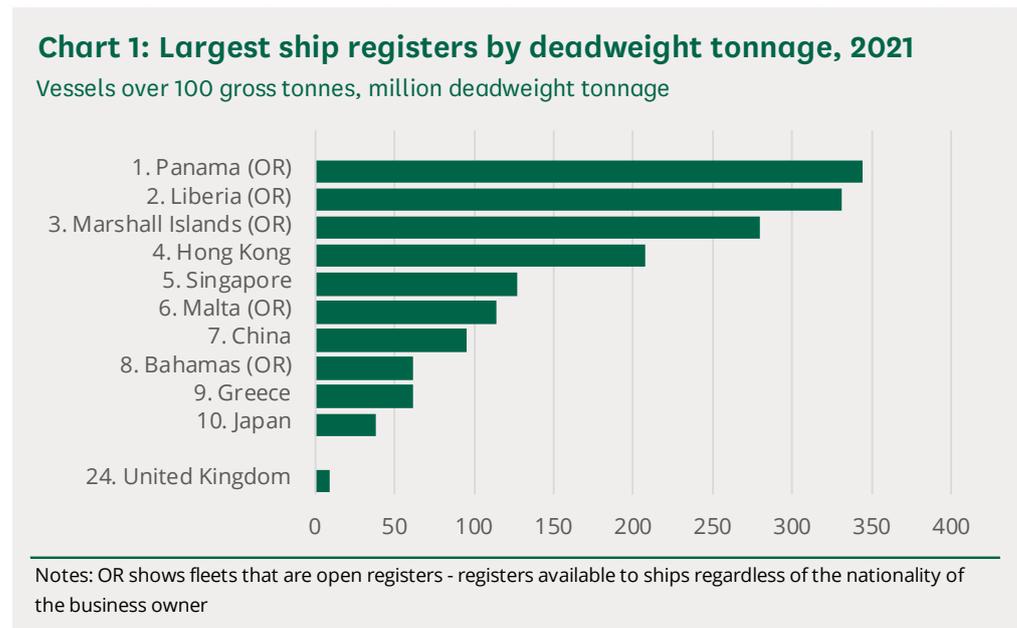
⁷⁷ Paris MOU [White, Grey and Black List](#) [Accessed 30 June 2022]

⁷⁸ Paris MOU [White, Grey and Black List](#) [Accessed 30 June 2022]; Tokyo MOU [New Inspection Regime](#) [Accessed 30 June 2022]

3.2

What trends have there been in the number of UK-flagged ships?

The number of ships flagged to the UK has been in historic decline, amid wider global moves by shipowners away from ‘traditional’ flag states towards ‘open registries’ or so-called ‘Flags of Convenience’ – which do not have a nationality or residency requirement for ship registration – such as Panama, Liberia and the Marshall Islands (see Chart 1 below).⁷⁹



Source: DfT, [Shipping fleet statistics](#), FLE0502

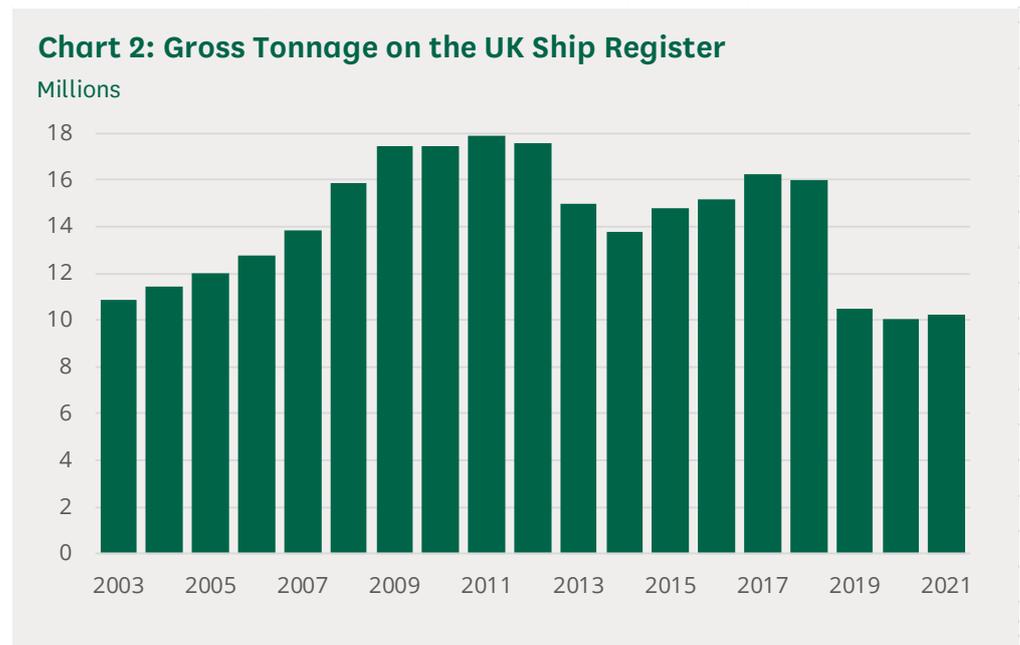
In 2000, the UK Government introduced the tonnage tax, partly as a measure to make the UK Flag more attractive (see Question 3.3 below). This led to an increase in gross tonnage – a measure of combined vessel size used for the UK Shipping Register – on the UK flag from 10.9m tonnes in 2003 to 17.9m tonnes in 2011, but tonnage has since declined again to 10.2m tonnes in 2021 (See Chart 2).⁸⁰ In deadweight tonnage – a measure of combined vessel cargo carrying capacity, used in global fleet comparisons – the UK flags accounts for about 0.5% of the global fleet.⁸¹

⁷⁹ Lloyd’s List [Top 10 flag states 2020](#) 3 December 2020. There are two alternative ways that the size of ships is measured: Gross tonnage (GT) represents the size of the vessel (and is not a measure of weight). It is used to assess the cost of vessel registration, and is the headline tonnage measure for the UK Shipping Register.

Deadweight tonnage (DWT) measures the cargo carrying capacity of a vessel, excluding the weight of the ship itself. In general, DWT has been used as the main measure where statistics are based on world fleet data. See DfT [Shipping Fleet Statistics: 2020](#) 10 March 2021

⁸⁰ DfT Official Statistics [Shipping fleet statistics: 2021](#) 6 April 2022;

⁸¹ DfT Official Statistics [Shipping fleet statistics: 2021](#) 6 April 2022



Source: DfT, [Shipping fleet statistics](#), FLE0100

In 2015, the independent UK Shipping Register Advisory Panel reported that since 2009 the total number of ships in the world fleet had increased by 5%, but in the same period there was a decline of 36% in the number of ships registered in the UK.⁸² At the time, the head of the UK Chamber of Shipping said:

Whilst UK shipping as a whole remains relatively strong, these statistics show that the UK flag does not appear to be as commercial, competitive or attractive to international shipowners as it should be...

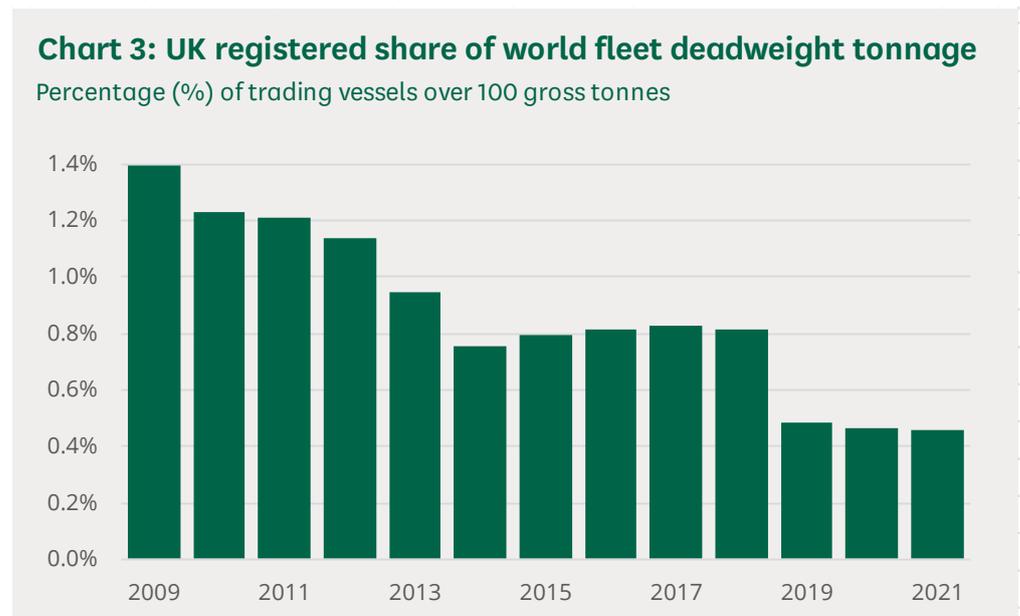
These figures show the extent to which the UK is facing unprecedented competition from abroad. Shipping moves 90% of global trade, and ships can register in a wide variety of countries, all of whom are competing with each other for maritime business.⁸³

There was further decline in gross tonnage registered to the UK flag of 38% between 2017 and 2020, a decline which the DfT said may be attributable to uncertainty caused by Brexit (See Chart 3 below).⁸⁴

⁸² MCA Independent report [UK Ship Register Advisory Panel report](#) 16 July 2015, Para 1.2

⁸³ UK Chamber of Shipping Press Release [UK flag suffers sharp drop, new shipping figures show](#) 20 February 2015

⁸⁴ DfT [Shipping Fleet Statistics: 2020](#) 10 March 2021



Source: DfT, [Shipping fleet statistics](#), FLE0502

In 2018, in a review of the DfT’s Maritime Growth Study, the Maritime and Coastguard Agency (MCA), who maintain the UK Shipping Register (UKSR), pledged to increase the size of the register to 30 million GT by 2030.⁸⁵ In 2019 the UKSR loosened its eligibility criteria, allowing ship owners from more countries to register.⁸⁶ The UK Ship Register was already an international register, not limited to UK-based companies, but the 2019 change meant owners from a bigger group of countries would become eligible.

The UK is still able to benefit from non-UK registered ships using UK ports, and by non-UK shipowners employing UK staff and using UK-based maritime professional services (such as maritime law, finance, insurance, management and brokering). However, the UKSR Advisory Panel has argued that the Flag has importance “in supporting the wider UK maritime sector” and so the Government should work to “arrest its decline”.⁸⁷

Finally, budget contributions and voting rights at the International Maritime Organisation (IMO) are weighted according to the proportion of the global shipping fleet a member state has.⁸⁸ The IMO is the main multilateral decision-making body for shipping. It is a specialized agency of the United Nations with 175 member states, which has “responsibility for the safety and

⁸⁵ DfT Research and analysis [Maritime Growth Study review](#) 1 February 2018, Para 3.563

⁸⁶ UK Ship Register Press Release [World-class shipowners from across the globe now eligible to join UK flag](#) 16 May 2019

⁸⁷ MCA Independent report [UK Ship Register Advisory Panel report](#) 16 July 2015, Para 1.1

⁸⁸ IMO [Structure of the IMO](#) [Accessed 30 June 2022]; Ashish Wankhede, World Maritime University [Fair weight : empowering member states through goal-based voting weight for effective implementation of IMO instruments](#), 2015

security of shipping and the prevention of marine and atmospheric pollution by ships”.⁸⁹ Its headquarters are in London.

3.3 What is the tonnage tax?

In 2000, the Labour Government introduced the tonnage tax regime for ship owners.⁹⁰ It was described at the time as “an essential element of UK maritime policy in order to create a positive fiscal environment for shipping in line with other major maritime countries.”⁹¹

The tonnage tax enables eligible shipping companies to elect to pay tonnage tax on their notional profits, based on the size and number of ships they operate, rather than corporation tax on the actual profits and gains as set out in the company’s accounts. It is intended to be a simpler and more attractive tax regime for the shipping sector. Eligible companies are those who operate “qualifying ships” which are “strategically and commercially managed” in the UK.⁹² Companies do not need their ships to be registered to the UK flag to be eligible. Those who opt into the tonnage tax originally had to do so for a ten-year cycle.

In the [Autumn Budget and Spending Review 2021](#), the Government announced reforms of the Tonnage Tax regime, which came into effect on 5 April 2022:

- The removal of any requirement for ships in the UK tonnage tax regime to fly the flag of an EU country, and “instead focus on boosting the use of the UK flag when determining which companies can participate in the regime.”⁹³
- Reduction of the reporting period for companies that opt to use the tonnage tax system from 10 years to eight years, in order to “align more closely with shipping cycles.”⁹⁴

One condition of using the tonnage tax scheme is called the minimum training obligation. This requires companies opting to use the tonnage tax regime to commit to training new seafarers, either by training them directly, or through a levy paid to Government.⁹⁵

⁸⁹ International Maritime Organisation [About IMO](#) [Accessed 5 July 2022]

⁹⁰ For more historical information on its introduction see Commons Library Briefing SN-00603 [Shipping: tonnage tax](#), 22 February 2010

⁹¹ HMRC [Regulatory Impact Assessment: Tonnage Tax](#) 21 March 2000 [PDF]

⁹² HMRC internal manual [Tonnage Tax Manual: TTM01010 - Introduction to tonnage tax: a brief guide](#) 26 May 2022; see also HMRC Guidance [Find out how to pay tonnage tax if you're a shipping company](#) 4 March 2021

⁹³ HMRC Policy paper [Autumn Budget and Spending Review 2021](#) 23 December 2021

⁹⁴ HMRC Policy paper [Autumn Budget and Spending Review 2021](#) 23 December 2021

⁹⁵ See HMRC internal manual [TTM04001 - The training requirement Condition for entering tonnage tax: Outline](#) 26 May 2022 and DfT Guidance [Tonnage tax minimum training commitment: overview](#) 23 July 2015

Technical detail on how the tonnage tax works can be found in the HMRC [Tonnage Tax Manual](#).⁹⁶

3.4 What are the key international treaties affecting UK shipping?

Most of the key international treaties affecting UK shipping are those negotiated by the IMO of which the UK is a member.

The MCA sends representatives to the IMO and is responsible for implementation of treaty obligations in the UK as both a flag and port State.⁹⁷ Some key treaties are:

- **The International Convention of the High Seas**, 1958 – this governs the rules of international and territorial waters.⁹⁸
- **Safety of Life at Sea (SOLAS)**, 1974, and Protocol, 1988 – this guarantees safe minimum standards for the construction, equipment and operation of ships. Flag States are responsible for ensuring that ships under their flag comply with SOLAS requirements, and Port states can inspect ships to ensure they are compliant.⁹⁹
- **International Regulations for Preventing Collisions at Sea (COLREGs)**, 1972¹⁰⁰
- **Standards of training, certification and watch-keeping for Seafarers (STCW)** 1978– this harmonises training regimes and certification of seafarers of signatory states.¹⁰¹
- **The International Convention on Maritime Search and Rescue**, 1979¹⁰²
- **Prevention of Pollution from Ships (MARPOL)**, 1973, and Protocol, 1978¹⁰³

⁹⁶ HMRC internal manual [Tonnage Tax Manual](#) 26 May 202

⁹⁷ MCA [About us](#) [Accessed 5 July 2022]

⁹⁷ MCA [About us](#) [Accessed 5 July 2022]

⁹⁸ UN Treaty Collection [Convention on the High Seas 1958](#) [Accessed 5 July 2022]

⁹⁹ IMO [International Convention for the Safety of Life at Sea \(SOLAS\), 1974](#) [Accessed 7 July 2022]

¹⁰⁰ IMO [Convention on the International Regulations for Preventing Collisions at Sea, 1972 \(COLREGs\)](#) [Accessed 7 July 2022]

¹⁰¹ IMO [International Convention on Standards of Training, Certification and Watchkeeping for Seafarers \(STCW\)](#) [Accessed 7 July 2022]

¹⁰² IMO [International Convention on Maritime Search and Rescue \(SAR\)](#) [Accessed 7 July 2022]

¹⁰³ IMO [International Convention for the Prevention of Pollution from Ships \(MARPOL\)](#) [Accessed 7 July 2022]

- **Load Lines**, 1966, and Protocol of 1988 – this aims to ensure the watertight integrity of ships' hulls, by limiting how much cargo they can carry.¹⁰⁴
- **International Convention on the control of harmful Anti-Fouling Systems on Ships (AFS)**, 2001 – this prohibits and/or restricts the use of toxic anti-fouling paint on ships. This kind of paint is sometimes used to prevent sealife such as algae and molluscs attaching themselves to ships' hulls.¹⁰⁵

International labour standards for seafarers, are set by the International Labour Organization (ILO), which is based in Geneva and has 97 member states. The UK is a signatory to the ILO's Maritime Labour Convention (MLC), 2006, which came into force in 2013.¹⁰⁶

The MLC sets minimum conditions of work on many aspects of seafarers working and living conditions including minimum age, employment agreements, hours of work or rest, payment of wages, paid annual leave, repatriation at the end of contract, onboard medical care, the use of licensed private recruitment and placement services, accommodation, food and catering, health and safety protection and accident prevention and seafarers' complaint handling.¹⁰⁷ The MCA is responsible for the implementation of the MLC in the UK.¹⁰⁸

3.5

What is being done internationally to decarbonise the shipping fleet?

The IMO estimate that international shipping currently accounts for around 3% of total global greenhouse gas (GHG) emissions, and that emissions increased by around ten per cent between 2012 and 2018.¹⁰⁹ As with international aviation, shipping is not part of the United Nations Framework Convention on Climate Change (UNFCCC) - including the Kyoto, Paris and Glasgow agreements – and responsibility for shipping emissions lies with the IMO.¹¹⁰

In its 2018 Initial GHG Strategy, the IMO adopted short-term measures to reduce carbon intensity of all ships by 40% by 2030, compared to 2008. The IMO also committed to a longer-term reduction of GHG emissions from international shipping of at least half by 2050, compared with their level in

¹⁰⁴ IMO [International Convention on Load Lines, 1966](#) [Accessed 7 July 2022]

¹⁰⁵ IMO [International Convention on the Control of Harmful Anti-fouling Systems on Ships](#) [Accessed 7 July 2022]

¹⁰⁶ ILO [MLC, 2006: What it is and what it does](#) [Accessed 7 July 2022]

¹⁰⁷ ILO [MLC, 2006: What it is and what it does](#) [Accessed 7 July 2022]

¹⁰⁸ MCA [About us](#) [Accessed 5 July 2022]

¹⁰⁹ IMO [Fourth Greenhouse Gas Study 2020](#) [Accessed 7 July 2022]

¹¹⁰ UNFCCC Blog [All At Sea](#) 2 April 2022

2008, and to “work towards phasing out GHG emissions from shipping entirely as soon as possible in this century”.¹¹¹ The GHG Strategy is due to be reviewed in 2023.

At the COP26 Climate Change Conference in Glasgow, November 2021, 24 countries including the UK, became signatories to the ‘Clydebank Declaration’. This declaration expressed “concern... that if no further action is taken, international shipping emissions are expected to represent 90% to 130% of 2008 emission levels by 2050.” The declaration asserted the need for a coalition of “ambitious governments” to “demonstrate that maritime decarbonisation is possible, while unlocking new business opportunities and socioeconomic benefits for communities across the globe.”¹¹² In practice the declaration commits signatories to create a least six “green shipping corridors” – which are zero-emission maritime routes between two (or more) ports – by 2025.¹¹³

3.6

What is the UK Government doing to decarbonise the shipping fleet?

The UK Government is part of international efforts to decarbonise shipping as a member of the IMO and as a signatory of the multilateral ‘Clydebank declaration’, made at the Glasgow COP summit in 2021 (see Question 3.5).¹¹⁴ It also has the following domestic strategies and targets aimed at shipping decarbonisation.

The UK Government committed, in its Clean Maritime Plan of 2019, to zero emission shipping by 2050, a higher level of ambition than that of the IMO, noting that a “significant increase in technology commercialisation and uptake will be necessary by 2025 and 2035 to make it possible to reach zero emission shipping by the latter half of the century.”¹¹⁵ The Clean Maritime Plan makes clear that these milestones are aspirational rather than mandatory. A revised Clean Maritime Plan is expected in 2023.¹¹⁶

Under these ambitions it was expected that by 2025:

¹¹¹ IMO [IMO’s work to cut GHG emissions from ships](#) [Accessed 5 July 2022]

¹¹² UN Climate Change Conference UK 2021 [Clydebank Declaration for Green Shipping Corridors](#) 10 November 2021. The signatories were Australia, Belgium, Canada, Chile, Costa Rica, Denmark, Fiji, Finland, France, Germany, Ireland, Italy, Japan, Republic of the Marshall Islands, Morocco, Netherlands, New Zealand, Norway, Palau, Singapore, Spain, Sweden, the UK, the USA.

¹¹³ UN Climate Change Conference UK 2021 [Clydebank Declaration for Green Shipping Corridors](#) 10 November 2021

¹¹⁴ UN Climate Change Conference UK 2021 [Clydebank Declaration for Green Shipping Corridors](#) 10 November 2021

¹¹⁵ DfT Guidance [Clean maritime plan](#) 11 July 2019, Para 7

¹¹⁶ PQ 22594 [[Shipping: Carbon Emissions](#)] answered on 28 June 2022

- All vessels operating in UK waters are using energy efficient options, and all new vessels being ordered for use in the UK are being designed with zero emission ‘drop-in’ propulsion capability; and
- Zero emission commercial vessels are in operation in UK waters
- The UK is building clean maritime clusters that are focussed on innovation and the infrastructure that is associated with zero emission shipping.¹¹⁷

By 2035 it is expected that:

- The UK has built a number of clean maritime clusters. These combine infrastructure and innovation for the use of zero emission propulsion technologies. Low or zero emission marine fuel bunkering options are readily available across the UK.
- The UK Ship Register is known as a global leader in clean shipping and the UK is home to a world-leading zero emissions maritime sector, with:
 - a. a strong UK export industry
 - b. cutting-edge research and development activities
 - c. the global centre for investment, insurance and legal services related to clean maritime growth.¹¹⁸

In March 2021, the Clean Maritime Demonstration Competition (CMDC) was launched.¹¹⁹ The competition was designed for the Government to provide match-funding to projects to “support the design and development of zero emission vessel technologies and greener ports through a series of technology trials and feasibility studies.” By March 2022 55 projects had been completed. A second round of the CMDC was launched on 24 May 2022.¹²⁰

In March 2022, the DfT announced £206m for the UK Shipping Office for Reducing Emissions, (or UK SHORE).¹²¹ The role of the unit is to tackle shipping emissions and advance the UK towards sustainable shipping. £206 million new funding has been allocated to accelerate research into the development of clean maritime technologies and create skilled jobs across the country, contributing towards the government’s shipbuilding strategy.

In April 2021, the UK Government committed to including its share of international shipping (and aviation) emissions in its carbon budget for the first time.¹²² This will begin with the sixth carbon budget for the period 2033 to

¹¹⁷ DfT Guidance [Clean maritime plan](#) 11 July 2019, Para 10

¹¹⁸ DfT Guidance [Clean maritime plan](#) 11 July 2019, Para 10

¹¹⁹ DfT, Innovate UK Transparency data [Clean maritime demonstration competition \(CMDC\)](#) 24 May 2022

¹²⁰ DfT, Innovate UK Transparency data [Clean maritime demonstration competition \(CMDC\)](#) 24 May 2022

¹²¹ DfT Press Release [DfT launches UK SHORE to take maritime ‘back to the future’ with green investment](#) 10 March 2022

¹²² BEIS Press Release [UK enshrines new target in law to slash emissions by 78% by 2035](#) 20 April 2021

2037, and follows the recommendation of the Climate Change Committee – the UK Government’s independent, statutory body.¹²³

Environment, including decarbonisation, is also one of the seven key themes of the DfT’s ongoing Maritime 2050 strategy.¹²⁴

3.7

How can I see the major shipping lanes around the UK?

Private sector providers [Marine Traffic](#) and [Vesselfinder](#) provide real-time maps of global shipping traffic. The Government’s UK Hydrographic Office, an executive agency of the Ministry of Defence, also produces ADMIRALTY charts which can be purchased in hard copy.¹²⁵

A [map showing the geographic jurisdiction of all SHAs in England](#) has been created by the MMO. Marine Scotland has produced a similar [map for all SHAs in Scotland](#), and the [Welsh Government has produced one for Wales](#).¹²⁶

¹²³ Climate Change Committee [The Sixth Carbon Budget - The UK’s path to Net Zero](#) 9 December 2020, Chapter 10. For more information on carbon budgets see Commons Library Briefing CBP-7555 [UK Carbon Budgets](#)

¹²⁴ DfT Policy paper [Maritime 2050: navigating the future](#) 12 September 2019. See Question 1.2

¹²⁵ [Marine Traffic](#) [Accessed 8 July 2022]; [Vesselfinder](#) [Accessed 8 July 2022]; UK Hydrographic Office [Admiralty Maritime Data Solutions](#) [Accessed 8 July 2022]

¹²⁶ MMO [Maps](#) [Accessed 24 June 2022], Marine Scotland [Maps](#) [Accessed 24 June 2022], Welsh Government [Wales Marine Planning Portal](#) [Accessed 28 June 2022]. Please note that filters may need to be applied to see ‘Statutory Harbour Limits’ and these maps may not be entirely comprehensive.

4 Ferries

4.1 What rights do passengers have around disruption and delays?

In certain circumstances, ferry passengers experiencing delays or re-routing have rights to refreshments, accommodation or compensation. These are specified in retained EU law, [Regulation \(EU\) 1177/2010](#), and apply UK-wide.¹²⁷

For example, passengers can expect to be given refreshments if their trip has been delayed for 90 minutes or more under Regulation (EU) 1177/2010.¹²⁸ The DfT's guidance to carriers goes further, saying that it is "reasonable to expect a carrier to provide" light refreshments (for a delay of 90 minutes or more), a snack or light meal (for a delay of 4 hours or more), and a hot meal (if delayed by 8 hours or more).¹²⁹

If a ferry journey is delayed or cancelled and passengers cannot be re-routed to their destination, they should be entitled to overnight accommodation. This entitlement does not apply if the disruption is caused by weather, or is needed to ensure the safe operation of the ferry. Accommodation is provided to the maximum value of £70 a night and for up to 3 nights.¹³⁰

If a ferry journey is delayed by 90 minutes or more, passengers should be offered either re-routing to their destination or a refund. Tickets bought outside the UK will be covered by the rules of the country in which they were bought.¹³¹

Ferry passengers are entitled to 25% of the ticket price for late arrival if the delay is as follows:

- 1 hour for a journey scheduled to last up to 4 hours

¹²⁷ [Regulation \(EU\) No 1177/2010 of the European Parliament and of the Council](#) (incorporated into domestic UK law by section 3 of the European Union (Withdrawal) Act 2018); DfT Guidance [Maritime passenger rights: your journey](#) 22 February 2022

¹²⁸ Article 17, [Regulation \(EU\) No 1177/2010 of the European Parliament and of the Council](#)

¹²⁹ DfT, MCA Guidance [Obligations of carriers and terminal operators in the event of interrupted travel \(guidance note 6\)](#) 26 January 2021

¹³⁰ Article 17, [Regulation \(EU\) No 1177/2010 of the European Parliament and of the Council](#). The EU regulations specify a maximum value of 80 euros for accommodation per night. DfT guidance specifies a maximum value of £80: DfT Guidance [Maritime passenger rights: your journey](#) 22 February 2022

¹³¹ Article 18, [Regulation \(EU\) No 1177/2010 of the European Parliament and of the Council](#)

- 2 hours for a journey scheduled to last between 4 and 8 hours
- 6 hours for a journey scheduled to last more than 24 hours¹³²

However, passengers will not be entitled to a refund or compensation due to any extraordinary and unforeseen events that cause a delay to or cancellation of your journey.¹³³ The DfT advise that such events may include:

- unforeseen weather conditions that make it unsafe to sail
- ‘acts of god’ such as natural disasters
- industrial or strike action¹³⁴

Further information for passengers can be found in the DfT booklet on [Your rights when you travel by sea](#).¹³⁵ Further information for ferry operators can be found in DfT Guidance on [Maritime passenger rights: implementation requirements](#).¹³⁶

Separate legislation applies to delays and cancellations of cruise ships: [The Package Travel, Package Holidays and Package Tours Regulations 1992](#).¹³⁷

For the rights of disabled maritime passengers, see the Library briefing [Access to transport for disabled people](#).¹³⁸

4.2

Who is responsible to ensure safety for passenger ships?

The Maritime and Coastguard Agency (MCA) is responsible for assuring the safety of all UK-registered ships, and all foreign ships that dock in the UK, under the MCA’s Port State inspection regime. The MCA ensures that passenger ships comply with relevant international conventions such as:

- International Convention for the Safety of Life at Sea
- International Convention on Load Lines
- International Convention for the Prevention of Pollution from Ships¹³⁹

¹³² Article 19, [Regulation \(EU\) No 1177/2010 of the European Parliament and of the Council](#)

¹³³ Article 20, [Regulation \(EU\) No 1177/2010 of the European Parliament and of the Council](#)

¹³⁴ DfT Guidance [Maritime passenger rights: your journey](#) 22 February 2022

¹³⁵ DfT Guidance [Maritime passenger rights: your journey](#) 22 February 2022

¹³⁶ DfT, MCA Guidance [Maritime passenger rights: implementation requirements](#) 26 January 2021

¹³⁷ [The Package Travel, Package Holidays and Package Tours Regulations 1992](#)

¹³⁸ Commons Library briefing SN-00601 [Access to transport for disabled people](#)

¹³⁹ Gov.uk: [Health and safety on ships - Seagoing passenger vessels](#) [Accessed 8 July 2022]; See Question 3.4 on international agreements affecting UK Shipping

5 Seafarers' rights

There is no single piece of legislation that sets out how seafarers are affected by employment law. Each individual employment law will have its own extent and application to those working offshore and on seafaring vessels, as laid out both in the legislation itself and by subsequent caselaw from the courts.

An outline of how some common employment rights apply to seafarers is given below. The Library briefing [P&O Ferries: Employment law issues](#) includes discussion of how far several of these rights applied in the context of the dismissal of around 800 seafarers by P&O Ferries Ltd in March 2022.

5.1 When do seafarers have a right to be paid the National Minimum Wage?

The right to the National Minimum Wage (NMW) is set out in the National Minimum Wage Act 1998 (as amended) (NMWA 1998) and the National Minimum Wage (Offshore Employment) Order 1999. The right to be paid the NMW applies to non-seafarers working on offshore sites in the UK's territorial waters or on its [continental shelf](#), as well as seafarers on UK registered vessels, in both UK and non-UK waters, as long as they are ordinarily resident in the UK.¹⁴⁰

The National Minimum Wage (Offshore Employment) (Amendment) Order 2020 extended this right to be paid the NMW to seafarers on vessels serving domestic routes, whether the vessels were UK-registered or not and even if the seafarers are not ordinarily resident in the UK. However, the NMW still does not apply to seafarers working on international routes unless their ship is registered in the UK and they are ordinarily resident in the UK.¹⁴¹

The [Seafarers' Wages Bill 2022-23 \[HL\]](#) currently before Parliament would extend the right to be paid an equivalent rate to the National Minimum Wage (NMWe) to any seafarers working on ships that regularly use UK ports, by empowering harbour authorities and the Maritime and Coastguard Agency to make payment of a NMWe a condition of access to UK ports.

¹⁴⁰ [Section 40, National Minimum Wage Act 1998](#)

¹⁴¹ [National Minimum Wage \(Offshore Employment\) \(Amendment\) Order 2020](#)

5.2 Are seafarers protected from unfair dismissal?

Under sections 199(7) and 199(8) of the Employment Rights Act 1996, workers onboard a ship only have protection from unfair dismissal under Part 10 of the Act if: “the ship’s entry in the register specifies a port in Great Britain as the port to which the vessel is to be treated as belonging.”¹⁴²

5.3 What obligations do employers have when considering redundancies of seafarers?

The Trade Union and Labour Relations (Consolidation) Act 1992 imposes obligations on employers proposing to dismiss 100 or more employees as redundant within 90 days, to notify the Secretary of State in writing at least 45 days before the first dismissal.¹⁴³

The Seafarers (Transnational Information and Consultation, Collective Redundancies and Insolvency Miscellaneous Amendments) Regulations 2018 (the 2018 Regulations) inserted section 193A into the 1992 Act to directly address seafarers. It means that for ships registered overseas, the duty to notify the Secretary of State is transformed into a duty to notify the overseas authorities of the state where the vessel is registered when making redundancies.¹⁴⁴

Part IV, Chapter II of the Trade Union and Labour Relations (Consolidation) Act 1992 requires employers to consult with workforce representatives about potential redundancies. These regulations apply to merchant seamen and, since 2018, to employed share fishermen.¹⁴⁵

¹⁴² [Section 199, Employment Rights Act 1996](#)

¹⁴³ [Section 193, Trade Union and Labour Relations \(Consolidation\) Act 1992](#)

¹⁴⁴ [Section 193A, Trade Union and Labour Relations \(Consolidation\) Act 1992](#)

¹⁴⁵ [Regulation 3, The Seafarers \(Insolvency, Collective Redundancies and Information and Consultation Miscellaneous Amendments\) Regulations 2018](#)

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